

## **TOWN PLANNING BOARD**

### **Minutes of 317th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 9.12.2005**

#### **Present**

Director of Planning  
Mr. Bosco C.K. Fung

Chairman

Mr. Michael K.C. Lai

Vice-chairman

Mr. Alex C.W. Lui

Mr. C.K. Wong

Mr. David W.M. Chan

Dr. Lily Chiang

Professor David Dudgeon

Professor Peter R. Hills

Mr. Edmund K.H. Leung

Dr. C.N. Ng

Assistant Director (Environmental Assessment),  
Environmental Protection Department  
Mr. Elvis W.K. Au

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. Francis Y.T. Lui

Ms. Carmen K.M. Chan

Professor Nora F.Y. Tam

Mr. Tony C.N. Kan

Mr. Alfred Donald Yap

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

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

**In Attendance**

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

Chief Town Planner/Town Planning Board  
Ms. Brenda K.Y. Au

Town Planner/Town Planning Board  
Ms. Endless S.P. Kong

**Agenda Item 1**

Confirmation of the Draft Minutes of the 316th RNTPC Meeting held on 25.11.2005

[Open Meeting]

1. The draft minutes of the 316th RNTPC meeting held on 25.11.2005 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

(i) New Town Planning Appeal Received

Town Planning Appeal No. 23 of 2005 (23/05)  
Temporary Public Vehicle Park (excluding Container Vehicles)  
for a Period of 3 Years  
in “Village Type Development” zone,  
Lots 145 (Part), 147A, 147B, 147C, 147RP, 148, 149A, 149B, 149C, 149D,  
149RP (Part), 151(Part) and 3405 in DD 102 and  
Adjoining Government Land,  
San Tin, Yuen Long  
(Application No. A/YL-ST/284)

2. The Secretary reported that the Town Planning Appeal Board (TPAB) on 22.11.2005 received an appeal against the decision of the Town Planning Board (TPB) to reject on review an application (No. A/YL-ST/284) for a temporary public vehicle park (excluding container vehicles) for a period of 3 years at a site zoned “Village Type Development” (“V”) on the draft San Tin Outline Zoning Plan No. S/YL-ST/6. The s.17 review application was rejected by the TPB on 21.10.2005 on the grounds of being not in line with the planning intention of the “V” zone, and insufficient information to demonstrate no adverse drainage, traffic, and visual impacts. The hearing date was yet to be fixed. The Secretariat would represent the TPB to deal with the appeal.

(ii) Town Planning Appeal Decision Received

Town Planning Appeal No. 5 of 2004 (5/04)

Temporary Open Storage of Metals and Metal Workshop

for a Period of 3 Years

in "Agriculture" zone

Lot 1274 in DD39, Tai Long, Luk Keng

(Application No. A/NE-LK/41)

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3. The Secretary reported that a copy of the Summary of Appeal and the TPAB's decision for the captioned appeal were despatched to Members for reference on 8.12.2005. The appeal was in relation to an application (No. A/NE-LK/41) for temporary open storage of metals and metal workshop for a period of 3 years at a site zoned "Agriculture" ("AGR") on the approved Luk Keng and Wo Hang Outline Zoning Plan No. S/NE-LK/6. The appeal was heard by the TPAB on 7.9.2005 and dismissed by the TPAB on 30.11.2005 based on the following considerations:

- (a) it was clear that the proposed use did not meet the planning intent of zoning the Site as "AGR";
- (b) the Site was previously permitted to be used as an open car park because such a use commenced in 1988 before the gazettal of the Luk Keng and Wo Hang Interim Development Permission Plan in 1990. There was no evidence for the Appellant to conclude that the proposed use would be the same as or even better than its previous use; and
- (c) from a visual perspective, it was clear that the change of use would not be consistent with or compatible with its surroundings, which were mainly rural greenery. The transport arrangement was also a valid concern and the Appellant did not provide anything as to the alignment/details of the access. There was no study or analysis in relation to the impact that the proposed change of use might cause.

(iii) Appeal Statistics

4. The Secretary said that as at 9.12.2005, 26 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows:

Allowed	:	14
Dismissed	:	82
Abandoned/Withdrawn/Invalid	:	111
Yet to be Heard	:	26
<u>Decision Outstanding</u>	:	<u>0</u>
Total	:	233

**Lantau & Islands District**

[Miss Helen L.M. So, Senior Town Planner/Lantau & Islands (STP/L&Is), and Ms. Donna Y.P. Tam (STP/L&Is), were invited to the meeting at this point.]

**Agenda Item 3**

[Open Meeting (whole agenda item)]

Proposed Amendment to the

Draft Lamma Island Outline Zoning Plan No. S/I-LI/6

(RNTPC Paper No. 40/05)

5. As Amendment Item A was related to a site reserved for community hall development by the Home Affairs Department, Ms. Margaret Hsia had declared an interest in this item. The Committee noted that the interest of Ms. Hsia was indirect and she had tendered her apologies for being unable to attend the meeting.

### Presentation and Question Session

6. Miss Helen L.M. So, STP/L&I, presented the proposed amendment and covered the following aspects as detailed in the Paper:

- (a) background to the proposed amendment to the draft Outline Zoning Plan – the amendment was related to a site at Tai Wan To near Hung Shing Ye Beach (about 1.11 hectares) reserved for a possible primary cum secondary school, indoor recreation centre and community hall development, which was no longer required as advised by the Education and Manpower Bureau, Leisure and Cultural Services Department and Islands District Office. The site was also not required for the provision of other government, institution and community uses. It was proposed to rezone the subject site from “Government, Institution or Community (3)” to “Green Belt” to reflect the existing natural character of the site; and
- (b) departmental comments – no adverse comments from the concerned Government departments and bureaux were received.

7. Members had no question on the proposed amendment.

### Deliberation Session

8. After deliberation, the Committee decided to agree :

- (a) to the proposed amendment to the draft Lamma Island Outline Zoning Plan (OZP) No. S/I-LI/6 and its Notes and Explanatory Statement (ES) as detailed in paragraph 4 of the Paper;
- (b) that the draft amendment plan No. S/I-LI/6A (to be renumbered to S/I-LI/7) at Annex II and the Notes at Annex III of the Paper were suitable for exhibition for public inspection under section 7 of the pre-amended Town Planning Ordinance;

- (c) that the updated ES at Annex IV of the Paper be adopted as an expression of the planning intentions and objectives of the Town Planning Board for various land use zonings on the OZP and issued under the name of the Town Planning Board; and
- (d) that the updated ES at Annex IV of the Paper was suitable for exhibition for public inspection together with the draft OZP and its Notes.

