

**Minutes of 851st Meeting of the
Town Planning Board held at 9.00am on 6 January 2006**

Present

Permanent Secretary for Housing, Planning and Lands
(Planning & Lands)

Mrs. Rita Lau

Chairperson

Hon. Patrick S.S. Lau

Vice-chairman

Dr. Alex S.K. Chan

Dr. Rebecca L.H. Chiu

Mr. Michael K.C. Lai

Professor K.C. Ho

Mr. Keith G. McKinnell

Dr. Greg C.Y. Wong

Mr. C.K. Wong

Ms. Carmen K.M. Chan

Mr. Erwin A. Hardy

Professor Nora F.Y. Tam

Mr. Tony W.C. Tse

Mr. Nelson W.Y. Chan

Mr. David W.M. Chan

Mr. Leslie H.C. Chen

Dr. Lily Chiang

Professor David Dudgeon

Professor Peter R. Hills

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Dr. C.N. Ng

Mr. Daniel B.M. To

Mr. Stanley Y.F. Wong

Deputy Director of Environmental Protection
Dr. Michael Chiu

Director of Lands
Mr. Herbert Leung

Director of Planning
Mr. Bosco C.K. Fung

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

Secretary

Absent with Apologies

Mrs. Angelina P.L. Lee

Dr. Peter K.K. Wong

Mr. Alex C.W. Lui

Mr. Francis Y.T. Lui

Mr. S.L. Ng

Professor N.K. Leung

Professor Bernard V.W.F. Lim

Mr. Alfred Donald Yap

Ms. Sylvia S.F. Yau

Principal Assistant Secretary (Transport)
Environment, Transport and Works Bureau
Ms. Ava Chiu

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
Mr. C.T. Ling

Senior Town Planner/Town Planning Board
Ms. Teresa L.Y. Chu

Agenda Item 1

[Open meeting. The meeting was conducted in Cantonese.]

1. The Chairperson extended a welcome and new year greeting to all Members.

Confirmation of Minutes of the 850th Meeting held on 16.12.2005

2. The minutes of the 850th meeting held on 16.12.2005 were confirmed without amendment.

Agenda Item 2

[Open meeting. The meeting was conducted in Cantonese.]

Matters Arising

(i) Town Planning Appeal Decision Received

Town Planning Appeal No. 13 of 2004 (13/04)

Temporary Open Storage of Construction Materials and Machinery
for a Period of 3 Years in “Undetermined” zone

Lots 202RP (Part) and 203RP (Part) in DD 103,

Ha Ko Po Tsuen, Kam Tin, Yuen Long

(Application No. A/YL-KTN/190)

3. The Secretary reported that the appeal was heard and dismissed by the Town Planning Appeal Board (TPAB) on 7.12.2005. The appeal was received by TPAB on 5.10.2004 against the decision of Town Planning Board to reject on review an application (Application No. A/YL-KTN/190) for temporary open storage of construction materials and machinery for 3 years at a site zoned “Undetermined” on the Kam Tin North Outline Zoning Plan. The section 17 review application was rejected by the Board on 23.7.2004 on review on the grounds that it could not comply with the Town Planning Board Guidelines No. 13C for Application for Open Storage and Port Back-up Uses; and there were insufficient information to demonstrate that the development would not cause significant adverse drainage and visual impacts on the surrounding area.

4. The Secretary said that while the appeal was pending hearing, the Appellant died and his widow decided to continue to pursue the appeal. The appeal was dismissed by TPAB on the ground that the Town Planning Ordinance did not confer any right on anyone other than the applicant to challenge a planning decision by way of appeal, or by way of a statutory application, or otherwise. Since a planning application was made on a personal basis, the application would cease to exist when the applicant died. However, the TPAB noted that the rejection of the appeal did not prevent the family of the deceased applicant from making a new planning application in their own capacity.

