

TOWN PLANNING BOARD

Minutes of 311st Meeting of the Rural and New Town Planning Committee held on 9.9.2005

Present

Director of Planning
Mr. Bosco C.K. Fung

Chairman

Mr. Michael K.C. Lai

Vice-chairman

Mr. Alex C.W. Lui

Mr. Francis Y.T. Lui

Mr. C.K. Wong

Professor Nora F.Y. Tam

Mr. David W.M. Chan

Professor David Dudgeon

Professor Peter R. Hills

Mr. Edmund K.H. Leung

Dr. C.N. Ng

Mr. Alfred Donald Yap

Assistant Director (2), Home Affairs Department
Mr. Patrick Li

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

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

Secretary

Absent with Apologies

Professor K.C. Ho

Ms. Carmen K.M. Chan

Dr. Lily Chiang

Mr. Tony C.N. Kan

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

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

In Attendance

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

Chief Town Planner/Town Planning Board
Miss Fiona S.Y. Lung

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

Agenda Item 1

Confirmation of the Draft Minutes of the 310th RNTPC Meeting held on 26.8.2005

[Open Meeting]

1. The draft minutes of the 310th RNTPC meeting held on 26.8.2005 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

2. There were no matters arising to be reported.

[Messrs. Francis Y.T. Lui and Patrick Li arrived to join the meeting at this point.]

Tai Po and North District

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

Agenda Item 3

Section 16 Applications

[Open Meeting (Presentation and Question Session only)]

- (i) A/NE-KTS/222 Proposed Two Electricity Power Package Substations in "Recreation" zone,
Lot 406S in DD 94 Hang Tau Tai Po,
Kwu Tung South
(RNTPC Paper No. A/NE-KTS/222)
-

Presentation and Question Session

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

- (a) background to the application;
- (b) the two proposed electricity power package substations;
- (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 reasons given in paragraph 10.1 of the Paper.

[Dr. C.N. Ng arrived to join the meeting at this point.]

4. The Vice-chairman and a Member raised the following questions:

- (a) whether there were any existing trees and whether some trees would be planted within the application site; and
- (b) whether the proposed development, sited in the middle part of the "Recreation" zone, would adversely affect the future recreational development.

5. In reply, Mr. W.K. Hui, DPO/TPN, made the following points:

- (a) as shown on Plan A-4 of the Paper, there were no trees within the application site. An approval condition was proposed on the submission and implementation of landscape proposals to require the applicant to provide some screen plantings within the application site; and

- (b) as shown on Plan A-2 of the Paper, the proposed substations were located at the north-east corner of an approved application for the development of 13 Small Houses (Application No. A/NE-KTS/80). No adverse implication on the future recreational development was envisaged for the development of these two substations.

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

Deliberation Session

6. The Chairman remarked that the two proposed substations were to provide electricity supply to a previously approved scheme for the development of 13 Small Houses. The proposed substations were of small scale and the potential visual impact would be addressed by imposing an approval condition on the submission and implementation of landscape proposals.

7. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions and the permission should be valid until 9.9.2009, 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:

- (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 of drainage proposals and provision of accepted drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (c) the design and provision of vehicular access, parking and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the Town Planning Board.

8. The Committee also agreed to advise the applicant:
- (a) to consult CLP Power in respect of the requirements for the construction of the two proposed electricity power package substations;
 - (b) to apply to the Lands Department for a Short Term Waiver prior to the construction of the two proposed electricity power package substations;
 - (c) to provide suitable measures to avoid leakage of transformer oil (i.e. concrete plinth with bund wall); and
 - (d) to provide an emergency vehicular access in accordance with Building (Planning) Regulation 41D.