#### **Agenda Item 4**

[Open Meeting (whole agenda item)]

Proposed Amendments to the

Draft Peng Chau Outline Zoning Plan No. S/I-PC/6

(RNTPC Paper No. 41/05)

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#### **Presentation and Question Session**

9. Ms. Donna Tam, STP/L&I, presented the proposed amendments and covered the following aspects as detailed in the Paper:

- (a) background to the proposed amendments to the draft Outline Zoning Plan – the amendments were related to a school site of about 0.78 hectare near Tai Lung Tsuen and a proposed emergency vehicular access (EVA) of about 0.13 hectare serving the site. The school site was no longer required as advised by the Education and Manpower Bureau, and was also not required for the provision of other government, institution and community uses. It was proposed to rezone the school site and EVA from “Government, Institution or Community (1)” and “Pedestrian Street” respectively to “Green Belt” to preserve the existing green landscape; and
- (b) departmental comments – the proposed amendments were circulated to and agreed by the relevant Government departments.

10. Members had no question on the proposed amendments.

#### Deliberation Session

11. After deliberation, the Committee decided to agree :

- (a) to the proposed amendments to the draft Peng Chau Outline Zoning Plan (OZP) No. S/I-PC/6 and the Explanatory Statement (ES) as detailed in paragraph 4 of the Paper;
- (b) that the draft amendment plan No. S/I-PC/6A (to be renumbered to S/I-PC/7) at Annex II and the revised Notes at Annex III of the Paper were suitable for exhibition for public inspection under section 7 of the pre-amended Town Planning Ordinance;
- (c) that the updated ES at Annex IV of the Paper should be adopted as an expression of the planning intention and objectives of the Town Planning Board for various land use zonings on the OZP and issued under the name of the Town Planning Board; and
- (d) that the updated ES at Annex IV of the Paper was suitable for exhibition for public inspection together with the draft OZP and its Notes.

[The Chairman thanked Miss Helen L.M. So, STP/L&Is, and Ms. Donna Y.P. Tam, STP/L&Is, for their attendance to answer Members' enquiries. Miss So and Ms. Tam left the meeting at this point.]





aspects as detailed in the Papers:

- (a) background to the applications;
- (b) the proposed houses (NTEHs) (Small Houses);
- (c) departmental comments – highlighting that the Water Supplies Department and Environmental Protection Department did not support the applications as the application sites were located within the water gathering grounds (WGGs) and would not be served by the planned sewerage system;
- (d) no public comment and no local objection were received; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the applications as the proposed developments fell within the upper indirect WGGs and were not able to be connected to the existing or planned sewerage system in the area. Hence, they did not comply with the interim criteria for assessing planning application for NTEH/Small House development. There was insufficient information in the submissions to demonstrate that the proposed developments would not cause adverse impact on the water quality in the area.

14. Members had the following questions on the application:

- (a) whether there was any difference between the proposed developments and the approved similar applications in the area; and
- (b) the reasons why planning permission had been given to the similar Applications No. A/NE-KLH/328 and A/NE-KLH/341 after the promulgation of the revised interim criteria on 23.8.2002.

15. Mr. W.K. Hui, DPO/TPN, made the following main points:

- (a) the interim criteria revised on 23.8.2002 had incorporated a criterion that any proposed Small House development, if located within the WGGs, should be able to be connected to the existing or planned sewerage system in the area. Most of the similar applications shown in Plan A-1 of the Paper were approved before the promulgation of the revised interim criteria; and
- (b) Applications No. A/NE-KLH/328 and A/NE-KLH/341 were approved despite non-compliance with the revised interim criteria as these application sites were infill developments with previous planning approvals but had lapsed. However, there were no previous planning approvals for the subject applications.

[Mr. Alex C.W. Lui arrived to join the meeting at this point.]

#### Deliberation Session

16. Mr. Elvis W.K. Au said that the proposed developments would not be served by the planned sewerage system in the area. Hence, there was grave concern on approving the proposed developments in view of the adverse water quality impact on the WGGs. Should the applications be approved, it would set undesirable precedent and open a floodgate in the WGGs.

[Dr. Lily Chiang arrived to join the meeting at this point.]

17. Members had the following views on the application:

- (a) while the applications might be considered as infill developments, the concern on the adverse water quality impact on the WGGs was a valid one. The proposed developments were considered not acceptable as they were not able to be connected to the existing or planned sewerage system in the area;
- (b) approval of the applications would set undesirable precedents for similar

applications for Small House development which could not be connected to the sewerage system. The cumulative impact of approving such applications would result in a general degradation of the environment; and

- (c) sympathetic consideration might only be given to the applications with previous planning approvals.

18. After deliberation, the Committee decided to reject Applications No. A/NE-KLH/343 and A/NE-KLH/344, and each for the reason that the proposed development did not comply with the Interim Criteria for assessing planning application for New Territories Exempted House/Small House development in that the application site fell within the Water Supplies Department's upper indirect water gathering grounds (WGGs) and was not able to be connected to the existing or planned sewerage system in the area. There was insufficient information in the submission to demonstrate that the proposed development located within the WGGs would not cause adverse impact on the water quality in the area.

[Open Meeting (Presentation and Question Session only)]

- (iii) A/NE-LT/347 Proposed House  
(New Territories Exempted House) (NTEH) (Small House)  
in "Agriculture" zone,  
Lots 842B and 843E in DD 10,  
Chai Kek Village, Lam Tsuen,  
Tai Po  
(RNTPC Paper No. A/NE-LT/347)
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#### Presentation and Question Session

19. Miss Alice Liu, STP/TPN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;

- (b) the proposed house (NTEH) (Small House);
- (c) departmental comments – highlighting that the Agriculture, Fisheries and Conservation Department did not favour the application as there were agricultural activities in and near the application site. The Water Supplies Department and Environmental Protection Department did not support the application as the application site was located within the water gathering grounds (WGGs) and would not be served by the planned sewerage system;
- (d) no public comment and no local objection were received; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for the reasons detailed in paragraph 11.1 of the Paper in that the proposed development was not in line with the planning intention of the “Agriculture” zone. The proposed development fell within the upper indirect WGGs and was not able to be connected to the existing or planned sewerage system in the area, and hence it did not comply with the interim criteria for assessing planning application for NTEH/Small House development.