(ii) Town Planning Appeal Statistics

5. The Secretary reported that as at 6.1.2006, 25 cases were yet to be heard by the Town Planning Appeal Board. Details of the appeal statistics were as follows :

Allowed	:	14
Dismissed	:	83
Abandoned/Withdrawn/Invalid	:	111
Yet to be Heard	:	25
Decision Outstanding	:	1
<hr/>		
Total		234

(iv) Approval of Two Outline Zoning Plans (OZPs)

6. The Secretary reported that on 3.1.2006, the Chief Executive in Council (CE in C) approved the draft Pak Shek Kok (East) OZP No. [S/H/PSK/8A](#) (renumbered [S/PSK/9](#)) and draft Tung Chung Town Centre OZP No. [S/I-TCTC/13A](#) (renumbered [S/I-TCTC/14](#)). The approval of these OZPs would be notified in the Gazette on 13.1.2006.

(v) Reference Back of OZP

7. The Secretary reported that on 3.1.2006, the CE in C referred the approved Fanling/Sheung Shui OZP No. [S/FSS/12](#) to the Board for amendment under section 12(1)(b)(ii) of the Ordinance. The reference back of the approved OZP for amendment would be notified in the Gazette on 13.1.2006.

Agenda Item 3

Proposed Revisions to Town Planning Board Guidelines for Uses and Developments within “Industrial” and “Other Specified Uses (Business)” Zones and Master Schedule of Notes to Statutory Plans
(TPB Paper No. 7491)

[Open meeting (whole agenda item). The meeting was conducted in Cantonese.]

8. The following representatives from the Planning Department (PlanD) and Fire Services Department (FSD) were invited to the meeting:

Ms. Brenda Au	PlanD
Mr. Chow Wing-tak	FSD
Mr. Ho Nai-hoi	FSD

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

Presentation Session

9. The Chairperson extended a welcome and invited Ms. Brenda Au to introduce the Paper. Ms. Au drew Members’ attention to the replacement pages for page 2 of the Paper, page 7 of Appendix IV and page 6 of Appendix V of the Paper. With the aid of a Powerpoint presentation, she took Members through the Paper with the following main points:

- (a) background to the proposed revisions to the Master Schedule of Notes for the “Industrial” (“I”), “Other Specified Uses (Business)” (“OU(B)”) and “Residential (Group E)” (“R(E)”) zones and the two sets of relevant Town Planning Board (TPB) Guidelines Nos. 22B and 25B;

Revisions to the Master Schedule of Notes

- (b) currently, ‘Educational Institution’, ‘Place of Entertainment’ and ‘Religious Institution’ might be permitted upon application to the Board on the ground floor of an existing industrial/industrial-office (I-O) building in the 3 relevant zones, while ‘Training Centre’ might be permitted on any floor of such building upon application;

- (c) FSD had fire safety concerns if such applications would likely result in a large number of people, including the old, infirm, children and those who were not working in the building, being exposed to fire risks which they would neither be aware of nor prepared to face. FSD considered that there was no viable solution for such uses to co-exist with the industrial use on the same floor or in the same building;
- (d) in view of the fire safety concerns and to avoid giving false expectation to applicants, Column 2 of the Notes for the “I”, “OU(B)” and “R(E)” zones were proposed to be revised to delete the provision for applications for ‘Religious Institution’, ‘Educational Institution’, and ‘Place of Entertainment’ uses on the ground floor of an industrial/I-O building and ‘Training Centre’ in such building as shown in Annexes I to III of the Paper;
- (e) however, as training related to industrial process was regarded as a kind of industrial use, industrial related training centre could still be permitted as of right in an industrial/I-O building;

Revisions to the TPB Guidelines

- (f) according to FSD, the maximum aggregate commercial floor area allowed on the ground floor of an industrial/I-O building (except in the purpose-designed non-industrial portion separated by a buffer floor) with and without sprinkler systems were 460m² and 230m² respectively, and separate escape for the commercial portion should be available. Such criteria would be incorporated in the Town Planning Board (TPB) Guidelines;
- (g) however, the 230m²/460m² criteria would not apply to:
 - uses ancillary to or supporting the industrial activities in the industrial/I-O building, including bank, fast food counter (at street level without seating accommodation and licensed as food factory), electrical shop (selling electrical accessories and usually with repairing services and small in scale), local provisions stores (selling cigarettes, drinks, canned food and other local convenience goods, and small in scale) and ancillary showroom; and

