

## **TOWN PLANNING BOARD**

### **Minutes of 314th Meeting of the Rural and New Town Planning Committee held on 28.10.2005**

#### **Present**

Director of Planning  
Mr. Bosco C.K. Fung

Chairman

Mr. Michael K.C. Lai

Vice-chairman

Mr. Alex C.W. Lui

Mr. Francis Y.T. Lui

Professor Nora F.Y. Tam

Mr. David W.M. Chan

Professor David Dudgeon

Mr. Tony C.N. Kan

Dr. C.N. Ng

Mr. Alfred Donald Yap

Assistant Director (2), Home Affairs Department  
Ms. Margaret Hsia

Principal Environmental Protection Officer (Strategic Assessment),  
Environmental Protection Department  
Mr. Lawrence Ngo

Assistant Director/New Territories, Lands Department  
Mr. Francis Ng

Deputy Director of Planning/District  
Miss Ophelia Y.S. Wong

Secretary

**Absent with Apologies**

Professor K.C. Ho

Mr. C.K. Wong

Ms. Carmen K.M. Chan

Dr. Lily Chiang

Professor Peter R. Hills

Mr. Edmund K.H. Leung

Assistant Commissioner for Transport/New Territories,  
Transport Department  
Miss Cindy Law

**In Attendance**

Assistant Director of Planning/Board  
Mr. P.Y. Tam

Chief Town Planner/Town Planning Board  
Mr. C.T. Ling

Town Planner/Town Planning Board  
Mr. Philip K.S. Chang

**Agenda Item 1**

Confirmation of the Draft Minutes of the 313th RNTPC Meeting held on 14.10.2005

[Open Meeting]

1. The draft minutes of the 313th RNTPC meeting held on 14.10.2005 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

**(i) Town Planning Appeals Received**

2. The Secretary reported that the Town Planning Appeal Board (TPAB) on 3.10.2005 received an appeal against the decision of the Board (on 22.7.2005) to reject on review an application (No. A/YL-LFS/130) for a temporary warehouse for a period of 3 years at a site zoned “Green Belt” on the approved Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (No. S/YL-LFS/7). The hearing date of the appeal was yet to be fixed.

**(ii) Appeal Statistics**

3. The Secretary also reported that as at 28.10.2005, 24 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows :

Allowed	:	14
Dismissed	:	81
Abandoned/Withdrawn/Invalid	:	111
Yet to be Heard	:	24
Decision Outstanding	:	1
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		231

[Ms. Margaret Hsia arrived to join the meeting at this point.]



5. Members had no question on the application.

#### Deliberation Session

6. The Chairman remarked that the proposed redevelopment for a 2-storey house was in line with the planning intention of the “Village Type Development” zone.

7. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the condition that water supplies for fire fighting and fire services installations should be provided to the satisfaction of the Director of Fire Services or of the TPB. The permission should be valid until 28.10.2009, 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.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/SK-PK/140 Proposed Refuse Collection Point  
in “Village Type Development” zone,  
Government Land in Pak Kong Au Village,  
Sai Kung  
(RNTPC Paper No. A/SK-PK/140)

#### Presentation and Question Sessions

8. Mr. Michael C.F. Chan, DPO/SK&ST, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed refuse collection point (RCP);
- (c) departmental comments – no adverse comments from concerned Government departments were received;

- (d) no public comments and no local objection were received; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 10.1 of the Paper.

9. Members had no question on the application.

#### Deliberation Session

10. Members noted that the proposed RCP was an essential facility to serve the local residents.

11. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the condition that the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB. The permission should be valid until 28.10.2009, 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.

12. The Committee also agreed to advise the applicant to liaise with the District Lands Officer/Sai Kung for application of a Government land allocation.

[The Chairman thanked Mr. Michael C.F. Chan, DPO/SK&ST, for his attendance to answer Members' enquiries. Mr. Chan left the meeting at this point.]

#### **Tai Po and North District**

[Mr. W.K. Hui, District Planning Officer/Tai Po and North (DPO/TPN), and Mr. P.K. Ip, Senior Town Planner/Tai Po and North (STP/TPN), were invited to the meeting at this point.]

#### **Agenda Item 4**

##### Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/NE-LYT/309 Proposed New Territories Exempted House  
(NTEH) (Small House)  
in “Agriculture” zone,  
Lots 1579KRP and 1579RP in DD 83,  
Lung Yeuk Tau Village,  
Fanling  

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(RNTPC Paper No. A/NE-LYT/309)

[Mr. Tony C.N. Kan arrived to join the meeting during the presentation session.]