20. Members had no question on the application.

### Deliberation Session

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

- (a) the application was not in line with the planning intention of the “Agriculture” zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong

justifications had been provided in the submission for a departure from the planning intention; and

- (b) the proposed development did not comply with the Interim Criteria for assessing planning application for New Territories Exempted House/Small House development in that the application site fell within the Water Supplies Department's upper indirect water gathering grounds (WGGs) and was not able to be connected to existing or planned sewerage system in the area. There was insufficient information in the submission to demonstrate that the proposed development located within the WGGs would not cause adverse impact on the water quality in the area.

[Open Meeting (Presentation and Question Session only)]

- (iv) A/NE-TK/197 Proposed House  
(New Territories Exempted House) (NTEH) (Small House)  
in "Green Belt" and "Village Type Development" zones,  
Lot 1471 in DD 17,  
Lo Tsz Tin Village, Ting Kok,  
Tai Po  

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(RNTPC Paper No. A/NE-TK/197)

#### Presentation and Question Session

22. Miss Alice Liu, STP/TPN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed house (NTEH) (Small House);
- (c) departmental comments – no adverse comments from the concerned Government departments were received;

- (d) no public comment and no local objection were received; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons detailed in paragraph 12.1 of the Paper in that the proposed development was not incompatible with the surrounding developments which were predominantly rural in character and generally complied with the interim criteria for assessing planning application for NTEH/Small House development.

23. Members had no question on the application.

#### Deliberation Session

24. 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 9.12.2009, 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 landscape proposals to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the submission and provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (c) the provision of an emergency vehicular access with street fire hydrants/incorporation of residential sprinkler system to the satisfaction of the Director of Fire Services or of the Town Planning Board.

25. The Committee also agreed to advise the applicant that :

- (a) the applicant should assess the need to extend his inside services to the nearest Government water mains for connection, and to sort out the land





- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons detailed in paragraph 12.1 of the Paper in that the proposed development was considered compatible with the surrounding environment and generally complied with the interim criteria for assessing planning application for NTEH/Small House development.

27. Members had no question on the application.

#### Deliberation Session

28. 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 9.12.2009, 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 drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (b) the provision of an emergency vehicular access with street fire hydrants/incorporation of residential sprinkler system to the satisfaction of the Director of Fire Services or of the Town Planning Board.

29. The Committee also agreed to advise the applicant that:

- (a) the 'Code of Practice on Working near Electricity Supply Lines' should be observed when carrying out works in the vicinity of electricity supply lines. Prior to establishing any structure within the application site, the applicant should consult CLP Power Hong Kong Ltd. to divert the existing low voltage underground cables away from the vicinity of the proposed Small House development;
- (b) the applicant might need to extend his 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; and

- (c) water mains in the vicinity of the application site could not provide the standard fire-fighting flow.

[Open Meeting (Presentation and Question Session only)]

- (vi) A/NE-LYT/313 Temporary Residential Institution and Training Centre  
(Youth Hostel)  
for a Period of 3 Years  
in "Residential (Group C)" and "Agriculture" zones,  
Various Lots in DD 83,  
Ma Liu Shui San Tsuen,  
Fanling  
(RNTPC Paper No. A/NE-LYT/313)
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#### Presentation and Question Session

30. Miss Alice Liu, STP/TPN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the temporary residential institution and training centre;
- (c) departmental comments – the Transport Department did not support the application as the applicant had not provided information on traffic flow. Other concerned Government departments had no adverse comments on the application;

- (d) one public comment was received objecting to the application on the grounds that the area was within an indigenous village, the roads were narrow and private roads, and the villagers and village representatives raised objections to the proposed development. Objections from two village representatives were received by the North District Office on traffic ground; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for the reasons detailed in paragraph 9.1 of the Paper in that the proposed plot ratio and building height exceeded those stipulated under the “Residential (Group C)” (“R(C)”) zone, and no technical assessments/proposals were submitted to demonstrate that the proposed development would not generate adverse traffic impact on the surrounding area.

31. Members had the following questions on the application:

- (a) whether the proposed youth hostel development would result in significantly more traffic, given that there was also traffic generated by the existing temporary workshop use;
- (b) whether the application involved only conversion of the existing workshop buildings for the proposed use, and why the proposed plot ratio of 0.22 and building height of 7.35 metres were considered not acceptable;
- (c) whether there was any information in the submission on the number of persons accommodated within the proposed development; and
- (d) whether there were any similar applications for the proposed uses in the area.

32. In response, Mr. W.K. Hui, DPO/TPN, made the following points:

- (a) the Transport Department (TD) did not support the application as the applicant had not provided the necessary information to address the TD's concern on the potential traffic impact generated by the proposed development;
- (b) the applicant proposed to convert part of the existing workshop buildings to youth hostel purpose, and part of the existing structures would be demolished. The gross floor area (GFA) of the structures would reduce from the existing 5,220m<sup>2</sup> to 3,812m<sup>2</sup>. This would be equivalent to a plot ratio of about 0.22. The height of the existing structure was 7.35 metres. The subject site was predominantly zoned "R(C)" and partly zoned "Agriculture" ("AGR"). The applicant could apply for the proposed development on a permanent basis under Column 2 of the Notes for the "R(C)" zone. However, the applicant only sought temporary planning approval as there was no provision for youth hostel on a permanent basis under the "AGR" zone. According to the Notes for the "R(C)" zone, any development was subject to a maximum plot ratio of 0.2 and maximum building height of 2 storeys and 6 metres or the plot ratio and building height of the building which was in existence on the date of the first publication in the Gazette of the notice of the Lung Yeuk Tau and Kwan Tei South interim development permission area (IDPA) plan, whichever was the greater. Since the workshop structures were erected after the exhibition of IDPA Plan, the plot ratio and building height of the proposed development would exceed those stipulated under the "R(C)" zone. The applicant had been informed of the need to apply for minor relaxation of the stipulated restrictions, but he had not submitted any further information;
- (c) the applicant had not provided information on the number of persons to be accommodated in the proposed development. However, it was noted that 142 hostel rooms would be provided in the proposed development; and
- (d) there were no similar applications within the "R(C)" zone in the vicinity of

the application site.