- conversion of the low zone of an existing industrial/I-O building for commercial uses, separated by a buffer floor of non-hazardous occupancy;
- (h) the TPB Guidelines for Use/Development within “I” Zone (TPB PG-No. 25B) and TPB Guidelines for Development within “OU(B)” Zone (TPB PG-No. 22B) were proposed to be revised to reflect FSD’s criteria as shown in Annexes IV and V of the Paper;

Conditions on Permission for Commercial Uses in Industrial/I-O Buildings
For proposed development

- (i) in view of the concerns previously raised by the Metro Planning Committee that an application for commercial use within an industrial or I-O building might in effect be approved on a ‘first-come-first-served’ basis having regard to the limits on commercial floor areas suggested by FSD, there was a need to forestall some applicants from holding permissions without any prospect of implementation thereby abusing the system ;
- (j) to achieve (i) above, a shorter time limit of 2 years for commencement should be imposed; and
- (k) a time-limited condition for provision of fire safety measures before operation of the use and a revocation clause should be imposed to ensure timely provision of such measures;

For existing uses applying for regularization

- (l) a 6-month compliance condition and a revocation clause should be imposed to help encourage timely provision of the fire safety measures. The 6-month compliance condition was agreed by FSD; and
- (m) relevant government departments had been consulted and had agreed to the above proposals. The related enforcement mechanism would be further worked out.

[Dr. Rebecca L.H. Chiu arrived to join the meeting at this point.]

Discussion Session

10. Major questions and comments raised by Members were as follows:

Rationale of the Criteria

- (a) the rationale for the 230m²/460m² criteria;

[Mr. Leslie H.C. Chen arrived to join the meeting at this point.]

Site-specific Considerations

- (b) whether consideration could be given to exempting shop units on the ground floor of industrial/I-O buildings from the criteria as some of them might have direct means of escape, such as those shops with long street frontage and limited depth;

Flexibility in Application of the Criteria

- (c) the prescriptive limit should not be applied too rigidly, as it would be difficult to define the exact dimension of each premise to suit different circumstances. Applications with proposals that could satisfy the fire safety requirements should be favourably considered;
- (d) with 230m²/460m² criteria being the ceiling, an applicant would be discouraged to apply for commercial uses in an industrial building if there was little or no 'quota' left, thus undermining the planning intention to facilitate upgrading of obsolete factory buildings and enhance the transformation of industrial areas to business use;
- (e) consideration should be given to incorporating an additional clause to allow some degree of flexibility in the application of the 230m²/460m² criteria in assessing applications;

[Mr. Tony C.N. Kan arrived to join the meeting at this point.]

Commencement and Approval Conditions

- (f) the rationale for setting the commencement period at 2 years;
- (g) for regularization cases, whether the 6-month compliance period was reasonable taking into account the actual period for installation of fire safety measures and processing time by concerned departments;

- (h) as all fire prevention measures should be in place before the operation of new development, the compliance period for regularization cases was considered appropriate in order not to compromise fire safety which would be a public concern;
- (i) whether consultation had been made with relevant departments concerning the length of compliance period for provision of fire safety measures;

[Professor K.C. Ho arrived to join the meeting at this point.]

Access to Specific Information on Aggregated Commercial Area Approved

- (j) whether applicants could have access to information on aggregated commercial area approved for a specific building in relation to the 230m²/460m² criteria;

[Professor David Dudgeon arrived to join the meeting at this point.]

'First-come-first-served' Approach

- (k) whether priority would be given to renewal of approved cases thereby depriving others from making new applications;
- (l) the 'first-come-first-served' system would seem to compromise the opportunity of late comers; and
- (m) whether the commercial space approved would be on a temporary or permanent basis and whether temporary approval would be accounted for in the 230m²/460m² criteria.

[Ms. Carmen K.M. Chan arrived to join the meeting at this point.]