### Presentation and Question Sessions

13. Mr. P.K. Ip, STP/TPN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed Small House development;
- (c) departmental comments – the Agriculture, Fisheries and Conservation Department was not in favour of the application;
- (d) no public comments and no local objection were received; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraph 11.1 of the Paper.

14. Members had no question on the application.

### Deliberation Session

15. The Chairman remarked that the proposed Small House development was generally in line with the interim criteria for assessing planning application for NTEH/Small

house development. The application site fell completely within the village 'environs' and there was insufficient land in the "Village Type Development" zone to satisfy the Small House demand in the area.

16. 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 28.10.2009, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the Town Planning Board;  
and
- (b) the submission and provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board.



[Open Meeting (Presentation and Question Sessions Only)]

(ii) A/NE-LYT/310 Proposed New Territories Exempted House  
(NTEH) (Small House)  
in “Agriculture” zone,  
Lot 968A3 in DD 83,  
Tung Kok Wai,  
Fanling  

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(RNTPC Paper No. A/NE-LYT/310)

(iii) A/NE-LYT/311 Proposed New Territories Exempted House  
(NTEH) (Small House)  
in “Agriculture” zone,  
Lots 968A2 in DD 83,  
Tung Kok Wai,  
Fanling  

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(RNTPC Paper No. A/NE-LYT/311)

(iv) A/NE-LYT/312 Proposed New Territories Exempted House  
(NTEH) (Small House)  
in “Agriculture” zone,  
Lots 968A4 and 968BRP in DD 83,  
Tung Kok Wai,  
Fanling  

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(RNTPC Paper No. A/NE-LYT/312)

17. Noting that applications No. A/NE-LYT/310, 311 and 312 were similar in nature and the sites were adjacent to one another within the same “Agriculture” zone, Members agreed that these applications could be considered together.

Presentation and Question Sessions

18. Mr. P.K. Ip, STP/TPN, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed Small House developments;
- (c) departmental comments – the Agriculture, Fisheries and Conservation Department was not in favour of the applications;
- (d) no public comments and no local objection were received for these applications; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications for reasons given in paragraph 11.1 of the Papers.

19. Members had no question on the application.

#### Deliberation Session

20. The Chairman remarked that the proposed Small House developments were generally in line with the interim criteria for assessing planning application for NTEH/Small house development. All these application sites fell completely within the village 'environs' and there was insufficient land in the "Village Type Development" zone to satisfy the Small House demand in the area.

21. After deliberation, the Committee decided to approve each of the applications (No. A/NE-LYT/310, A/NE-LYT/311 and A/NE-LYT/312), on the terms of the applications as submitted to the Town Planning Board. The permission should be valid until 28.10.2009, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the Town Planning Board;

and

- (b) the submission and provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

[Open Meeting (Presentation and Question Sessions Only)]

(v) A/NE-SSH/46 Proposed New Territories Exempted House  
(NTEH) (Small House)  
in “Village Type Development” and  
“Government, Institution or Community” zones,  
Lots 276D and 277RP in DD 209,  
Sai Keng Village,  
Sai Kung North  

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(RNTPC Paper No. A/NE-SSH/46)

(vi) A/NE-SSH/47 Proposed New Territories Exempted House  
(NTEH) (Small House)  
in “Village Type Development” and  
“Government, Institution or Community” zones,  
Lot 308RP in DD 209,  
Sai Keng Village,  
Sai Kung North  

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(RNTPC Paper No. A/NE-SSH/47)

(vii) A/NE-SSH/49 Proposed New Territories Exempted House  
(NTEH) (Small House)  
in “Village Type Development” and  
“Government, Institution or Community” zones,  
Lot 241ARP in DD 209,  
Sai Keng Village,  
Sai Kung North  

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(RNTPC Paper No. A/NE-SSH/49)

22. Noting that applications No. A/NE-SSH/46, 47 and 49 were similar in nature and the sites were within the same vicinity and mainly fell within the same “Village Type Development” zone and partly within the same “Government, Institution or Community” zone, Members agreed that these applications could be considered together.

#### Presentation and Question Sessions

[Mr. Francis Y.T. Lui arrived to join the meeting during the presentation session.]