### Deliberation Session

33. Mr. Francis Ng opined that in view of the nature and scale of the development and should the application be approved, it would be better from the land administration point of view to grant approval on a permanent basis. The Chairman said that there was no provision for permanent approval for the proposed development within the “AGR” zone. The Lands Department could consider the matter separately if Members agreed to approve the case.

34. A Member said that the application was not acceptable as it had not addressed the traffic concern raised by the TD. There was no policy support for the proposed development and the site was not really a suitable one for youth hostel development.

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

- (a) the proposed plot ratio and building height exceeded those stipulated under the “Residential (Group C)” zone and no justification was provided; and
- (b) the development under application might increase traffic flow in the area and no technical assessments/proposals had been submitted to demonstrate that the subject development would not generate adverse traffic impact on the surrounding areas.

[Open Meeting (Presentation and Question Session only)]

- (vii)        A/NE-LYT/314        Temporary Open Parking and  
Storage of Container Trailers, Lorries,  
Excavators and Construction Materials  
for a Period of 3 Years  
in “Agriculture” and “Residential (Group C)” zones,  
Lots 1025, 1027, 1028, 1029RP in DD 83,  
Lung Yeuk Tau,  
Fanling  

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(RNTPC Paper No. A/NE-LYT/314)

Presentation and Question Session

36.        Miss Alice Liu, STP/TPN, presented the application and covered the following aspects as detailed in the Paper.

- (a)    background to the application;
- (b)    the temporary open parking and storage of container trailers, lorries, excavators and construction materials;
- (c)    departmental comments – the Environmental Protection Department did not support the application as the development would generate dust and noise nuisances to the nearby village houses. The Lands Department had strong reservation on the application as the application site would be affected by a public drainage project. The Transport Department had reservation on the application in view of the concern on the access arrangement. Other concerned Government departments had no adverse comments on the application;
- (d)    one public comment was received objecting to the application on the grounds that the development would cause noise nuisance and environmental pollution, impose traffic burden on Sha Tau Kok Road, and

block the nearby stream by improper storage of construction materials; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for the reasons detailed in paragraph 12.2 of the Paper in that the site was within Category 3 and 4 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses, and there was no previous planning approval granted to the application site. Moreover, there was no technical submission to demonstrate that the development would not generate adverse drainage, traffic and environmental impacts on the surrounding area. Hence, the development did not comply with the Guidelines.

37. Members had no question on the application.

#### Deliberation Session

38. After deliberation, the Committee decided to reject the application and the reason was that the development under application did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that no previous planning approval had been given to the application site and there were no technical assessments/proposals submitted to demonstrate that the development would not generate adverse traffic, drainage and environmental impacts on the surrounding areas.

[Open Meeting (Presentation and Question Session only)]

- (viii)        A/NE-TKL/277        Temporary Open Storage of Construction Materials  
for a Period of 3 Years  
in “Agriculture” and “Village Type Development” zones,  
Lots 1507BRP(Part), 2022BRP(Part), 2036(Part),  
2037-2039, 2040(Part), 2041(Part) and 2042(Part) in DD 76  
and Adjoining Government Land,  
Leng Tsai, Sha Tau Kok Road,  
Fanling  
(RNTPC Paper No. A/NE-TKL/277)
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Presentation and Question Session

39.        Miss Alice Liu, STP/TPN, presented the application and covered the following aspects as detailed in the Paper:

- (a)        background to the application – majority of the application site was the subject of three previously approved applications for the same use and the applicant had complied with the approval conditions on the peripheral fencing, drainage and landscape aspects;
- (b)        the temporary open storage of construction materials under application;
- (c)        departmental comments – the Agriculture, Fisheries and Conservation Department did not favour the application from agricultural development point of view. Other concerned Government departments had no adverse comments on the application;
- (d)        two locals had no adverse comments on the application but they hoped the Government could monitor the issue of licence efficiently so that there would not be any storage of unauthorized items causing environmental pollution. Another public comment stating no adverse comment on the application and no objection from the residents was received; and



- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years for the reasons detailed in paragraph 12.2 of the Paper in that the applicant had demonstrated genuine effort in complying with the approval conditions of the previous planning applications.

40. Members had no question on the application.

#### Deliberation Session

41. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 9.12.2008, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) no night-time operation between 11:00 p.m. and 7:00 a.m. should be carried out at the application site during the planning approval period;
- (b) the peripheral fencing and paving of the application site should be maintained at all times during the planning approval period;
- (c) the existing vegetation on site should be maintained at all times during the planning approval period;
- (d) the submission of proposals for vehicular access, parking and loading/unloading spaces within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 9.6.2006;
- (e) in relation to (d) above, the implementation of proposals for vehicular access, parking and loading/unloading spaces within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 9.9.2006;

- (f) if any of the above planning conditions (a), (b) or (c) was not complied with at any time during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (g) if any of the above planning conditions (d) and (e) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

42. The Committee also agreed to advise the applicant that :

- (a) the owners of the subject lot should apply to the District Lands Office/North, Lands Department for a short term waiver and a short term tenancy for the regularization of the structures erected on the lots and the occupation of Government land respectively; and
- (b) relevant mitigation measures specified in the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' published by the Environmental Protection Department should be adopted to minimize any possible environmental impacts.

[The Chairman thanked Mr. W.K. Hui, DPO/TPN, and Miss Alice Liu, STP/TPN, for their attendance to answer Members' enquiries. Mr. Hui and Miss Liu 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 Session only)]

- (i)           A/YL-HT/423           Proposed Temporary Open Storage of Brand New Vehicles  
(including Container Tractor and Coach)  
for a Period of 3 Years  
in “Residential (Group D)” and “Recreation” zones,  
Lots 4(Part), 5(Part), 6(Part), 7(Part) in DD 124  
and Lot 1498BRP(Part) in DD 125  
and Adjoining Government Land,  
Ha Tsuen,  
Yuen Long  
(RNTPC Paper No. A/YL-HT/423)
- 

### **Presentation and Question Session**

43.           Mr. Wilson W.S. Chan, STP/TMYL, informed the Committee that the draft Ha Tsuen Outline Zoning Plan No. S/YL-HT/7 was gazetted on 9.12.2005 and the zonings of the application site remained unchanged. There were 5 instead of 6 similar applications within the “Residential (Group D)” (“R(D)”) zone along San Wai Road as mentioned in paragraph 7.1 of the Paper.