11. Mr. Chow Wing-tak, Ms. Brenda Au and the Secretary gave the following responses:

Rationale of the Criteria

- (a) the maximum aggregate commercial floor areas of 230m²/460m² on the ground floor of an industrial/I-O building (except for the purpose-designed non-industrial portion with buffer floor) without and with sprinkler systems

was based on past experience and practical cases, having regard to the relevant fire installation and fire safety guidelines currently in practice. The proposed revision of the TPB Guidelines was to ensure the fire safety for such commercial uses in industrial/I-O buildings;

Site-specific Considerations

- (b) despite the shops in question were located on the ground floor of industrial/I-O buildings, the internal floor plan of these shop units might have already been altered with additional internal fittings, furniture and installations which were beyond the control of FSD. Such internal changes would affect the original layout of fire escape route of these shops. In this regard, a blanket exemption to these shop units would not be appropriate. However, FSD would adopt a pragmatic and flexible approach in the handling of applications of this nature;

Flexibility in Application of Standard

- (c) the 230m²/460m² criteria was intended to address the fire risks posed by commercial uses in industrial/I-O buildings. Fire safety in buildings would involve both the design and provision of safety installations as well as the management, repair and maintenance aspects of such installations. Although applicants could resort to professional consultants and use the performance-based approach to address fire safety concern, this would likely be too costly for small firms. This alternative was therefore not provided for in the guidelines;
- (d) notwithstanding the aggregate limit, FSD had in the past assessed and approved cases with marginal exceedance based on individual merits. Whilst it would be up to the applicant to demonstrate the feasibility of the application, FSD remained open-minded to consider any fire safety proposals and would continue to exercise discretion in assessing the application in a pragmatic manner;
- (e) subject to FSD's advice, application with slight exceedance of the aggregate limit would be considered by the Board on individual merits;
- (f) as indicated in paragraph 6.2(e) of the draft TPB Guidelines No. 25C and

paragraph 4.6 of the draft TPB Guidelines No. 22C, the 230m²/460m² criteria did not apply to uses ancillary to or for the purposes of supporting the industrial activities and the routine activities of the workers in the industrial/I-O building, as well as conversion of the low zone of such building with buffer floor. In all cases, separate means of escape should be available to safeguard people in the commercial portion;

Commencement and Approval Conditions

- (g) the 2-year commencement period was intended to deter deliberate holding back of development after permission had been granted;
- (h) the provision of fire safety measures before operation was to ensure that fire safety installations would be in place on commencement of the business while the revocation clause was to enable the Board to terminate the permission in case of non-compliance of conditions so as to release the allowable commercial floor area for use by subsequent applicants;
- (i) for regularization of existing uses, the 6-month compliance period was considered reasonable by FSD as the majority of the cases, being small undertakings, would only be required to install relatively simple facilities, such as additional hose reel, exit signs, emergency lighting, ventilation/air conditioning control system, which were readily available on market and easy to install. FSD would vet Building Plans (BP) submitted within 20 days to comply with BD's pledged processing period;
- (j) application for time extension for provision of safety measures as required in planning approval conditions would be handled by PlanD in accordance with existing procedures in consultation with concerned departments;
- (k) in addition to FSD, LandsD and BD had been consulted on the time-limited condition for compliance of provision of fire safety measures and had no objection;

Access to Specific Information on Aggregate Commercial Area Approved

- (l) PlanD would keep an updated record on aggregate commercial floor area approved for public reference. It was specified in 6.2(e) of TPB PG-No.

25B and paragraph 4.6 of TPB PG-No. 22B that 'any prospective applicant may check with the Planning Department on the aggregate commercial floor area figure in the concerned industrial or I-O building'. The Guidelines could be made available to the public and downloaded from the Board's website;

'First-come-first-served' Approach

- (m) most of the applications for shops in industrial/I-O buildings were approved on permanent basis, which would have been taken into account in calculating the aggregate total of approved commercial floor space. The 2-year commencement period was intended to avoid deliberate holdback of the approved development while application for extension of commencement would be considered on individual merits;
- (n) given the 230m²/460m² criteria, the 'first-come-first-served' approach was considered a simple and accountable method provided the guidelines are accessible to the public. It would be difficult to establish other criteria for handling such applications; and
- (o) there was no readily available statistics on the number of temporary permissions granted but the cases involved would not be substantial. In fact, the 230m²/460m² criteria had all along been adhered to as a general guideline in granting such cases.