23. Mr. P.K. Ip, STP/TPN, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed Small House developments;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) no local objection was received for these applications. As for public comment, none was received for application No. A/NE-SSH/46, while there were respectively 3 and 1 received for application No. A/NE-SSH/47 and 49 concerning insufficient space for house development, close distance between houses, and fung shui;
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications for reasons given in paragraph 12.1 of the Papers that these proposed Small Houses were generally in line with the interim criteria for assessing planning application for NTEH/Small house development.

24. Members had no question on the applications.

#### Deliberation Session

25. The Chairman remarked that there was insufficient land in the “Village Type Development” zone to satisfy the Small House demand in the area. According to the District Lands Officer/Tai Po, there was no local objection from the Indigenous Inhabitant Representative and Resident Representative of Sai Keng Village. Moreover, concerned Government departments, including the Lands Department and Fire Services Department, had not raised any concern about inadequate space between houses.

26. After deliberation, the Committee decided to approve each of the applications (No. A/NE-SSH/46, A/NE-SSH/47 and A/NE-SSH/49), on the terms of the applications as submitted to the Town Planning Board. The permission should be valid until 28.10.2009, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (b) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the Town Planning Board.

27. The Committee also agreed to advise each of the applicants that the applicant might need to extend the inside services to the nearest government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to the Water Supplies Department’s standards.

[Open Meeting (Presentation and Question Sessions Only)]

- (viii) A/NE-SSH/48 Proposed New Territories Exempted House  
(NTEH) (Small House)  
in “Village Type Development” and “Recreation” zones,  
Lot 1470D in DD 165,  
Tseng Tau Village,  
Sai Kung North  

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(RNTPC Paper No. A/NE-SSH/48)

28. Mr. P.K. Ip, STP/TPN, presented the application and covered the following aspects as detailed in the Paper :

Presentation and Question Sessions

- (a) background to the application;
- (b) the proposed Small House development;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) no public comments and no local objection were received; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications for reasons given in paragraph 11.1 of the Paper.

29. Members had no question on the application.

Deliberation Session

30. The Chairman remarked that proposed Small House development was generally in line with the interim criteria for assessing planning application for NTEH/Small house development. Almost 60% of the application site fell within the village ‘environs’, and there was insufficient land in the “Village Type Development” zone to satisfy the Small

House demand in the area.

31. 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 28.10.2009, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (b) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the Town Planning Board.

32. The Committee also agreed to advise the applicant that the applicant might need to extend the inside services to the nearest government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to the Water Supplies Department's standards.

**Agenda Item 5**

**Section 16A Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/212-1 Application for Extension of Time  
for Commencement of Approved Development  
– Seven New Territories Exempted Houses (NTEHs)  
for a Period of 3 Years unit 8.10.2008 in “Agriculture” zone,  
Lots 1203A, 1203B, 1203C, 1203D,  
1203E, 1203F(Part) and 1203G in DD 7,  
Hang Ha Po Village,  
Lam Tsuen,  
Tai Po  

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(RNTPC Paper No. A/NE-LT/212-1)

**Presentation and Question Sessions**

33. Mr. P.K. Ip, STP/TPN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed extension of time limit for commencement of the approved development of seven Small Houses;
- (c) departmental comments – Environmental Protection Department (EPD) objected to the application as the site was within water gathering ground (WGG) where public sewer was not available, while Agriculture, Fisheries and Conservation Department did not favour the application as the site was classified as good quality agricultural land with good potential for rehabilitation;
- (d) no local objection was received; and



- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications for reasons given in paragraph 8.1 of the Paper.

34. Members had no question on the application.

#### Deliberation Session

35. The Chairman remarked that although EPD objected to the application as the proposed development could not meet the interim criteria with respect to the requirement for application sites within WGG, sympathetic consideration might be given as the original planning permission was granted in 1999, before the promulgation of the interim criteria for assessing planning applications for NTEH/Small house development. The proposed Small Houses, according to the District Lands Officer/Tai Po, were being processed. It seemed that the commencement of the development was delayed due to resolution of land matters.

36. After deliberation, the Committee decided to approve the application for extending the time for commencement of the approved development for 3 years until 8.10.2008, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (b) the disposal of spoils during site formation and construction period to the satisfaction of the Director of Water Supplies or of the Town Planning Board;
- (c) the provision of septic tank and soakaway pit for foul effluent disposal and the sewerage connection at a distance of not less than 30m from any watercourses to the satisfaction of the Director of Water Supplies or of the Town Planning Board;
- (d) the provision of fire services installations to the satisfaction of the Director of Fire Services or of the Town Planning Board;

- (e) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (f) the connection of the foul water drainage system to public sewers to the satisfaction of the Director of Water Supplies or of the Town Planning Board.