[Open Meeting (Presentation and Question Session only)]

- (ii) A/NE-TKL/275 Temporary Open Storage, Warehouse and
Cargo Handling for Loading and Unloading of Cargo
for a Period of 3 Years
in “Open Storage”, “Agriculture”,
“Green Belt” and ‘Road’ zones,
Lots 165RP and 167 in DD 83 and
Adjoining Government Land, Kwan Tei North,
Fanling
(RNTPC Paper No. A/NE-TKL/275)
-

Presentation and Question Session

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

- (a) background to the application;

- (b) the proposed temporary open storage, warehouse and cargo handling for loading and unloading of cargo;
- (c) departmental comments - the Environmental Protection Department (EPD) did not support the application in view of environmental nuisance generated by the development to the nearby sensitive receivers, and other concerned Government departments had no adverse comments on the application;
- (d) no local objection but three public comments were received, raising concerns mainly on the possible environmental nuisances and security problem to the nearby residents and the adverse traffic impacts on the surrounding area; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary use could be tolerated for a period of three years for reasons given in paragraph 12.1 of the Paper.

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

10. Questions raised by the Members were summarised as follows:

- (a) whether the western part of the application site was mostly covered with building structures as appeared in the aerial photo at Plan A-3 of the Paper;
- (b) what was the use of the existing structure on the eastern part of the application site and why such a small area was included in the application site;
- (c) whether the eastern part of the application site was included in any previous approved application and whether this part could be used for open storage and cargo handling;
- (d) whether the public comments received had been given due weight in the

assessment of the planning application and how the local concerns would be addressed;

- (e) whether there was any vehicular access and traffic problems associated with the proposed development, particularly for the eastern part of the application site, noting that the vehicles would gain access to the application site via a narrow local access road and across a substandard steel bridge; and
- (f) the location of the unauthorized structures that would require removal as pointed out by the Buildings Department.

11. In reply, Mr. W.K. Hui, DPO/TPN, made the following points:

- (a) there were only two covered structures in the western part of the application site as shown on the Site Plan at Plan A-2 of the Paper;
- (b) the structure on the eastern part of the application site was for warehouse use, and the applicant claimed that the warehouse was an existing use. The eastern part was included into the application site to tally with the application for a short term waiver covering the whole development;
- (c) the eastern part of the application site was the subject of two previous applications (No. DPA/NE-TKL/95 and A/NE-TKL/233) approved by the Committee for warehouse use on 19.8.1994, and warehouse and cargo handling uses on 7.3.2003 respectively. The site was partly occupied by a warehouse structure and the remaining area could be used for open storage;
- (d) PlanD considered that the applied temporary use could be tolerated. The public concerns, which were mainly on environmental grounds, could be addressed by imposing an approval condition to prohibit storage and handling of dangerous goods or electronic parts wastes within the

application site. The concern on the potential noise nuisance to the nearby sensitive receivers had already been considered by the Committee when the previous application (No. A/NE-TKL/233) for temporary warehouse and cargo handling was discussed and approved. There was no change in circumstances that warrant different consideration of the current application. Nevertheless, should the subject application be approved, the applicant would be advised to implement relevant environmental measures as recommended in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites';

- (e) the concern on the potential vehicular access and traffic problems could be addressed by imposing an approval condition on the submission of vehicular access, parking and loading/unloading arrangement proposals, as proposed by the Transport Department; and
- (f) the requirement of the removal of unauthorized building works/structures on site was to alert the applicant that enforcement action might be taken by the Building Authority to any building works that were not in compliance with the Buildings Ordinance.

12. The Chairman remarked that any structures built without prior approval obtained from the Building Authority would generally be considered unauthorized under the Buildings Ordinance, and granting of planning approval should not be construed as acceptance of the unauthorized structures on the application site under the Buildings Ordinance.

Deliberation Session

13. Some Members had the following views on the proposed development:

- (a) granting approval for the proposed development might lead to further deterioration of the environment and adversely affect the traffic condition of the area. In particular, the eastern part of the application site fell

within the “Green Belt” (“GB”) zone. The proposed development might affect the bat roosting site in the nearby area; and

- (b) whilst the warehouse use in the eastern portion of the application site, being an ‘existing use’, could be tolerated, it was undesirable to allow open storage or cargo handling uses on that portion as these uses were not in line with the planning intention of the “GB” and “Agriculture” zones.

