

TOWN PLANNING BOARD

Minutes of 747th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 2.8.2024

Present

Director of Planning
Mr C.K. Yip

Chairperson

Mr Daniel K.S. Lau

Vice-chairperson

Mr K.W. Leung

Mr Vincent K.Y. Ho

Mr Timothy K.W. Ma

Dr C.M. Cheng

Mr Ryan M.K. Ip

Mr Rocky L.K. Poon

Professor B.S. Tang

Mr Simon Y.S. Wong

Chief Traffic Engineer/New Territories West,
Transport Department
Mr Simpson M.Y. Tse

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

Principal Environmental Protection Officer (Territory North),
Environmental Protection Department
Mr William H.K. Lung

Assistant Director/Regional 3,
Lands Department
Mr Lawrance S.C. Chan

Deputy Director of Planning/District
Ms Donna Y.P. Tam

Secretary

Absent with Apologies

Dr Venus Y.H. Lun

Mrs Vivian K.F. Cheung

Mr Daniel K.W. Chung

In Attendance

Assistant Director of Planning/Board
Ms Caroline T.Y. Tang

Chief Town Planner/Town Planning Board
Mr Rico W.K. Tsang

Town Planner/Town Planning Board
Ms Sandy S.Y. Yik

Agenda Item 1

Confirmation of the Draft Minutes of the 746th RNTPC Meeting held on 19.7.2024

[Open Meeting]

1. The draft minutes of the 746th RNTPC meeting held on 19.7.2024 were confirmed without amendment.

Agenda Item 2

Matter Arising

[Open Meeting]

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

Deferral Cases

Sections 16 Applications

[Open Meeting (Presentation and Question Sessions only)]

Presentation and Question Sessions

3. The Committee noted that there were 23 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 Committee noted that there were seven 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, Member's declaration of interest for a case and the Committee's view on the declared interest 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 seven cases selected for streamlining arrangement and the Planning Department had no objection to the applications for temporary uses or considered that the temporary uses could be tolerated on a temporary basis for the applied periods. Details of those planning applications were in **Annex 3**.

Deliberation Session

8. After deliberation, the Committee decided to approve the applications on a temporary basis for the applied 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.

Sai Kung and Islands District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/SK-HC/6 Application for Amendment to the Approved Ho Chung Outline Zoning Plan No. S/SK-HC/11, To rezone the application site from “Residential (Group D)”, “Residential (Group E)” and area shown as ‘Road’ to “Residential (Group C) 3” and amend the Notes of the zone applicable to the site, Various Lots in D.D. 210 and D.D. 244 and Adjoining Government Land, Ho Chung, Sai Kung
(RNTPC Paper No. Y/SK-HC/6)

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

PlanD

Mr Walter W.N. Kwong	-	District Planning Officer/Sai Kung and Islands (DPO/SKIs)
Ms Tammy S.N. Kong	-	Senior Town Planner/Sai Kung and Islands (STP/SKIs)
Mr Jackin H.Y. Yip	-	Assistant Town Planner/Sai Kung and Islands

Applicant’s Representatives

Bestime Enterprises Limited

Mr Frank C.L. Wong

Mr H. Chan

Prudential Surveyors International Limited

Mr S.H. Yuen

Mr K.C. Lam

Presentation and Question Sessions

10. The Chairperson 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, Ms Tammy S.N. Kong, STP/SKIs, briefed Members on the background of the application, the proposed rezoning of the application site (the Site) from "Residential (Group D)" ("R(D)"), "Residential (Group E)" ("R(E)") and area shown as 'Road' to "Residential (Group C) 3" ("R(C)3") to facilitate a residential 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 Chairperson then invited the applicant's representatives to elaborate on the application. With the aid of a PowerPoint presentation, Mr Frank C.L. Wong, the applicant's representative, made the following main points:

- (a) the proposed development, with a maximum plot ratio (PR) of 0.75 and a maximum building height (BH) of 12m with three storeys over one storey of carport, was devised with reference to the building density guidelines stipulated in the Hong Kong Planning Standards and Guidelines. A greenery coverage of not less than 20% would be provided within the Site. The proposed development was considered compatible with other proposed low-rise residential developments with a maximum PR of 0.75 in the vicinity;
- (b) the local access road along the eastern part of Parcels A and B of the Site (i.e. Luk Mei Tsuen Road) fell partly within the private land owned by the applicant. Portions of the private land currently occupied by Luk Mei Tsuen Road would be designated as right-of-way (ROW) to serve as the vehicular access and footpath and open for public use to facilitate local accessibility;

- (c) according to the submitted traffic impact assessment, no adverse traffic impact was anticipated from the proposed development. After the completion of the road widening works in Sai Kung, there was adequate traffic carrying capacity to cope with the traffic generated from the proposed development;
- (d) the visual appraisal revealed that upon completion of the proposed development, the larger mountain backdrop would still be visible from the Site. Significant adverse visual impact arising from the proposed development would not be anticipated; and
- (e) the proposed development was technically feasible from environmental, traffic, visual and infrastructural perspectives.

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

14. The Vice-chairperson and some Members raised the following questions:

The Proposal and the Surrounding Uses

- (a) the compatibility of the proposed development with the nearby residential developments;
- (b) whether there was any development proposal for the Asia Television Limited Building to the immediate south of Parcel C of the Site in the "R(E)" zone;
- (c) the rationale for PlanD's recommendation not to impose a site coverage (SC) restriction for the Site should the rezoning application be agreed;

The Access Road

- (d) upon completion of the proposed development, whether the access road (i.e.

western part of Luk Mei Tsuen Road) dedicated as ROW within the proposed development leading to Luk Mei Tsuen was a public road; and

- (e) the status and condition of the existing Luk Mei Tsuen Road.

15. In response, Mr Walter W.N. Kwong, DPO/SKIs, with the aid of some PowerPoint slides, made the following main points:

- (a) the Site was surrounded by existing and proposed low-rise residential developments with similar development intensity (i.e. a maximum PR of 0.75), including the proposed residential development under construction in the “Comprehensive Development Area” zone to the south of the Site and the proposed residential development in Nam Pin Wai under another section 12A application (No. Y/SK-HC/7) for rezoning the site to “R(C)” agreed by the Committee in June 2024. Other low-density residential developments such as village clusters in Ho Chung and Marina Cove were also located in the vicinity. The proposed development was considered compatible with the existing and planned residential developments in the surroundings;
- (b) the Asia Television Limited Building, which was the subject of an approved section 16 planning application with its planning permission lapsed, was currently vacant without any development proposal under processing. Given that the subject building was located in the “R(E)” zone, residential redevelopment could be pursued after obtaining planning approval from the Town Planning Board (the Board);
- (c) SC restriction had been imposed under Building (Planning) Regulations (B(P)R) under the Buildings Ordinance (BO) for the purpose of controlling building bulk under the building control regime. According to the streamlined measure under Joint Practice Note No. 7 promulgated in August 2021, while the maximum SC permissible stipulated in the B(P)R continued to apply, if deemed necessary, PlanD might impose a more stringent SC restriction than that stipulated in the B(P)R on the Outline

Zoning Plan (OZP) for specific planning purposes on selected sites such as preserving local character, enhancing air ventilation, visual quality as well as permeability under the planning control regime. As advised by the Chief Town Planner/Urban Design and Landscape of PlanD, the proposed development was for low-density residential development, and the imposition of a more stringent SC control was not necessary, noting that other development controls on the maximum gross floor area/PR and BH would be recommended. Should the Committee agree to the rezoning application, the proposed amendments to the Ho Chung OZP including the proposed development restrictions would be submitted to the Board for consideration prior to gazetting in accordance with the Town Planning Ordinance;

The Access Road

- (d) the applicant would be required to apply for land exchange from the Lands Department. While the applicant committed to dedicating the concerned ROW for public use at the rezoning stage, relevant clauses on the provision of ROW as well as its management and maintenance responsibilities might be considered for incorporation into the land lease, in consultation with relevant government departments, to ensure subsequent fulfilment of the applicant's commitment, where appropriate; and
- (e) the eastern section of Luk Mei Tsuen Road connecting Ho Chung North Road and Hiram's Highway was a public road, which was currently managed and maintained by the Transport Department and the Highways Department while the western section, with part falling within Parcels A and B of the Site and leading to Luk Mei Tsuen to the north, was a local road mainly on private land.