37. The Committee also agreed to advise the applicant of the following :

- (a) any further extension of the validity of this permission would be outside the scope of Class B amendments as specified by the Town Planning Board. If the applicants wish to seek any further extension of time for commencement of the development, the applicants might submit a fresh application under section 16 of the Town Planning Ordinance. Please refer to the Town Planning Board Guidelines No. 35 and 36 for details; and
- (b) note the comments of the Chief Engineer Development(2), Water Supplies Department that :
  - (i) all spoils arising as a result of site formation and construction works should be contained and protected to prevent pollution and siltation to watercourses;
  - (ii) the septic tank and soakaway pit system should be preferably be as far as possible at not less than 30m from any existing watercourses. The whole system should be properly maintained and desludged at a regular interval. The sludge should be carried away and disposed of outside the gathering grounds; and
  - (iii) the whole of foul effluent should be conveyed in cast iron pipes with sealed joints and hatch boxes to be discharged from the

proposed house to the septic tank and soakaway pit system.

- (c) note the comments of the Director of Electrical and Mechanical Services that :
- (i) prior to establishing any structure within the application site, the applicants and their contractors should consult CLP Power Hong Kong Limited (CLPP) in respect of the safety clearances required for activities near the overhead lines. In the circumstance that the safety clearances of the concerned overhead lines were insufficient or electrical danger might arise due to their proximity to the subject development, the applicant and his contractors should liaise directly with CLPP to divert the concerned sections of the overhead lines or have them replaced by underground cables; and
  - (ii) the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation (Cap. 406H) should be observed by the applicants and their contractors when carrying out any works in the vicinity of the electricity supply lines.

[The Chairman thanked Mr. W.K. Hui, DPO/TPN, and Mr. P.K. Ip, STP/TPN, for their attendance to answer Members’ enquiries. Messrs. Hui and Ip left the meeting at this point.]

### **Tuen Mun and Yuen Long District**

[Mr. Wilson Y.L. So, District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL), and Mr. Wilson W.S. Chan, Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL), were invited to the meeting at this point.]

## **Agenda Item 6**

### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/TM/335 Shop and Services (Retail Shop for Selling Bicycles)  
in “Industrial” zone,  
Workshop Q(Part), G/F,  
Delya Industrial Centre,  
7 Shek Pai Tau Road,  
Tuen Mun  

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(RNTPC Paper No. A/TM/335)

### **Presentation and Question Sessions**

38. Mr. Wilson W.S. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed retail bicycles shop;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) no public comments and no local objection were received; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraph 11.1 of the Paper.

39. Members had no question on the application.

### **Deliberation Session**

40. The Chairman remarked that the retail shop for bicycles was small in scale and

was also in line with the Town Planning Board Guidelines No. 25B on use/development within “Industrial” zone.

41. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the condition that the submission of proposal and provision of fire service installations for the application premises to the satisfaction of the Director of Fire Services or of the TPB.

42. The Committee also agreed to advise the applicant of the following :

- (a) the District Lands Officer/Tuen Mun’s comments that the applicant should apply for a waiver which, if approved, would be subject to such terms and conditions to be imposed; and
- (b) the Chief Building Surveyor/New Territories West, Buildings Department’s comments that the separating wall between the application premises and the remaining part of Workshop Q would have a fire resisting period of not less than 2 hours.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/TSW/32 Proposed Tutorial Centre  
in “Residential (Group B)” zone,  
Shop A104, Portion B, G/F,  
Kingswood Richly Plaza,  
Locwood Court,  
Kingswood Villas,  
1 Tin Wu Road,  
Tin Shui Wai  
(RNTPC Paper No. A/TSW/32)

Presentation and Question Sessions

43. Mr. Wilson W.S. Chan, STP/TMYL, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed tutorial centre;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) no local objections but one public comment was received suggesting that there was already adequate supply of tutorial schools; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 11.1 of the Paper.

44. Members had no question on the application.

#### Deliberation Session

45. Regarding the public comment on supply of tutorial schools in the area, the Chairman remarked that the Committee's concern should be on land use term, i.e. whether the proposed use was suitable at the subject location, rather than market consideration.

46. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the condition that fire service installations should be provided for the proposed tutorial school to the satisfaction of the Director of Fire Services or of the TPB. The permission should be valid until 28.10.2009, 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.