14. A Member noted that the application site was currently used for storage and handling of electronic parts wastes and asked whether there was any regular monitoring of the use of the application site to ensure that it would not be used for such purpose. The Chairman said that if the applicant failed to comply with the approval condition on prohibiting storage and handling of electronic parts wastes, the planning approval given would be revoked and PlanD would take enforcement action against any unauthorized development. Mr. Elvis W.K. Au said that in view of the growing concerns on the environmental problems resulted from the proliferation of unauthorized disposal of electronic parts wastes, the EPD had inspected a number of sites with suspected unauthorized disposal and enforcement action would be taken if they violated the Waste Disposal Ordinance. The subject application site had already been referred to the enforcement team of the EPD for further action.

15. After discussion, the Committee generally agreed to tolerate the proposed temporary open storage, warehouse and cargo handling uses on the western part of the application site, but considered that the use on the eastern part should be restricted to warehouse only, and no open storage and cargo handling activities would be allowed on the open area.

16. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 9.9.2008, 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 6:30 p.m. to 8:00 a.m. as proposed by the applicant was permitted within the application site at any time during the

planning approval period;

- (b) no dangerous goods or electronic parts wastes would be stored or handled within the application site as proposed by the applicant at any time during the planning approval period;
- (c) no open storage or cargo handling uses were allowed within the eastern part of the application site which was zoned “Green Belt” and “Agriculture” on the Outline Zoning Plan at any time during the planning approval period;
- (d) the submission of landscape and tree preservation proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 9.12.2005;
- (e) in relation to (d) above, the implementation of landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 9.3.2006;
- (f) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 9.12.2005;
- (g) in relation to (f) above, the provision of drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 9.3.2006;
- (h) the submission of vehicular access, parking and loading/unloading arrangement proposals within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 9.12.2005;

- (i) in relation to (h) above, the implementation of vehicular, parking and loading/unloading arrangement within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 9.3.2006;
- (j) the submission of fire services installations proposals within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 9.12.2005;
- (k) in relation to (j) above, the provision of water supplies for fire fighting and fire services installations 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 9.3.2006;
- (l) if any of the above 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;
- (m) if any of the above planning conditions (d), (e), (f), (g), (h), (i), (j) or (k) 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

17. The Committee also agreed to advise the applicant :

- (a) the applicant 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 site and the occupation of Government land respectively;
- (b) the cost of necessary diversion of the existing water mains affected by the development was to be borne by the development project and water mains

in the vicinity of the application site could not provide the standard fire-fighting flow;

- (c) to implement relevant environmental measures as recommended in the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’;
- (d) that Authorized Person must be appointed to coordinate all building works and the granting of planning approval should not be construed as an acceptance of the unauthorized structures on the application site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in future; and
- (e) that the arrangement on emergency vehicular access should comply with Part VI of the Code of Practice for Means of Access for Fire Fighting and Rescue administered by the Buildings Department.

[The Chairman thanked Mr. W.K. Hui, DPO/TPN, and Miss Alice Y.C. 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 4

Section 16 Applications

[Open Meeting (Presentation and Question Session only)]

- (i) A/YL-KTS/353 Temporary Petrol/Liquefied Petroleum Gas Filling Station
for a Period of 3 Years
in “Agriculture” zone,
Lots 233BRP and 456RP in DD 103,
Kam Tin Road, Kam Tin,
Yuen Long
(RNTPC Paper No. A/YL-KTS/353)
-

Presentation and Question Session

18. The Committee noted that the applicant requested on 26.8.2005 for a deferment of the consideration of the application to allow time for submitting further information on the traffic arrangement to address the concerns of the Transport Department.