16. Regarding the management and maintenance of ROW in the future, Mr Frank C.L. Wong, the applicant's representative, supplemented that the access road had been open for public use after liaison with the villagers/village representatives and had been maintained by the applicant for some years. As the proposed residential development at the Site would

be for the applicant's own use, the applicant undertook to permanently bear the responsibilities of the management and maintenance of the ROW.

17. The Vice-chairperson and a Member asked about the arrangement of the sewage treatment system and whether there would be the provision of other facilities such as a clubhouse at the Site. In response, Mr Frank C.L. Wong, the applicant's representative, said that given the location of the Site within the unsewered area at this juncture, an on-site underground sewage treatment system consisting of septic tanks and soil soakaway pits would be provided for collection, treatment and disposal of sewage from the proposed houses. The sewerage system of the proposed development would connect to public sewers when available. Should the current rezoning application be agreed, the proposed development and its sewage treatment proposal would have to comply with the BO and other regulations, which would require the applicant to properly address all technical issues of future connection to the public sewers. Mr Wong also indicated that no clubhouse facility would be provided at the Site.

18. In response to Members' enquires on the discrepancy between the area at the middle strip of Parcel B of the Site currently shown as 'Road' on the approved Ho Chung OZP and the as-built road alignment (i.e. Ho Chung North Road on Plan Z-2a of Paper), Mr Walter W.N. Kwong, DPO/SKIs, with the aid of some PowerPoint slides, explained that the area shown as 'Road' within Parcel B of the Site had been designated on the first Ho Chung Development Permission Area Plan since 1991 to cater for the road improvement works including widening/realignment of the existing roads. Nevertheless, the actual road alignment of the existing Ho Chung North Road completed in 2021, as part of Hiram's Highway Improvement Stage 1 Project for improvement of accessibility between the existing Ho Chung Road and Luk Mei Tsuen Road, shifted southwards from the area shown as 'Road' on the OZP. When opportunity arose, the OZP would be amended to reflect the as-built road alignment, and the area currently shown as 'Road' and its adjoining areas would be subject to review for other suitable zonings.

19. As the applicant's representatives had no further points to raise and there were no further questions from Members, the Chairperson 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 Chairperson thanked PlanD's representatives and the applicant's representatives for attending the meeting. They left the meeting at this point.

Deliberation Session

20. The Chairperson remarked that the proposed rezoning from "R(D)" and "R(E)" to "R(C)3" was required mainly due to an increase in the maximum PR from 0.2/0.4 to 0.75. The planning intentions of the "R(D)" and "R(E)" zones were primarily for upgrading rural environment and phasing out existing industrial use through redevelopment respectively. The proposed "R(C)3" zone, though with a higher maximum PR and BH than "R(D)" and "R(E)" zones, could facilitate redevelopment of the Site and improve the overall living environment of the area, which was in line with the general planning intention of Ho Chung to provide low-rise and low-density residential developments in an orderly pattern and help phase out incompatible and uncoordinated land uses. The submitted technical assessments had demonstrated its technical feasibility in terms of traffic, drainage, visual and environmental aspects. The applicant had committed to taking up the management and maintenance of ROW while the detailed arrangements could be dealt with separately through land exchange or lease modification under the lands regime as appropriate. Members were invited to express views on the application.