12. Mr. Bosco Fung enquired whether extension for approval conditions could be allowed for the new cases. The Secretary confirmed that, similar to the general mechanism for all planning permissions, application for extension of approval conditions would be allowed.

13. The Chairperson concluded that the revision of the Guidelines and the Master Schedule of Notes to statutory plans had provided a better basis for handling future applications for commercial uses in industrial and I-O buildings. She also noted Members' concern on the application of the aggregate limit and assessment method as well as the request for greater flexibility to balance the specific needs, while allowing discretion to be made on individual merits.

14. She suggested that a statement could be added in the Guidelines to reflect

Members' wish to allow for slight exceedance of the aggregate commercial floor area limit in deserving and well-justified cases. Mr. Chow Wing-tak suggested that concerned departments should be consulted on how this statement should be drafted. The Chairperson also requested the Secretariat to report back on the enforcement issue once there was a clearer view after departmental consultation.

15. After further deliberation, the Board agreed to :
- (a) the proposed revisions to the Master Schedule of Notes for the “Industrial” (“I”), “Other Specified Uses (Business)” (“OU(B)”) and “Residential (Group E)” (“R(E)”) zones;
 - (b) the proposed revisions to the Town Planning Board (TPB) Guidelines for Uses and Developments within the “I” and “OU(B)” zones and promulgation of the revised TPB Guidelines to the public;
 - (c) adopt with immediate effect the general principle for imposing a shorter time limit for commencement of development in granting permission for commercial uses within industrial and industrial-office (I-O) buildings; and
 - (d) adopt the general principle for imposing appropriate time-limited conditions on the provision of fire safety measures in granting permission for commercial uses within industrial and I-O buildings.

[Dr. Michael Chiu, Mr. Keith G. McKinnell and Mr. Nelson W.Y Chan left the meeting temporarily at this point. Mr. Herbert Leung left the meeting at this point.]

Agenda Item 4

Review of Application No. A/YL-KTN/236

Temporary Open Storage of Vehicles and Vehicle Parts for a Period of 3 Years

in “Village Type Development” Zone

Lot 465BRP(Part) and 466RP(Part) in DD109, Kam Tin Road, Kam Tin, Yuen Long

(TPB Paper No. 7486)

[Open meeting (Presentation and Question Sessions Only). The meeting was conducted in Cantonese]

Presentation and Question Session

16. Mr. Wilson So, District Planning Officer/Tuen Mun and Yuen Long of the Planning Department (PlanD) and the following applicant's representatives were also invited to the meeting at this point:

Mr. Wat Chi-keung

Mr. Cheung Chi-wai

Ms. To Ka-nga

Mr. Chan Kon-ming

[Dr. Michael Chiu and Mr. Keith G. McKinnell returned to join the meeting at this point.]

17. The Chairperson extended a welcome and explained briefly the procedures of the review hearing. The Chairperson then invited Mr. Wilson So to brief Members on the background to the application.

18. Mr. Wilson So clarified that the date of submission of the application in paragraph 1.1 of the Paper should be 26.7.2005 instead of 15.10.2005. With the aid of some plans, Mr. So presented the Paper and made the following main points:

- (a) the reasons of the Rural and New Town Planning Committee (RNTPC) to reject the proposed temporary open storage of vehicles and parts for 3 years at the application site on 23.9.2005;
- (b) no further justifications had been put forth by the applicant in support of the review application;
- (c) departmental comments: the Director of Environmental Protection (DEP) advised that there were nearby residential dwellings. The case was not supported as a new village house under construction to its immediate north would be susceptible to adverse environmental and noise nuisances. The District Lands Officer/Yuen Long, Lands Department advised that there were three approved Small House (SH) applications to its immediate north and two in close proximity under processing. The Assistant Commissioner for Transport/NT, Transport Department considered the

planned access along Kam Tin Road unacceptable from road safety point of view and alternative access from Kong Tai Road should be considered; and

- (d) PlanD's view – not supporting the application as it fell within category 4 areas of the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13D) and did not comply with the guidelines. The two previous one-year approvals, Application Nos. A/YL-KTN/171 and 196 granted in 2003 and 2004 to allow time for relocation, had expired. There was insufficient information to demonstrate that the applicant had made effort to identify sites for relocation. Continuation of temporary open storage use might frustrate SH development for local villagers in the area.