Deliberation Session

19. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of additional information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[Open Meeting (Presentation and Question Session only)]

- (ii) A/YL-NSW/165 Temporary Driving School and Ancillary Uses
for a Period of 3 Years
in “Comprehensive Development Area (1)” zone,
Lot 1347RP in DD 115,
near Shan Pui Chung Hau Tsuen,
Yuen Long
(RNTPC Paper No. A/YL-NSW/165)
-

20. The Committee noted that Mr. C.K. Wong had declared an interest in this item as he had business dealing with Pro Plan Asia Ltd., the Consultant of the application.

[Mr. C.K. Wong left the meeting temporarily at this point.]

Presentation and Question Session

21. 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 13.9.2002, and the applicant had complied with the only approval condition of the previous application on the provision of fire safety installation;
- (b) the proposed temporary driving school and ancillary uses;
- (c) departmental comments – the Environmental Protection Department raised concerns on the environmental nuisance caused by the heavy vehicles and articulated vehicles, and other concerned Government departments had no objection to the application;
- (d) no local objection but one public comment was received, suggesting more trees be planted to protect the ecological environment and road control measures be implemented to minimize the noise nuisance, and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 10.1 of the Paper. Additional approval conditions prohibiting training of drivers of heavy vehicles or articulated vehicles outside the application site after 7:30 p.m. and requiring maintenance of landscape planting on site at all time were recommended to minimize any possible noise impact and to address the public concern on protecting the ecological environment respectively.

22. Members had no question on the application.

Deliberation Session

23. A Member noted that the application site was zoned “Comprehensive Development Area (1)” (“CDA(1)”) but planning approvals had been granted for the proposed driving school on a temporary basis for a number of times. This Member raised concern on whether the intended comprehensive development was implementable. The Chairman said that the “CDA(1)” site was intended for comprehensive residential development and its implementation was dependent on the market conditions. Meanwhile, the site could be released for short-term use if the impacts of the proposed use was considered acceptable.

24. The Chairman continued to say that the public concern on greening would be addressed by imposing an approval condition to require the applicant to maintain landscape planting on the application site in good condition.

25. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 9.9.2008, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions:

- (a) no training of drivers of heavy vehicles or articulated vehicles was allowed outside the application site after 7:30 p.m. at night at any time during the planning approval period;

- (b) landscape planting on site should be maintained in good condition at any time during the planning approval period;
- (c) provision of water supply for fire fighting and fire service installation within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 9.12.2005;
- (d) if any of the above conditions (a) or (b) 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
- (f) if the approval condition (c) 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.

26. The Committee also agreed to advise the applicant to note:

- (a) the Director of Environmental Protection's advice that applicant should observe the requirements of the Water Pollution Control Ordinance and the Waste Disposal (Chemical Waste) (General) Regulation;
- (b) the Chief Engineer/Mainland North, Drainage Services Department's advice to consider the need of provision of surface channel along the periphery of the new 100mm thick concrete platform for the proposed aboveground diesel tank in the detailed design and building plan submission stage; and
- (c) the Chief Building Surveyor/New Territories West, Buildings Department's comments that (i) the granting of planning approval should not be construed as condoning to any unauthorized building works carried out on the application site, which were subject to enforcement action under section 24 of the Buildings Ordinance; (ii) the proposed diesel tank should

be submitted to Building Authority for approval and consent should be obtained prior to commencement of works; and (iii) the applicant should apply for renewal of the temporary occupation permits and temporary building permits for the one-storey administration building and the open shelter, and the petrol filling station noting that the permits had expired on 5.11.2002. The applicant was advised not to occupy the buildings prior to obtaining renewal of these permits.

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

[Open Meeting (Presentation and Question Session only)]

- (iii) A/YL-PH/506 Temporary Open Storage of Plant and Machinery
for a Period of 3 Years
in “Open Storage” and
“Village Type Development” zones,
Lots 646(Part), 648(Part), 649(Part), 650(Part) in DD 111
and Adjoining Government Land,
Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/506)
-

Presentation and Question Session

27. Mr. Wilson W.S. Chan, STP/TMYL, said that there were two typos in Pages 8 and 9 of the Paper, i.e., the date of publishing the application for public inspection in paragraph 11 should be 19.7.2005 and not 19.8.2005, and 96 ha instead of 9 ha of land was zoned “Open Storage” on the draft Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/9 in paragraph 12.2(d).