21. The Vice-chairperson and Members generally supported the application, considering the land use compatibility, better utilisation of land resources and improvement of rural environment. Some Members had the following observations/suggestions:

- (a) any redevelopment proposal of the Asia Television Limited Building to the south of the Site within the "R(E)" zone should take into account the planned/committed developments in its adjacent areas, including the subject rezoning application, for better land use planning;
- (b) whilst the applicant undertook to manage and maintain ROW which would be open for public use, there should be a proper mechanism (e.g. through lease clauses) to ensure that the future management and maintenance responsibilities of the concerned ROW would not be transferred to individual property owners in the future should the Site be subsequently

subdivided; and

- (c) since a section 12A planning application would not be imposed with approval conditions, there was doubt on whether the future connection to the public sewers at the Site, which was considered more desirable from environmental perspective, would be implemented.

22. In response to a Member's enquiry, the Chairperson said that each planning application should be assessed on its individual circumstances and a case-by-case basis. Should there be any redevelopment proposal for the Asia Television Limited Building in the "R(E)" zone, submitted through a section 16 planning application, it would be assessed based on a host of factors, including the proposed development parameters, justifications, technical feasibility, surrounding developments, etc.

23. The Committee noted that the issue of the management and maintenance of the ROW could be dealt with separately under the lands regime. Mr Lawrance S.C. Chan, Assistant Director/Regional 3, Lands Department said that the arrangement in relation to the ROW, if any, would be considered when processing application for land exchange for the proposed development in consultation with relevant government departments, particularly on land-related conditions from the department requiring and overseeing the matter, despite that requiring the applicant, who might not have any interest in the development subsequently, to manage and maintain ROW permanently was not the norm. Besides, the access road area might not necessarily be included as part of the land exchange. Regarding the sewage connection, the Committee also noted that while the Environmental Protection Department had no adverse comment on the on-site underground sewage treatment system as an interim measure, the applicant undertook to connect the proposed development to the public sewers as far as practicable in future.

24. With regard to a Member's question on the discrepancy between the area shown as 'Road' on the OZP and the as-built road alignment, the Chairperson explained that such discrepancy was not uncommon and mainly due to a change in planning circumstances, consideration of land resumption at the implementation stage of road works, etc. Pursuant to section 13A of the Town Planning Ordinance (the Ordinance), a road scheme authorized by the Chief Executive in Council under the Roads (Works, Use and Compensation)

Ordinance (Chapter 370) should be deemed to be approved under the Ordinance to obviate the need to handle repeated statutory procedures under road works and the planning regime. The authorized road scheme and its relevant alignment would be reflected and annotated on the OZP when opportunity arose. The Secretary supplemented that while part of the authorized road scheme of the “Dualling of Hiram’s Highway between Clear Water Bay Road and Marina Cove and Improvement to Local Access to Ho Chung” had already been reflected on the Hebe Haven OZP in 2019, other relevant OZPs including the subject OZP would be reviewed and amended accordingly to reflect the completed road works (i.e. the alignment of the existing Ho Chung North Road).

25. After deliberation, the Committee decided to agree to the application, and the relevant proposed amendments to the Ho Chung OZP, together with the revised Notes and Explanatory Statement, would be submitted to the Committee for consideration prior to gazetting under the Town Planning Ordinance.

Sha Tin, Tai Po and North District

[Mr Ryan C.K. Ho and Ms Ivy C.W. Wong, Senior Town Planners/Sha Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

Agenda Item 4

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/NE-TKL/5	Application for Amendment to the Approved Ping Che and Ta Kwu Ling Outline Zoning Plan No. S/NE-TKL/14, To rezone the application site from “Open Storage”, “Agriculture” and area shown as ‘Road’ to “Other Specified Uses” annotated “Mixed Use” zone and amend the Notes of the zone applicable to the site, Lots 796 and 1008 RP in D.D. 77 and Adjoining Government Land, Ping Che, Ta Kwu Ling (RNTPC Paper No. Y/NE-TKL/5)
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26. The Secretary reported that consideration of the application had been

rescheduled.

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/832 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 690 S.A in D.D. 83, Kwan Tei, North District
(RNTPC Paper No. A/NE-LYT/832)

Presentation and Question Sessions

27. With the aid of some plans, Mr Ryan C.K. Ho, STP/STN, briefed Members on the background of the application, the proposed development, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department had no objection to the application.