[Mr. Nelson W.Y Chan returned to join the meeting at this point.]

19. The Chairperson then invited the applicant's representatives to elaborate on the application. Mr. Wat Chi-keung made the following main points:

- (a) the use had been in operation for 7-8 years without local complaints. As there was no change in circumstances, the site should not be regarded as within a Category 4 area in the TPB PG-No. 13D;
- (b) it would be unfair to reject the application in view of previous approvals and that all approval conditions were complied with involving considerable investment;
- (c) the open storage use under application was compatible with similar uses in the surroundings and should not be regarded as in conflict with the planning intention of the “V” zone;
- (d) the agglomeration of storage of vehicles and spare parts related business in Pat Heung and Kam Tin area had brought economic benefits and employment to the community;
- (e) it was difficult to look for replacement site; and
- (f) as rejection of the application would terminate the business and render the

workers jobless, sympathetic consideration should be given.

20. Mr. Cheung Chi-wai supplemented with the following points:

- (a) there was no local objection and no departmental objection except from the EPD and PlanD which could not be substantiated;
- (b) EPD's comment on noise impact on the village house under construction was unfounded based on a perceived concern while there was no complaint from residents of the two existing nearby houses as the operating hours of the subject development was only from 9am-6pm;
- (c) EPD should support this application as a recycling trade ;
- (d) it was understood that the TPB Guidelines were intended to regulate new operators rather than existing ones. Sites that fell within category 4 areas but without local objection could be allowed to continue for 12 months on each application; and
- (e) given the size of the site it would be difficult to relocate at the present time while the cost for removal would be substantial.

21. Members sought clarification from Mr. Wilson So on the following:

- (a) number of SH under construction in the vicinity;
- (b) the status of open storage uses in the surrounding areas;
- (c) the progress of residential development in the "V" zone;
- (d) liaison work with the industry regarding the relevant TPB Guidelines 13D; and
- (e) whether dismantling activities were detected on site.

22. Mr. Wilson So replied as follows:

- (a) there was a SH under construction to the immediate north of the site as indicated on Plan R-4;

- (b) some of the open storage uses in the surrounding areas had applied for planning permission while others might be suspected unauthorized developments subject to enforcement action by the Planning Authority;
- (c) there were three approved SH applications to its immediate north and two in close proximity under processing by the DLO/YL. This indicated that the planned “V” zone was being implemented gradually;
- (d) liaison meetings were held between the PlanD and the representatives of the industry to discuss issues relating to the trade. According to paragraph 2.5 of the Guidelines available to the public, it was stated that a maximum of two years might be allowed, upon renewal of planning permission, for an applicant to identify suitable sites for relocation, subject to other considerations and departmental views; and
- (e) although there were vehicle parts on the site as shown in the site photos on Plan R-4, dismantling activities were not noticed during site visits conducted by PlanD staff.

23. A Member asked whether the applicant had attempted to identify sites for relocation and whether PlanD could provide information on alternative sites. Mr. Wat Chi-keung replied that there were no suitable options within Category 1 and 2 areas in the vicinity while others were inaccessible with no direct road frontage. Mr. Wilson So explained that there were “Open Storage” and “Industrial (Group D)” zones designated for such purposes on the Kam Tin North, Pat Heung and Shek Kong OZPs. According to a recent broadbrush estimate, around 7-8 ha of land were available for such use, but the actual takeup rate would be subject to private initiative and the market force. The public could approach the DPO for such information.

24. As the applicant’s representatives had no further comment to make and Members had no further question to raise, the Chairperson informed them that the hearing procedures for the review had been completed and the Board would further deliberate on the application in their absence and inform the applicant of the Board’s decision in due course. The Chairperson thanked the applicant’s representatives and PlanD’s representative for attending the meeting. They all left the meeting at this point.