44.           Mr. Wilson W.S. Chan then 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 brand new vehicles (including container tractor and coach);
- (c) departmental comments – highlighting that the Environmental Protection Department did not support the application as the proposed development

would cause noise nuisance to the nearby sensitive receivers. The Commissioner of Police considered that the existing transport infrastructure in the Ha Tsuen area was not sufficient to cater for the increase in traffic generated by the development, in particular from heavy good vehicles and container trucks. The Transport Department raised concern that approval of the application would set an undesirable precedent for similar applications in the surrounding areas. The Drainage Services Department considered that a proper drainage system should be proposed, provided and maintained;

- (d) no public comment and no local objection were received; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for the reasons detailed in paragraph 12.2 of the Paper in that the development was not in line with the planning intention of the “R(D)” zone. There were adverse comments from the relevant Government departments consulted and there was insufficient information in the submission to demonstrate that the development would not generate adverse environmental, traffic and drainage impacts on the surrounding area, and hence the development did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses. Moreover, approval of the application would set an undesirable precedent.

45. Members had no question on the application.

#### Deliberation Session

46. The Chairman remarked that the Committee had previously approved some similar applications for temporary open storage/port back-up uses in the area zoned “Recreation” (“REC”) along San Wai Road, but no similar applications were approved in the area to the further south of San Wai Road.

47. In response to the Chairman's enquiry, Mr. Wilson Y.L. So, DPO/TMYL,

referred to Plan A-1a of the Paper and said that there were similar applications for temporary open storage/port back-up uses to the further south of San Wai Road but they were all rejected by the Committee.

48. In response to a Member's enquiry on the difference between the subject application and some recently approved similar applications in the vicinity of the application site, Mr. Wilson Y.L. So said that the sites under Applications No. A/YL-HT/371 and A/YL-HT/417 were zoned "REC". They were directly abutting on San Wai Road. However, the current application was further away from San Wai Road. Moreover, PlanD did not support the application because the development was not in line with the planning intention of the "R(D)" zone and there was concern on the traffic noise nuisance on the nearby sensitive receivers.

49. The Chairman said that the Committee had adopted a pragmatic approach in the consideration of applications for open storage uses in the area. Planning permission might be given to the open storage uses along San Wai Road as the area along the road was predominantly occupied by open storage uses. Applications for open storage uses in the area further away from San Wai Road were usually rejected by the Committee due to traffic and environmental concerns.

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

- (a) the development was not in line with the planning intention of the "Residential (Group D)" ("R(D)") zone which was intended primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings and for low-rise, low-density residential developments subject to planning permission from the Town Planning Board. No strong justification had been given in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the development was not in line with the Town Planning Board Guidelines

for Application for Open Storages and Port Back-up Uses in that there were adverse departmental comments and there was insufficient information in the submission to demonstrate that the development would not have adverse environmental, traffic and drainage impacts on the surrounding area; and

- (c) the approval of the application would set an undesirable precedent for similar applications within “R(D)” zone. The cumulative impact of approving such applications would result in a general degradation of the environment.

[Open Meeting (Presentation and Question Session only)]

- (ii) A/YL-HT/424 Temporary Open Storage of Used Family Electrical Appliances for a Period of 3 Years in “Comprehensive Development Area” zone, Lot 3212RP(Part) in DD 129, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/424)
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Presentation and Question Session

51. Mr. Wilson W.S. Chan, STP/TMYL, informed the Committee that the draft Ha Tsuen Outline Zoning Plan No. S/YL-HT/7 was gazetted on 9.12.2005 and the zoning of the application site remained unchanged.

52. Mr. Wilson W.S. Chan then presented the application and covered the following aspects as detailed in the Paper.

- (a) background to the application;

- (b) the temporary open storage of used family electrical appliances;
- (c) departmental comments – highlighting that the Environmental Protection Department did not support the application as the development would cause operational and traffic noise nuisances to the nearby sensitive receivers and any breakage of television/computer monitors during loading/unloading/piling might cause soil and water pollution. The Commissioner of Police considered that the existing transport infrastructure in the Ha Tsuen area was not sufficient to cater for the increase in traffic generated by the development, in particular from heavy good vehicles and container trucks. The Drainage Services Department considered that re-submission of drainage proposals was required;
- (d) no public comment and no local objection were received; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for the reasons detailed in paragraph 12.2 of the Paper in that there were adverse comments from the relevant Government departments consulted and there was insufficient information in the submission to demonstrate that the development would not generate adverse environmental, traffic and drainage impacts on the surrounding area, and hence the development did not comply with the Town Planning Board (TPB) Guidelines for Application for Open Storage and Port Back-up Uses.

53. Members had the following questions on the application:

- (a) whether there was any special consideration for this application as the site fell within Category 1 areas under the relevant TPB Guidelines; and
- (b) whether the processing activities associated with the two compressors existed within the application site were included in the application.

54. In response, Mr. Wilson Y.L. So, DPO/TMYL, made the following points:

- (a) the application site was zoned “Comprehensive Development Area” and fell within Category 1 areas. Suitable temporary uses could be considered in the interim before permanent development took place. According to the TPB Guidelines No. 13D, favourable consideration would normally be given to applications within Category 1 areas subject to no major adverse departmental comments and local objections. There were however adverse departmental comments on this application. It should also be noted that the previously approved application (No. A/YL-HT/207) was for open storage of new vehicles, but the current application would store used family electrical appliances; and
- (b) no processing activities involving compressors were included in the application.

#### Deliberation Session

55. A Member asked whether the processing activities associated with the two existing compressors would be a major concern in the consideration of the application. Mr. Wilson Y.L. So said that the application was not supported by the Environmental Protection Department as there was concern that the development would cause operational and traffic noise nuisances to the sensitive receivers located in the vicinity as detailed in paragraph 10.1.3 of the Paper.

56. A Member opined that the development was considered unacceptable in view of the environmental concerns. This Member also opined that the storage of used electrical and electronic appliances had become a major international problem, and Hong Kong would need to come to grip with the problem quickly.