28. Noting that the Fanling District Rural Committee raised objection to the application on the ground that the applicant had not obtained consent for the use of the right of way (ROW) over the adjoining private lands, a Member asked whether the land related matter would constitute a relevant planning consideration. Mr Ryan C.K. Ho, STP/STN, said that the applicant had submitted further information demonstrating that consents from relevant land owners of the adjoining private lots (i.e. Lots 690 S.B, 693 S.C and 690 RP in DD 83) were obtained, which was attached to the Paper for Members’ consideration. Should the planning application be approved, the land related matter (such as local objection to the Small House grant application) would be handled by the Lands Department (LandsD) under the established mechanism.

Deliberation Session

29. The Chairperson remarked that sympathetic consideration might be given to the application as it was the subject of a previously approved application in 2016 submitted by the same applicant with the Small House grant still being processed by LandsD. Whilst the applicant had applied for extension of time for commencement of development under a

section 16A planning application until 26.8.2024, more time was still required by LandsD for processing the Small House grant application and the planning permission would lapse soon. The Chairperson further said that as an established practice, the land related matters such as the ROW should be dealt with separately under the lands regime, as appropriate. Members generally considered that the current application could be approved.

30. 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 2.8.2028, 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 applicant to note the advisory clauses as set out in the appendix of the Paper.

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LK/161 Temporary Public Utility Installation (Solar Photovoltaic System) for a
Period of 5 Years in “Recreation” Zone, Lot 2048 S.B (Part) in D.D.
39, Yim Tso Ha Village, Sha Tau Kok
(RNTPC Paper No. A/NE-LK/161)

Presentation and Question Sessions

31. With the aid of some plans, Ms Ivy C.W. Wong, STP/STN, briefed Members on the background of the application, the applied installation, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department had no objection to the application.

32. Noting that the approval conditions related to the drainage proposal under the previously approved application submitted by the same applicant for the same use were not complied with, but some solar panels had already been installed at the application site (the Site) as shown in the site photos attached to the Paper, a Member asked the reason/justification for submitting the current application by the applicant. The Chairperson

explained that the previous application was approved with conditions in 2020, but subsequently the planning permission was revoked due to non-compliance with the approval conditions regarding the submission and implementation of the drainage proposal, resulting in planning enforcement actions undertaken against the unauthorized development at the Site. A new application including a drainage proposal was submitted by the same applicant. The Drainage Services Department had no objection to the application from public drainage perspective.

Deliberation Session

33. The Chairperson remarked that the subject application was largely the same as the previously approved application in terms of development parameters, layout and planning considerations. Sympathetic consideration might be given to the current application as the applicant had demonstrated genuine efforts to comply with relevant approval conditions (i.e. submission of a drainage proposal in support of the subject application). Noting Members' concerns, the Chairperson proposed and Members agreed to incorporate an additional advisory clause to ensure due compliance with the approval conditions under the current application. Should the Committee decide to approve the application, the applicant would be advised that in the case of non-compliance with the approval conditions again resulting in revocation of the planning permission, sympathetic consideration might not be given to any further application.

34. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 2.8.2029, 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 with the following additional advisory clause:

“should the applicant fail to comply with the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application.”

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/760 Proposed House (New Territories Exempted House - Small House) in “Green Belt” and “Village Type Development” Zones, Lot 1094 S.A ss. 4 in D.D. 79, Ping Yeung Village, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/760)

Presentation and Question Sessions

35. With the aid of some plans, Ms Ivy C.W. Wong, STP/STN, briefed Members on the background of the application, the proposed development, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department (PlanD) did not support the application.

36. Members had no question on the application.

Deliberation Session

37. The Chairperson recapitulated that the proposed Small House development at the application site straddling “Green Belt” (“GB”) and “Village Type Development” (“V”) zones was not in line with the Town Planning Board Guidelines No. 10 for ‘Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance’ nor the planning intention of the “GB” zone with a general presumption against development within the zone. Besides, as the amount of land available within the concerned “V” zone was sufficient to accommodate the outstanding Small House applications, sympathetic consideration could not be given in accordance with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories.