28. 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 plant and machinery;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (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 as stated in paragraph 12.2 of the Paper that the development was not in line with the planning intention of the “Village Type Development” (“V”) zone; the development was not compatible with the residential developments in the vicinity; and the applicant had not demonstrated effort or provide information on why relocation to alternative sites could not be made.

29. Questions raised by the Chairman and Members were:

- (a) whether planning permission was required only for the northern part of the application site;
- (b) whether there was any open storage use in the northern part of the application site, which was shown as Fire Exit Door at Appendix Ia of the Paper; and
- (c) clarification was sought on the status of the open storage use to the immediate north of the application site.

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

- (a) planning permission for temporary open storage use was required only for the northern part of the application site, which was zoned “V” on the draft Pat Heung OZP No. S/YL-PH/9;

- (b) the whole site, including the area zoned “V” in the northern part, was used for open storage purpose, as shown in the aerial photo at Plan A-3 of the Paper; and
- (c) the open storage site to its immediate north was the subject of five previous applications for various open storage uses. In approving the last application (No. A/YL-PH/485) for that site, a shorter approval period of 12 months was given to provide time for relocation of this incompatible use within the “V” zone to another more suitable location. The Committee adopted the same approach in handling this application and the other similar application within the same “V” zone.

Deliberation Session

31. Some Members did not support the application and had the following views:
- (a) the temporary open storage use was considered undesirable in the area zoned “V” as it was not in line with the planning intention of the “V” zone; and
 - (b) as planning permission for a temporary period of 12 months had been granted twice for the subject site, sufficient time had been given for the applicant to relocate the applied use within the “V” zone to other suitable location.
32. A Member considered that sympathetic consideration might be given as there were no applications for Small House developments within and in the vicinity of the part of the application site zoned “V”. Another Member said that the open storage use within the “V” zone was amidst a large open storage area in the vicinity.
33. The Committee noted that planning approval for the open storage use to the immediate north of the application site would expire in January 2006. Discontinuation of the open storage use on the application site at this stage was considered appropriate as

sufficient time had been allowed for the applicant to relocate the open storage use to other suitable site.

34. 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 on the Outline Zoning Plan, which was to designate both existing recognized villages and areas of land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. There was no strong justification in the submission for a departure from such planning intention;
- (b) the application was not in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13C) in that the development was not compatible with the residential developments in the vicinity and the intention of the Category 4 areas to encourage the phasing out of non-conforming uses; and
- (c) the applicant had not demonstrated effort or provide information on why relocation to alternative site could not be made.

[Open Meeting (Presentation and Question Session only)]

- (iv) A/YL-PS/230 Proposed Temporary Open Storage of Construction Materials
for a Period of 3 Years
in “Undetermined” zone,
Lot 743 in DD 122,
Yung Yuen Road, Ping Shan,
Yuen Long
(RNTPC Paper No. A/YL-PS/230)
-

Presentation and Question Session

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

- (a) background to the application;
- (b) the proposed temporary open storage of construction materials;
- (c) departmental comments – the Environmental Protection Department did not support the application in view of dust and noise nuisances generated by the development to the nearby sensitive receivers, and other concerned Government departments had no objection to the application;
- (d) no local objection and no public comment were received; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for the reasons that the development was not compatible with the nearby residential structures; and the application was not in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13C) in that there was insufficient information to demonstrate that there would not be adverse drainage impacts and environmental nuisances on the surrounding areas, and there were adverse departmental comments on the application.

36. In response to the Vice-chairman's enquiry on whether there were any persons living in the residential structures to the south-east of the application site, Mr. Wilson Y.L. So, DPO/TMYL, said that during the site visit conducted on 26.7.2005, it was found that these structures were used for residential purpose. He opined that the proposed temporary open storage use was not compatible with these residential developments in the vicinity.