57. After deliberation, the Committee decided to reject the application and the reason was that the development was not in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that there were major adverse



comments from the Government departments and there was insufficient information in the submission to demonstrate that the development would not have adverse environmental, traffic and drainage impacts on the surrounding areas.

[Mr. Elvis W.K. Au left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Session only)]

- (iii)           A/YL-NTM/188       Renewal of Planning Approval for  
Temporary Open Storage of Landscaping Materials  
under Application No. A/YL-NTM/135  
for a Period of 3 Years  
in “Green Belt” zone,  
Lot 882(Part) in DD 105,  
Shek Wu Wai San Tsuen, Ngau Tam Mei,  
Yuen Long  
(RNTPC Paper No. A/YL-NTM/188)
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#### Presentation and Question Session

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 – the application was for renewal of a previous planning permission granted on 3.1.2003, and the applicant had complied with all the approval conditions;
- (b) the temporary open storage of landscaping materials;
- (c) departmental comments – the Agriculture, Fisheries and Conservation Department did not favour the application from agricultural development point of view. Other concerned Government departments had no adverse comments on the application;

- (d) no public comment and no local objection were received; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for a period of 2 years for the reasons detailed in paragraph 12.3 of the Paper in that no significant impacts were envisaged in view of the small scale of the development and the nature of the materials stored on site. A shorter approval period of 2 years was proposed to allow time for the applicant to relocate his business to other suitable locations.

59. Members had no question on the application.

#### Deliberation Session

60. In response to the Chairman and a Member's enquiries, Mr. Wilson Y.L. So, DPO/TMYL, made the following points:

- (a) a shorter approval period of 2 years was proposed with reference to the Town Planning Board (TPB) Guidelines No. 13D for Application for Open Storage and Port Back-up Uses, which specified that for Category 4 areas, a maximum period of 2 years might be allowed upon renewal of planning permission for an applicant to identify a suitable site for relocation; and
- (b) the application site was currently vacant and the open storage of construction materials, monitors under canvas and scrap materials as showed in Plans A-2 and A-4 of the Paper was found outside the application site. An approval condition was recommended to be imposed to prohibit storage of such materials within the application site.

61. Members had the following views on the application:

- (a) as the application site was zoned "Green Belt", granting a shorter approval period of 1 year should be considered; and

- (b) without proper fencing, there might be a possibility for abuse. The other identified open storage uses might spread to the application site. It was considered desirable to impose an appropriate condition on the provision of peripheral fencing.

62. The Chairman said that with the recent promulgation of TPB Guidelines No. 13D, it might be more appropriate to allow a period of 2 years. Other similar renewal applications had also been granted with such period of approval.

[Mr. C.K. Wong arrived to join the meeting at this point.]

63. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years up to 9.12.2007, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) only storage of landscaping materials was allowed to be stored on site and no storage of other materials including used computer parts, used television sets and computer monitors was permitted at the application site at any time during the planning approval period;
- (b) the landscape planting on the application site should be maintained at all times during the planning approval period;
- (c) the drainage facilities on the application site should be maintained at all times during the planning approval period;
- (d) the provision of the peripheral fencing for the application site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 9.6.2006;
- (e) if any of the above planning conditions (a), (b) or (c) was not complied with at any time during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately

without further notice;

- (f) if the above planning condition (d) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (g) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

64. The Committee also agreed to advise the applicant:

- (a) that a shorter approval period of 2 years was granted to allow the applicant to identify suitable sites for relocation;
- (b) to apply to the District Lands Officer/Yuen Long, Lands Department for a short term waiver for erection of structures on the application site and a short term tenancy for occupation of Government Land;
- (c) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department to clarify the land status and management/maintenance responsibilities of the access road leading to the application site and to consult the relevant lands/maintenance authorities;
- (d) to provide a set of record photographs to the Chief Engineer/Mainland North, Drainage Services Department showing the finalized drainage implementation works with corresponding photograph locations marked clearly on the approved drainage plan and also be fully responsible for the proper maintenance of the drainage facilities on site;
- (e) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) to make use of the applicant's private sump and pump system to effect adequate water supply to the development.

The applicant should be responsible for the construction, operation and maintenance to the WSD's standards of any private water supply to the development;

- (f) to submit the updated as-planted plan to the Chief Town Planner/Urban Design and Landscape, Planning Department for record purpose;
- (g) to note the comments of the Director of Environmental Protection to take note and observe the Waste Disposal Ordinance; and
- (h) to comply with the environmental mitigation measures recommended in the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the possible environmental nuisance.

[Open Meeting (Presentation and Question Session only)]

- (iv) A/YL-NTM/189 Temporary Warehouse for Construction Equipment and Appliances for a Period of 3 Years in "Recreation" zone, Lot 284(Part) in DD 104, Ngau Tam Mei, Yuen Long  

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(RNTPC Paper No. A/YL-NTM/189)

Presentation and Question Session

65. 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 temporary warehouse for construction equipment and appliances;
- (c) departmental comments – the Transport Department and Highways Department considered that the access arrangement should be clarified or sorted out. The Drainage Services Department advised that proper drainage facilities should be provided. Other concerned Government departments had no adverse comments on the application;
- (d) no public comment and no local objection were received; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for the reasons detailed in paragraph 11.1 of the Paper in that the development was not in line with the planning intention of the “Recreation” zone; the development was not compatible with the residential dwellings and village settlements in the surrounding area; there was insufficient information in the submission to demonstrate that the development would not generate adverse traffic and drainage impacts on the surrounding area; and approval of the application would set an undesirable precedent.

66. Members had no question on the application.

#### Deliberation Session

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

- (a) the proposal was not in line with the planning intention of the “Recreation” (“REC”) zone, which was intended primarily for recreational developments for the use of the general public. No strong justification had been given in the submission for a departure from such planning intention, even on temporary basis;

- (b) the proposed development was not compatible with the residential dwellings and village settlements in the surrounding area;
- (c) there was insufficient information in the submission to demonstrate that the proposed development would not have adverse traffic and drainage impacts on the surrounding areas; and
- (d) approval of the application would set an undesirable precedent for applications for other developments within the “REC” zone, the cumulative effect of which would result in a general degradation of the environment of the “REC” zone.