38. 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 the planning intention; and

- (b) land is still available within the “Village Type Development” (“V”) zone of Ping Yeung 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 infrastructures and services.”

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

Fanling, Sheung Shui and Yuen Long East District

[Mr Alexander W.Y. Mak, Senior Town Planner/Fanling, Sheung Shui and Yuen Long East (STP/FSYLE), was invited to the meeting at this point.]

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/330 Proposed Temporary Shop and Services (Motor-vehicle Showroom) for a Period of 3 Years in “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” Zone, Lot 3719 S.I RP (Part) in D.D. 104, Nam Sang Wai, Yuen Long (RNTPC Paper No. A/YL-NSW/330)

39. The Secretary reported that the application site (the Site) was located near Mai Po and Mr K.W. Leung had declared an interest on the item for owning a property in Mai Po. As the property owned by Mr K.W. Leung had no direct view of the Site, the Committee

agreed that he could stay in the meeting.

Presentation and Question Sessions

40. With the aid of some plans, Mr Alexander W.Y. Mak, 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 (PlanD) had no objection to the application.

41. Noting that the applicant claimed to submit the drainage and fire service installations proposals to mitigate the potential impacts arising from the proposed development, a Member enquired whether the relevant proposals had been submitted by the applicant under the current application. In response, Mr Alexander W.Y. Mak, STP/FSYLE, said that the applicant had not yet submitted such proposals, but relevant approval conditions including the submission and implementation of the drainage and fire services installations proposals were recommended to ensure that appropriate facilities/installations would be duly implemented to the satisfaction of relevant government departments.

Deliberation Session

42. The Chairperson recapitulated that the application site, being located at the fringe of the concerned “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”) zone, had already been formed when the first statutory plan was gazetted. Similar applications for shop and services use within the “OU(CDWRA)” zone were approved by the Committee and approval of the current application was generally in line with the Committee’s previous decisions.

43. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 2.8.2027, 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 Chairperson thanked PlanD’s representative for attending the meeting. He left the

meeting at this point.]

Tuen Mun and Yuen Long West District

[Ms Carol K.L. Kan, Senior Town Planner/Tuen Mun and Yuen Long West (STP/TMYLW), was invited to the meeting at this point.]

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/320 Religious Institution with Ancillary Shop and Services, Eating Place and Office in “Residential (Group A)” Zone, 1/F (Part), Ho Shun Lee Building, 9 Fung Yau Street South, Yuen Long
(RNTPC Paper No. A/YL/320)

Presentation and Question Sessions

44. With the aid of some plans, Ms Carol K.L. Kan, 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 (PlanD) had no objection to the application.

45. In response to a Member’s question on the background of the religious institution, Ms Carol K.L. Kan, STP/TMYLW, said that as advised by the applicant, the religious institution had been in operation since the 1990s without a valid planning permission.

Deliberation Session

46. The Chairperson remarked that the potential nuisances caused by the applied use to the nearby residents were addressed as there were separate accesses directly from the street level to the residential portion above the podium and to the subject application premises (the Premises) on the first floor of the commercial podium of the subject building (i.e. Ho Shun

Lee Building). Regarding the background of the application, the Committee noted that the religious institution at the Premises, being affiliated to a charitable institution, was exempted from tax under section 88 of the Inland Revenue Ordinance, and compliance with the relevant legislations was a prerequisite for applying for lotteries fund and approval of the general building plans (GBPs) involving non-exempted alteration and addition works/material change in the use of the building would be required. The Committee also noted that there was no evidence or information provided by the applicant to demonstrate that the subject religious institution was in existence before the gazettal of the first statutory plan.

47. In response to a Member's enquiry about the enforcement actions against suspected unauthorized development at the Premises, the Chairperson said that there was no provision under the Town Planning Ordinance to confer enforcement power in areas not previously covered/covered by Development Permission Area Plans or "Regulated Areas", and enforcement actions in those areas comprising mainly the urban areas and new towns (including Yuen Long town centre where the Premises were located) primarily relied on the control under Buildings Ordinance, land leases and other licencing regimes. For the subject case, the applied use might not be in breach of the concerned lease which was restricted to non-industrial purposes. Should the current application be approved, compliance checking would be administered through the submission of GBPs and/or other licencing requirements as appropriate.