25. A Member opined that it was clear that the planning intention of the “V” was gradually being realized with the emergence of completed and planned village houses. The gradual termination of temporary open storage uses would provide opportunity for further SH development in this zone and the realization of the planning intention. As the applicant had been given two years to relocate, there seemed to be no strong justification for granting further permission. Moreover, as advised by EPD, the proximity of the subject site to the existing and nearby future residential units would give rise to genuine environmental concerns.

26. The Chairperson agreed that the phasing out of open storage use would pave the way for the intended village development. Members agreed that the case should not be supported.

27. After further deliberation, the Board decided to reject the application on review and the reasons were:

- (a) the development does 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
- (b) the continual occupation of the site for temporary open storage use was not in line with the planning intention of the “V” zone which was to designate both existing and recognized villages and areas of land considered suitable for village expansion. There was insufficient information in the submission to demonstrate that relocation to alternative sites could not be made.

[Hon. Patrick S.S. Lau, Mr. Edmund K.H. Leung, Mr. Tony W.C. Tse and Dr. Lily Chang left the meeting temporarily at this point.]

Agenda Item 5

Review of Application No. A/YL-KTN/237

Temporary Open Storage of Vehicles and Vehicle Parts for a Period of 3 Years
in “Village Type Development” Zone

Lot 466RP(Part) in DD 109, Kam Tin Road, Kam Tin, Yuen Long

(TPB Paper No. 7487)

[Open meeting (Presentation and Question Sessions Only). The meeting was conducted in Cantonese]

Presentation and Question Sessions

28. Mr. Wilson So, District Planning Officer/Tuen Mun and Yuen Long of the Planning Department (PlanD) and the following applicant's representatives were also invited to the meeting at this point:

Mr. Lo Ka-chun

Ms. Li Ying-mui

Ms. Ho Wing-man

[Hon. Patrick S.S. Lau, Mr. Edmund K.H. Leung and Mr. Tony W.C. Tse returned to join the meeting at this point.]

29. The Chairperson extended a welcome and explained briefly the procedures of the review hearing. The Chairperson then invited Mr. Wilson So to brief Members on the background to the application. Mr. Wilson So clarified that the date of submission of the application in paragraph 1.1.of the Paper should be 26.7.2005 instead of 17.10.2005. With the aid of some plans, Mr. So presented the Paper and made the following main points:

- (a) the reasons of the Rural and New Town Planning Committee (RNTPC) to reject the proposed temporary open storage of vehicles and vehicle parts for 3 years at the application site on 23.9.2005;
- (b) no further justifications had been put forth by the applicant in support of the review application;
- (c) departmental comments: the Director of Environmental Protection (DEP) advised that there were residential dwellings to the northwest of the site. The case was not supported as a nearby new village house under construction would be susceptible to adverse environmental and noise nuisances. The District Lands Officer/Yuen Long, Lands Department advised that there were three approved Small House (SH) applications to

its immediate north and two in close proximity under processing. The Assistant Commissioner for Transport/NT, Transport Department considered the planned access along Kam Tin Road unacceptable from road safety point of view; and

- (d) PlanD's view – not supporting the application as it fell within category 4 areas of the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13D) and did not comply with the guidelines. The two previous one-year approvals, Application Nos. A/YL-KTN/173 and 197 granted in 2003 and 2004 to allow time for relocation, had expired. There was insufficient information to demonstrate that the applicant had taken effort had made effort to identify sites for relocation. Continuation of temporary open storage use might frustrate SH development for local villagers in the area.

30. The Chairperson then invited the applicant's representatives to elaborate on the application. The applicant's representatives made the following main points:

- (a) the use had been in operation for 8 years for storage of racing cars and related parts and there was no local complaint;
- (b) previous approval was granted and the approval conditions relating to drainage and landscape works had been complied with which involved substantial investment;
- (c) the applicant had attempted to identify relocation site but to no avail due to high rental;
- (d) according to a noise assessment conducted before there was no noise nuisance. Whilst DEP cautioned the possible impact on a future village house, the site was far away and there was no local complaint regarding environmental nuisance;
- (e) traffic in the area had improved after the commissioning of the Kam Tin Southern Bypass and there was no access problem for this site;
- (f) the operation only involved storage of racing cars and parts for re-export without dismantling activities on site; and

- (g) sympathetic consideration should be given in view of their economic contribution to the community.