[Dr. Lily Chiang left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Session only)]

- (v) A/YL-NTM/190 Proposed Temporary Container Vehicle Park with Ancillary Canteen and Site Office for a Period of 3 Years in “Open Storage” and “Green Belt” zones, Lots 2233, 2234(Part), 2235(Part), 2236, 2237, 2238, 2239, 2240, 2241, 2242(Part), 2243(Part), 2245(Part), 2300, 2301, 2302(Part), 2324(Part), 2325(Part) and 2326(Part) in DD 102, and Adjoining Government Land, Ngau Tam Mei, Yuen Long  
(RNTPC Paper No. A/YL-NTM/190)
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#### Presentation and Question Session

68. Mr. Wilson W.S. Chan, STP/TMYL, informed the Committee that the site layout was at Drawing A-2 instead of Drawing A-1 as mentioned in paragraph 1.2 of the Paper and

the number of the approved applications as mentioned in line 5 of paragraph 7 of the Paper should be 42.

69. Mr. Wilson W.S. Chan then presented the application and covered the following aspects as detailed in the Paper.

- (a) background to the application;
- (b) the temporary container vehicle park with ancillary canteen and site office – highlighting that the fish ponds in the “Green Belt” (“GB”) portion of the application site were filled around 1997 for container vehicle park use without planning permission;
- (c) departmental comments – highlighting that the Agriculture, Fisheries and Conservation Department was not in favour of the application from the agricultural and aquacultural points of view as there were active fish farming and agricultural activities nearby. The Environmental Protection Department considered that the proposed use was environmentally undesirable in view of the generated traffic noise nuisance on the nearby sensitive receivers. The Drainage Services Department advised that part of the application site would be resumed for a drainage works project scheduled to be commenced by end 2006 and considered that pond filling, without drainage impact assessment and necessary mitigation measures implemented, was not supported;
- (d) one public comment was received objecting to the application on the grounds of noise nuisance and dust impact generated from the movement of heavy vehicles and delivery of goods on the nearby residents; and

[Mr. Elvis W.K. Au returned to join the meeting at this point.]

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for the reasons detailed in paragraph 12.2 of the Paper in that the development was not in line with the planning intention of the “GB”



zone which covered more than half of the site; there was insufficient information in the submission to demonstrate that the development would not generate adverse environmental and drainage impacts on the surrounding area; and approval of the application would set an undesirable precedent for similar applications within the “GB” zone.

70. Members had no question on the application.

#### Deliberation Session

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

- (a) more than half of the site encroached onto the “Green Belt” (“GB”) zone. The temporary container trailer/tractor park was not in line with the planning intention of the “GB” zone which was to define the limits of urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. There was no strong justification in the submission to merit for a departure from such planning intention, even on a temporary basis;
- (b) there was insufficient information in the submission to demonstrate that the development would not have adverse environmental and drainage impacts on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the “GB” zone, the cumulative effects of which would result in a further degradation of the rural character of the area.

[Open Meeting (Presentation and Question Session only)]

- (vi) A/YL-PS/233 Temporary Open Storage of  
Construction Machinery and Materials  
for a Period of 3 Years  
in “Undetermined” zone, Lots 665RP, 676RP,  
677RP, 678RP, 679RP, 680RP, 681, 682, 683,  
687, 688 and 689 in DD 122,  
Ping Shan,  
Yuen Long  
(RNTPC Paper No. A/YL-PS/233)
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### Presentation and Question Session

72. 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 – part or whole of the application site was the subject of eight previously rejected applications for similar open storage uses submitted by different applicants;
- (b) the temporary open storage of construction machinery and materials;
- (c) departmental comments – the Environmental Protection Department did not support the application as the development would cause air, dust and noise nuisances to the nearby sensitive receivers. The Drainage Services Department considered that the submitted drainage impact assessment was unsatisfactory. The Transport Department considered that the access arrangement should be sorted out first. Other concerned Government departments had no adverse comments on the application;
- (d) two public comments was received. One of them commented that the development would adversely affect the environment and natural landscape. The other, who was the new owner of part of the application

site, objected to the application on the grounds of not being informed of the application and no plan to change the use of his lot; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for the reasons detailed in paragraph 12.2 of the Paper in that the development was not compatible with the nearby residential dwellings. There was insufficient information in the submission to demonstrate that the development would not generate adverse drainage and environmental impacts on the surrounding area, and adverse departmental comments and local objection were received. Hence, the development did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses.

73. A Member asked whether the applicant had notified the new owner of part of the application site. The Chairman said that the applicant had taken reasonable steps to inform the current land owners by ways of publishing the application in local newspapers and posting a notice of the application on the application site. That might be the reason why the new owner became aware of the application and raised objection to it.

#### Deliberation Session

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

- (a) the development was not compatible with the residential dwellings in the immediate vicinity of the application site; and
- (b) the application was not in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that insufficient information had been submitted to demonstrate that the use would not generate adverse drainage and environmental impacts on the surrounding areas, and adverse departmental comments and local objection were received.

[Open Meeting (Presentation and Question Session only)]

- (vii)           A/YL-ST/294           Temporary Public Car Park with  
Ancillary Office and Staff Canteen  
for a Period of 3 Years  
in “Village Type Development” zone,  
Lots 673A, 673B, 673C, 673D,  
673RP and 674RP(Part) in DD 99,  
Lots 3054(Part), 3055A(Part), 3055E(Part),  
3055RP(Part) and 3064(Part) in DD 102,  
and Adjoining Government Land,  
San Tin,  
Yuen Long  
(RNTPC Paper No. A/YL-ST/294)
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Presentation and Question Session

75.           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 temporary public car park with ancillary office and staff canteen;
- (c) departmental comments – highlighting that the Lands Department did not support the application as the development would jeopardize the proposed Small House developments within the application site. There were six lots with Small House applications being processed or approved by the Lands Department. The Drainage Services Department was of the view that revision of the submitted drainage proposal was required;
- (d) no public comment and no local objection were received; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the

application for the reasons detailed in paragraph 12.2 of the Paper in that the development was not in line with the planning intention of the “Village Type Development” zone and there was insufficient information in the submission to demonstrate that the development would have no adverse drainage impacts on the surrounding areas.