47. The Committee also agreed to advise the applicant that the Director of Building's comments in paragraph 9.1.4 of the Paper that in case the capacity of the proposed tutorial centre at the subject premises exceeded 30 persons, 2 exit doors should be provided and such

doors should open in the direction of exit (i.e. open outwards); and to submit school licence application for the subject premises.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii)           A/YL-KTN/239           Temporary Open Storage of Vehicle Glass  
(including Parking and Loading/Unloading)  
for a Period of 3 Years  
in “Village Type Development” zone,  
Lot 466RP(Part) in DD 109,  
Kam Tin Road,  
Kam Tin,  
Yuen Long  

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(RNTPC Paper No. A/YL-KTN/239)

Presentation and Question Sessions

48.           Mr. Wilson W.S. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a)   background to the application;
- (b)   the proposed temporary open storage of vehicle glass;
- (c)   departmental comments – Environmental Protection Department (EPD) did not support the application as there would be new sensitive receiver in the vicinity, and Transport Department considered that the proposed arrangement of vehicular access not acceptable from road safety perspective;
- (d)   no public comments and no local objection were received; and
- (e)   the Planning Department (PlanD)’s views –PlanD had no objection to the application for reasons given in paragraph 12.1 of the Paper. Should

approval be given, the applicant would be advised to address the concerns of EPD and TD to undertake environmental mitigation measures and modify the ingress and egress arrangement respectively.

49. Members had no question on the application.

#### Deliberation Session

50. Mr. Lawrence Ngo pointed out that apart from the new village house under construction in the vicinity, there were also a few existing village houses located at a distance ranging from about 20m to 50m to the northwest of the application site. Mr. Ngo also noted that there were three similar applications (No. A/YL-KTN/236, 237 and 238) located right adjacent to the west of the application site recently rejected by the Committee.

51. Mr. Wilson Y.L. So pointed out that the sites of these three applications fell within Category 4 areas under both the Town Planning Board (TPB) Guidelines No. 13C and the revised Guidelines 13D. One of the main considerations of the Committee in making the decision to reject the three applications was that sufficient time had already been given to the applicants to relocate their operations as per the TPB Guidelines No. 13C relevant at the time when these applications were considered. Although the subject application also fell within Category 4 areas, the revised TPB Guidelines 13D endorsed by the Board on 21.10.2005 might render a different consideration. The revised Guidelines were intended to be pragmatic and the proposed 2 years extension with respect to Category 4 areas was to allow more time for the applicant to identify suitable site for relocation.

52. Noting the rationale of the PlanD's recommendation, Members had the following views:

- (a) adopting the principles of the revised Guidelines 13D in considering a planning application should also have due regard to the planning permission history of the site. With respect to the subject application site, it fell within Category 4 areas, the primary intention of which was to phase out the non-conforming uses. In this particular case, the Committee had already granted permission twice to the same applicant (since June 2003),



each for a period of one year to allow time for relocation. Hence, sufficient time had already been allowed for relocation of the operation as per the spirit of the revised Guidelines 13D;

- (b) a similar application (No. A/YL-KT/225) at a site located to the further east of the application site was rejected by the Planning Committee but subsequently approved by the Board on review on 7.10.2005. Presumably, EPD might have raised similar concern in assessing that application. Such being the case, even if the subject application was rejected by the Planning Committee, it could also be approved by the Board upon review;
- (c) approval of the subject application would set an undesirable precedent and might prolong the realization of the Board's intention to phase out the open storage operations in the Category 4 areas; and
- (d) the Committee had recently rejected three applications for temporary open storage adjacent to the subject application site. For consistency, the Committee should reject the subject application.

53. Mr. Wilson Y.L. So went through the planning application history of the subject site as detailed in paragraph 6 of the Paper and made the following points:

- (a) the application site was the subject of a number of previous planning approvals. The latest approval (Application No. A/YL-KTN/202) granted to the same applicant was in August 2004 for a period of one year to allow time for the relocation of the open storage operation. In recommending approval of the current application, PlanD had taken into account that the applicant had implemented all the approval conditions regarding drainage and landscape planting imposed in previous applications, and there being no local objections;
- (b) the Committee had already taken into account of the existing two houses located to the northwest of the application site in considering the previous

planning application (No. A/YL-KTN/172). As for the new residential structure under construction, it was located 60m to the northwest of the application site, at a further distance away from the site;