31. Members sought clarification from Mr. Wilson So on the following:

- (a) what was the overall demand for SH in the area; and
- (b) whether there was any local objection to the previous and present applications.

32. Mr. Wilson So replied as follows:

- (a) the “V” zone was intended for development of the recognized village of Wing Lung Wai. There were three approved SH applications to its northwest and two more in the proximity were being processed, which indicated that the “V” zone was being implemented as planned; and
- (b) there were no local objections made to the District Officer/Yuen Long for the two previous approvals and no objection under the current public consultation system for the present case.

33. A Member noted from the site photo on Plan-R2 that the entrance signboard indicated that part of the operations involved tow-car service. Mr. Lo Ka-chun clarified that the signboard was left by the previous operator. Ms. Li Ying-mui pointed out there was another signage stating that their business was for car trading only.

34. As the applicant’s representatives had no further comment to make and Members had no further question to raise, the Chairperson informed them that the hearing procedures for the review had been completed and the Board would further deliberate on the application in their absence and inform the applicant of the Board’s decision in due course. The Chairperson thanked the applicant’s representatives and PlanD’s representative for attending the meeting. They all left the meeting at this point.

Deliberation Session

35. The Chairperson noted that similar to the Application No. A/YL-KTN/236 considered in Item 4, it was clear that with the development of village houses in this area, the planning intention of this “V” zone was gradually being realized. The gradual phasing out

of temporary open storage would provide opportunity for further SH development which would otherwise be frustrated. The applicant had also been given full notice and sufficient time for relocation to other suitable areas in the two previous approvals. Members agreed that this approach should be adopted and there was no justification to depart from the RNTPC decision.

36. After further deliberation, the Board decided to reject the application on review 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
- (b) the continual occupation of the site for temporary open storage use was not in line with the planning intention of the “V” zone which was to designate both existing and recognized villages and areas of land considered suitable for village expansion. There was insufficient information in the submission to demonstrate that relocation to alternative sites could not be made.

Agenda Item 8

Submission of the Draft Tseng Lan Shue Outline Zoning Plan No. S/SK-TLS/7A
under section 8 of the Town Planning Ordinance
to the Chief Executive in Council for Approval
(TPB Paper No. 7490)

[Open Meeting. The meeting was conducted in Cantonese.]

54. The Secretary briefly introduced the Paper.

55. After deliberation, the Board:

- (a) agreed that the draft Tseng Lan Shue Outline Zoning Plan (OZP) No. S/SK-TLS/7A and its Notes were suitable for submission under section 8 of the Ordinance to the Chief Executive in Council (CE in C) for approval;
- (b) endorsed the updated Explanatory Statement (ES) for the draft Tseng Lan Shue OZP No. S/SK-TLS/7A as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP; and
- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

Agenda Item 9

Submission of the Draft Hebe Haven Outline Zoning Plan No. S/SK-HH/5A
under section 8 of the Town Planning Ordinance
to the Chief Executive in Council for Approval
(TPB Paper No. 7494)

[Open Meeting. The meeting was conducted in Cantonese.]

The Secretary briefly introduced the Paper.

56. After deliberation, the Board:

- (a) agreed that the draft Hebe Haven Outline Zoning Plan (OZP) No. S/SK-HH/5A and its Notes were suitable for submission under section 8 of the Ordinance to the Chief Executive in Council (CE in C) for approval;

- (b) endorsed the updated Explanatory Statement ES of the draft Hebe Haven OZP No. S/SK-HH/5A as an expression of the planning intentions and objectives of the Board for various land-use zonings on the draft OZP; and
- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP No. S/SK-HH/5A.

Agenda Item 10

Any Other Business

[Open Meeting. The meeting was conducted in Cantonese.]

57. There being no other business, the meeting was closed at 12.15 p.m.