76. Members had no question on the application.

#### Deliberation Session

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

- (a) the development was not in line with the planning intention of the “Village Type Development” zone which was to designate both existing recognized villages and areas of land considered suitable for village expansion. As there was a programme for Small House development within the application site, there was insufficient justification in the submission for a departure from such planning intention; and
- (b) there was insufficient information in the submission to demonstrate that the development would not have adverse drainage impact on the surrounding areas.

[Dr. Lily Chiang returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Session only)]

- (viii)        A/YL-TT/188        Temporary Private Swimming Pool  
for a Period of 3 Years  
in “Village Type Development” zone,  
Lots 3314A and 3314RP in DD 120,  
Sham Chung Tsuen,  
Yuen Long  
(RNTPC Paper No. A/YL-TT/188)
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Presentation and Question Session

78.            Mr. Wilson W.S. Chan, STP/TMYL, informed the Committee that the draft Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/12 was gazetted on 9.12.2005 and the zoning of the application site remained unchanged.

79.            Mr. Wilson W.S. Chan then presented the application and covered the following aspects as detailed in the Paper.

- (a)    background to the application – the application site was the subject of two previously approved applications for the same use;
- (b)    the temporary private swimming pool;
- (c)    departmental comments – no adverse comments from the concerned Government departments were received;
- (d)    one public comment was received objecting to the application on the ground of the villagers’ concerns on the drainage, environmental, hygiene and mosquito problems arising from the development; and
- (e)    the Planning Department (PlanD)’s views – PlanD had no objection to the application for the reasons detailed in paragraph 11.1 of the Paper in that the size and scale of the development was not substantial and it would not

adversely affect the village character of the area. Regarding the local concerns on drainage, environmental, hygiene and mosquito problems, relevant Government departments consulted had no adverse comments on the application.

80. In response to a Member's enquiry, Mr. Wilson Y.L. So, DPO/TMYL, said that the subject site was zoned "Village Type Development" ("V") and private swimming pool was neither under Column 1 nor Column 2 uses of the Notes for the "V" zone. Therefore, the applicant could only apply for the use for a period of 3 years based on the relevant provision in the Covering Notes of the OZP. The application site, which was privately owned, might be used for Small House developments in the future and the application site was included in calculating the supply of land for Small House developments.

#### Deliberation Session

81. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 9.12.2008, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) the landscape planting on the application site should be maintained at all times during the planning approval period;
- (b) the drainage facilities implemented on the application site under Application No. A/YL-TT/147 should be maintained at all times during the planning approval period;
- (c) the fire service installation provided at the premises should be maintained at all times during the planning approval period; and
- (d) if any of the above planning conditions (a), (b) or (c) was not complied with at any time during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice.

82. The Committee also agreed to advise the applicant :

- (a) to note the District Lands Officer/Yuen Long, Lands Department's comments that his office reserved the right to take appropriate enforcement action should there be deviation from the user and maximum built-over area permitted under the granted short term waivers; and
- (b) the Chief Engineer/Development (2), Water Supplies Department's comments that the existing water mains would be affected. The developer should bear the cost of any necessary diversion works affected by the development.

[Professor Peter R. Hills left the meeting at this point.]

[Open Meeting (Presentation and Question Session only)]

- (ix) A/YL-TYST/300 Temporary Open Storage of Building Materials  
for a Period of 3 Years  
in "Undetermined" zone,  
Lot 744A(Part) in DD 117,  
Pak Sha Tsuen,  
Yuen Long  

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(RNTPC Paper No. A/YL-TYST/300)

#### Presentation and Question Session

83. 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 – the application site was the subject of a previous application for the same use approved on review and the applicant had complied with all the approval conditions;



- (b) the temporary open storage of building materials;
- (c) departmental comments – the Environmental Protection Department (EPD) reiterated that the previous application for the same use was not supported as the development would generate dust and noise nuisances to the nearby sensitive receivers. Other concerned Government departments had no major adverse comments on the application;
- (d) no public comment and no local objection were received; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons detailed in paragraph 12.2 of the Paper in that there was previous planning approval granted to the application site and the applicant had complied with the approval conditions on landscape, environmental, drainage and fire safety aspects. The EPD's concerns had been duly considered by the Town Planning Board (TPB) on review of the previous application in December 2004, and planning permission for one year was granted taking into account no local objection to the application was received.

84. In response to a Member's question, Mr. Wilson Y.L. So, DPO/TMYL, said that the application had been published in accordance with the stipulated requirements and no public comment was received. The Yuen Long District Office had not received any objection on the development from the locals including the Home for the Aged to the north-east of the application site.

#### Deliberation Session

85. The Chairman remarked that sympathetic consideration might be given to the application as previous planning approval for the same use had been granted and there was no local objection to the application. The concerns expressed by the EPD had previously been considered by the TPB.

86. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 9.12.2008, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- (a) no operation between 7:00 p.m. and 7:00 a.m. should be carried out at the application site at any time during the planning approval period;
- (b) no operation was allowed on any Sundays or public holidays during the planning approval period;
- (c) the landscape planting on the application site should be maintained at all times during the planning approval period;
- (d) the drainage facilities implemented on the application site under Application No. A/YL-TYST/248 should be maintained at all times during the planning approval period;
- (e) the provision of a 9-litre water type/3kg dry powder fire extinguisher in the container-converted office within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 9.6.2006;
- (f) if any of the above planning conditions (a), (b), (c) or (d) was not complied with at any time during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (g) if the above planning condition (e) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (h) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of

Planning or of the Town Planning Board.

87. The Committee also agreed to advise the applicant :

- (a) to note the District Lands Officer/Yuen Long, Lands Department's comments that no structure should be erected on the site without prior approval from his office and the site boundary should be revised to cover the whole lot and to include all the unauthorized structures erected thereon. Upon obtaining planning permission for development on the whole lot, his office would proceed with the regularization proposal on whole lot basis accordingly;
- (b) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified and the relevant lands and maintenance authorities should also be consulted accordingly;
- (c) the Chief Building Surveyor/New Territories West, Buildings Department's comments that all building works were subject to compliance with the Buildings Ordinance. Authorized Person must be appointed to coordinate all building works and the granting of the planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future;
- (d) to note the Director of Fire Services's comments that the applicant/operator of the application site should approach his Dangerous Goods Division for advice on the licensing of the premises for any storage of wooden panel where necessary; and

- (e) to observe the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department.