- (c) EPD, as a matter of principle, generally would not support open storage use in residential zone. Regarding the application (No. A/YL-KT/225) approved by the Board on review on 7.10.2005, EPD considered that the application could be tolerated given that there was no workshop activity while TD had no adverse comment. The decision of the Board to approve the case was based on sympathetic consideration that there was no planned development within the “Village Type Development” zone, and construction of the proposed large-scale residential development in the “Residential (Group C)2” zone with land exchange executed and building plans approved immediately north of the site was not yet commenced. Besides, the applicant had also complied with all the conditions under the previous planning approvals each for 1-year period (Application No. A/YL-KT/159 and 191); and
- (d) there was another similar application for open storage in the Ha Tsuen area (Application No. A/YL-HT396) which was approved by the Board on review on 21.10.2005. The application site also fell under the Category 4 areas and was also subject to a previous approval to allow time to relocate. The Board gave two additional years in the light of the revised Guidelines.

54. The Secretary added that decision of the Board on review of a planning application was based on individual merits and arguments and additional information presented by the applicant during the hearing process. According to the TPB Guidelines No. 13C, the approval of a planning application within Category 4 area was intended to allow time for the applicant to relocate so as to phase out the open storage use in the area. There were instances that the Committee would grant further permission if the applicants were able to demonstrate they were unable to relocate upon expiry of the planning permission and there were no major adverse comments and local objections. With the adoption of the revised Guidelines 13D, the issue was whether cases like the subject application with planning permission renewed several times should still be considered for the additional 2-year

approval.

55. The Chairman remarked that the basic principle of the TPB Guidelines No. 13D with respect to Category 4 areas was to give adequate time for the applicant to relocate. In considering the subject case, the Committee should take into account whether the applicant had previously been given sufficient time to relocate; the fact that the Committee had recently rejected 3 similar applications in the vicinity; and the objection/concern raised by EPD and TD.

56. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) the development did not comply with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” in that residential dwellings which were located to its close proximity would be susceptible to adverse environmental nuisances generated by the development and adverse comments had been received from government department on traffic grounds; and
- (b) the continual occupation of the site for temporary open storage use was not in line with the planning intention of the “Village Type Development” zone which was to designate both existing and recognized villages and areas of land considered suitable for village expansion. There was no information in the submission to demonstrate that relocation of the open storage to alternative sites could not be made.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv)           A/YL-MP/148           Proposed Temporary Open Air Private Car Park  
for Exhibition of Used Cars for a Period of 3 Years  
in “Residential (Group D)” zone,  
Lots 3224RP, 3225ARP and 3226ARP in DD 104,  
Mai Po,  
Yuen Long  
(RNTPC Paper No. A/YL-MP/148)

57.           The Secretary stated that the applicant had submitted a revised Drainage Impact Assessment (DIA) on 26.10.2005. The DIA would have to be published for public comment in accordance with the Town Planning (Amendment) Ordinance 2004, hence consideration of the case would have to be re-scheduled. Members noted.

[Open Meeting (Presentation and Question Sessions Only)]

- (v)           A/YL-SK/129           Redevelopment of a Public Convenience  
in “Village Type Development” zone,  
Government Land near Pat Heung Temple,  
Adjacent to Lot 626 in DD 114,  
Pat Heung,  
Yuen Long  
(RNTPC Paper No. A/YL-SK/129)

Presentation and Question Sessions

58.           Mr. Wilson W.S. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed redevelopment of a public convenience;
- (c) departmental comments – no adverse comments from concerned

Government departments were received;

- (d) no public comments and no local objection were received; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 11.1 of the Paper.

59. Members had no question on the application.

### Deliberation Session

60. The Chairman remarked that the proposed redevelopment would help improve the environmental hygiene of the area.

61. 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 28.10.2009, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (b) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the Town Planning Board.

62. The Committee also agreed to advise the applicant of the following :

- (a) the Chief Highway Engineer/New Territories West, Highways Department's comments in paragraph 9.1.3 of the Paper that Highways Department was not responsible for the maintenance of the road connecting the application site to Kam Tin Road. The applicant should consult the relevant party (if any) on the maintenance of the access road;

and

- (b) the Director of Fire Services's comments in paragraph 9.1.5 of the Paper that arrangement of emergency vehicular access should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue.

[The Chairman thanked Mr. Wilson Y.L. So, DPO/TMYL, and Mr. Wilson W.S. Chan, STP/TMYL, for their attendance to answer Members' enquiries. Messrs. So and Chan left the meeting at this point.]

### **Agenda Item 7**

#### **Any Other Business**

- 63. There being no other business, the meeting was closed at 3:35 p.m..