Deliberation Session

37. The Chairman remarked that a previous planning application (No. A/YL-PS/194) for temporary marble workshop and storage of marble submitted by the same applicant was rejected by the Committee on 24.9.2004. There was no change in planning circumstances to justify a departure from the Committee's decision.

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

- (a) the proposed development was not compatible with the residential structures located to the immediate southwest and west 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 (TPB PG-No. 13C) in that the use was incompatible with the adjacent residential structures, there was insufficient information to demonstrate that there would not be adverse drainage impacts and environmental nuisances on the surrounding areas, and there were adverse departmental comments on the application.

[Mr. Patrick Li left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Session only)]

- (v) A/YL-TT/185 Temporary Public Vehicle Park
(Including Private Cars, Lorries and Container Vehicles)
for a Period of 3 Years
in “Village Type Development” zone,
Lots 125A(Part), 125B, 125C, 125RP(Part), 126(Part),
134(Part), 135(Part), 302A(Part), 303RP(Part) in DD 117
and Adjoining Government Land,
Shui Tsiu San Tsuen, Tai Tong Road,
Yuen Long
(RNTPC Paper No. A/YL-TT/185)
-

Presentation and Question Session

39. 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 three previous planning permissions, and the applicant had complied with the approval conditions on the landscape, drainage and run-in/out aspects;
- (b) the proposed temporary public vehicle park (including private cars, lorries and container vehicles);
- (c) departmental comments – the Environmental Protection Department (EPD) had concern on the potential traffic noise nuisance to the nearby sensitive receivers, and other concerned Government departments had no objection to the application;
- (d) no local objection and no public comment were received; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons detailed in paragraph 11.1 of the Paper, but

approval conditions prohibiting workshop activity, and parking/storage of heavy goods vehicles, container vehicles, tractors and trailers on the application site were recommended to minimize any potential traffic noise nuisance.

[Mr. Patrick Li returned to join the meeting at this point.]

40. Members had no question on the application.

Deliberation Session

41. The Chairman remarked that the application site was the subject of three previously approved applications (No. A/YL-TT/51, A/YL-TT/119 and A/YL-TT/135) for temporary public car and lorry park submitted by the same applicant and the approval conditions of the last application (No. A/YL-TT/135) had been complied with by the applicant. In the subject application, the inclusion of parking of container vehicles was proposed in the public vehicle park. PlanD had no objection to the parking of cars and lorries but considered that parking of heavy goods vehicles, container vehicles, tractors and trailers should not be allowed on the application site in view of the environmental concern raised by EPD.

42. A Member asked whether the applicant should be required to submit a landscape proposal for the site. The Chairman said that a landscape proposal had previously been submitted and implemented. In the current application, an approval condition would be imposed to require the applicant to maintain the completed landscape planting at all time.

43. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 9.9.2008, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions:

- (a) no workshop activity was allowed to be carried out on the application site at any time during the planning approval period;
- (b) no heavy goods vehicles, container vehicles, tractors and trailers were

allowed to be parked/stored on the application site at any time during the planning approval period;

- (c) the landscape planting on the application site should be maintained, including the replacement of dead trees, at any time during the planning approval period;
- (d) the drainage facilities on the application site as implemented under Application No. A/YL-TT/135 should be maintained at any time during the planning approval period;
- (e) 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; and
- (f) 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.

44. The Committee also agreed to advise the applicant to note that:

- (a) the District Lands Officer/Yuen Long, Lands Department's comments that the application site comprised Government land on which no approval had been given to the applicant for exclusive use. Appropriate land control action would be taken accordingly; and
- (b) the Chief Highway Engineer/New Territories West, Highways Department's comments that all proposed accesses should be agreed by the Transport Department. Run-in should be constructed at the proposed vehicular access point in accordance with the Highways Department's Standard Drawings No. H1113 and H1114, or H5115 and H5116, as appropriate. Surface run-off from the application lot should not be

allowed to overflow onto the existing footpath or verge of Tai Tong Road. Should any public road drainage be affected, the Highways Department should be consulted.