48. 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 2.8.2028, 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 condition 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 Chairperson thanked PlanD's representative for attending the meeting. She left the meeting at this point.]

Agenda Item 45

Any Other Business

[Open Meeting]

49. There being no other business, the meeting was closed at 3:55 p.m.

**Minutes of 747th Rural and New Town Planning Committee
(held on 2.8.2024)**

Deferral Cases

Request for Deferment by Applicant for Two Months

Item No.	Application No. *	Times of Deferment
5	A/SK-PK/295	1 st
8	A/NE-MUP/204	1 st
9A	A/NE-TKL/761	1 st
11	A/NE-TKL/763	1 st
13	A/YL-KTN/1001	2 nd [^]
14	A/YL-KTN/1012	1 st
15	A/YL-KTN/1021	1 st
16	A/YL-KTN/1022	1 st
17	A/YL-KTN/1023	1 st
18	A/YL-KTN/1024	1 st
20	A/YL-KTS/993	2 nd [^]
23	A/YL-MP/365	2 nd [^]
24	A/YL-MP/372	1 st
25	A/YL-PH/988	2 nd [^]
26	A/YL-PH/1015	1 st
27	A/YL-SK/376	1 st
28	A/HSK/515	2 nd [^]
30	A/HSK/526	1 st
31	A/HSK/527	1 st
32	A/YL/319	2 nd [^]
34	A/YL-HTF/1168	2 nd [^]
37	A/YL-PS/722	1 st
41	A/YL-TYST/1273	1 st

Note:

[^] *The 2nd Deferment was the last deferment and no further deferment would be granted unless under special circumstances and supported with strong justifications.*

* Refer to the agenda at https://www.tpb.gov.hk/en/meetings/RNTPC/Agenda/747_rnt_agenda.html for details of the planning applications.

Declaration of Interests

The Committee noted the following declaration of interests:

Item No.	Members' Declared Interests	
23 and 24	The application sites were located in Mai Po.	- Mr K.W. Leung for owning a property in Mai Po
28 and 41	The application sites were located in/near Hung Shui Kiu (HSK).	- Mr Timothy K.W. Ma for being a consultant of a company which was planning and building a residential care home for the elderly near Tai Tao Tsuen in HSK

As the property owned by Mr K.W. Leung had no direct view of the application sites under Items 23 and 24, and Mr Timothy K.W. Ma had no involvement in the applications under Items 28 and 41, the Committee agreed that they could stay in the meeting.

**Minutes of 747th Rural and New Town Planning Committee
(held on 2.8.2024)**

Renewal Cases

(a) Applications for renewal of temporary approval for 3 years

Item No.	Application No.	Renewal Application	Renewal Period
12	A/NE-TKL/764	Temporary Open Storage of Construction Materials in “Agriculture” and “Village Type Development” Zones, Lots 1507 S.B RP (Part), 2022 S.B RP (Part), 2036 (Part), 2037, 2038, 2039, 2040 (Part), 2041 (Part) and 2042 (Part) in D.D. 76 and Adjoining Government Land, Leng Tsai, Sha Tau Kok Road, Fanling	4.8.2024 to 3.8.2027
21	A/YL-NSW/324	Temporary Driving School and Ancillary Uses in “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” Zone, Lot 1347 RP in D.D. 115, Nam Sang Wai, Yuen Long	6.9.2025 to 5.9.2028
25A	A/YL-PH/1009	Temporary Open Storage of Construction Materials in “Agriculture” zone, Lots 1864 RP (Part), 1865 (Part), 1866 (Part), 1867 (Part), 1868 (Part), 3047 (Part) and 3048 (Part) in D.D. 111, Pat Heung, Yuen Long	8.8.2024 to 7.8.2027
29	A/HSK/525	Temporary Transitional Housing Development in “Open Space” and “Residential (Group A) 4” Zones, Government Land in D.D. 124, Hung On Lane, Hung Shui Kiu, Yuen Long	28.8.2024 to 27.8.2027
38	A/YL-PS/723	Temporary Container Storage with Ancillary Repair Workshops for Container Vehicles and Trailers in “Open Storage” Zone, Lots 664 (Part), 669 (Part), 670 (Part), 671 (Part), 672, 673, 714 (Part), 715 (Part), 716 (Part), 717 (Part), 723 S.A (Part), 724, 727 (Part), 728 (Part), 731 (Part), 734 (Part), 762 S.D (Part) and 768 in D.D. 123, Lots 558 (Part) and 562 (Part) in D.D. 126, and Adjoining Government Land, Wang Chau, Ping Shan, Yuen Long	8.8.2024 to 7.8.2027
39	A/YL-PS/724	Temporary Public Vehicle Park (Private Cars) in “Residential (Group B) 1” Zone, Lots 123 (Part) and 124 RP (Part) in D.D. 121, Ping Shan, Yuen Long	25.9.2024 to 24.9.2027

(b) Application for renewal of temporary approval for 5 years

43	A/YL-TT/654	Temporary Animal Boarding Establishment in “Recreation” Zone, Lot 2030 in D.D. 117 and Adjoining Government Land, Tai Tong, Yuen Long	17.8.2024 – 16.8.2029
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Declaration of Interest

The Committee noted the following declaration of interest:

Item No.	Member’ Declared Interest	
29	The application site was located in Hung Shui Kiu (HSK).	- Mr Timothy K.W. Ma for being a consultant of a company which was planning and building a residential care home for the elderly near Tai Tao Tsuen in HSK

As Mr Timothy K.W. Ma had no involvement in the application under Item 29, the Committee agreed that he could stay in the meeting.

**Minutes of 747th Rural and New Town Planning Committee
(held on 2.8.2024)**

Cases for Streamlining Arrangement

Applications approved on a temporary basis for a period of 3 years until 2.8.2027

Item No.	Application No.	Planning Application
10	A/NE-TKL/762	Proposed Temporary Warehouse and Open Storage of Construction Material with Ancillary Facilities and Associated Filling of Land in “Agriculture” Zone, Lot 207 in D.D. 84, Ping Che, Ta Kwu Ling
19	A/YL-KTN/1025	Proposed Temporary Private Vehicle Park (Excluding Container Vehicle) and Associated Filling of Land in “Agriculture” Zone, Lot 1020 (Part) in D.D. 109, Kam Tin, Yuen Long
35	A/YL-PS/720	Proposed Temporary Shop and Services (Car Showroom) and Car Testing Centre with Ancillary Office in “Government, Institution or Community”, “Residential (Group B) 1” and “Village Type Development” Zones, Lots 31 RP and 32 RP in D.D. 121, Ping Shan, Yuen Long
36	A/YL-PS/721	Temporary Open Storage of Construction Materials (Metal) in “Recreation” Zone, Lots 280 (Part), 282 (Part), 284 (Part), 285 (Part), 286 (Part), 287 (Part) and 320 (Part) in D.D. 126, Fung Ka Wai, Ping Shan, Yuen Long
40	A/YL-TYST/1271	Proposed Temporary Public Vehicle Park (Private Cars) and Excavation of Land in “Village Type Development” Zone, Lot 1578 (Part) in D.D. 121 and Adjoining Government Land, Shan Ha Tsuen, Yuen Long
42	A/YL-TT/653	Proposed Temporary Shop and Services in “Residential (Group D)” Zone, Lot 4058 RP in D.D. 116 and Adjoining Government Land, Tai Kei Leng, Yuen Long
44	A/TM-LTYYY/467	Proposed Temporary Public Vehicle Park (Excluding Container Vehicles) in “Village Type Development” Zone, Lots 1972 (Part), 1973 and 1974 RP (Part) in D.D. 130, Lam Tei, Tuen Mun