

**Minutes of 868<sup>th</sup> Meeting of the  
Town Planning Board held on 13.10.2006**

**Present**

Permanent Secretary for Housing, Planning and Lands (Planning and Lands)      Chairperson  
Mrs. Ava Ng

Mr. Michael K.C. Lai

Dr. Greg C.Y. Wong

Ms. Carmen K.M. Chan

Mr. Erwin A. Hardy

Professor Nora F.Y. Tam

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. Edmund K.H. Leung

Professor N.K. Leung

Professor Bernard V.W.F. Lim

Dr. C.N. Ng

Dr. Daniel B.M. To

Mr. Stanley Y.F. Wong

Mr. Alfred Donald Yap

Ms. Sylvia S.F. Yau

Mr. B.W. Chan

Mr. Walter K.L. Chan

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Dr. James C.W. Lau

Ms. Starry W.K. Lee

Mr. K.Y. Leung

Director of Environmental Protection  
Ms. Anissa Wong

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

Secretary

**Absent with Apologies**

Dr. Peter K.K. Wong

Vice-chairman

Mr. Tony C.N. Kan

Mr. Felix W. Fong

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

Director of Lands  
Mr. Patrick L.C. Lau

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

**In Attendance**

Assistant Director of Planning/Board  
Mr. S. Lau

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

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

1. The Chairperson said that Mrs. Rita Lau, the Permanent Secretary for Housing, Planning and Lands (PSPL) was on leave and she had to chair the meeting as acting PSPL on her behalf.

2. The Chairperson expressed welcome to Ms. Anissa Wong, the Director of Environmental Protection, who attended the meeting first time.

### **Agenda Item 1**

(Open Meeting)

#### Confirmation of Minutes of the 867<sup>th</sup> Meeting held on 22.9.2006

3. The minutes of the 867th meeting held on 22.9.2006 were confirmed without amendment.

### **Agenda Item 2**

#### Matters Arising

(Open Meeting)

(i) Town Planning Appeals Received

- (a) Town Planning Appeal No. 17 of 2006  
Temporary Showroom (Ship) and Office, Open Storage of Ship,  
Steel Frame for Sign Board, Store Room for a Period of 3 Years  
in “Green Belt” Zone, Ground Floor of House 38 and  
Adjoining Government Land, Tai Chung Hau Village, Sai Kung  
Application No. A/SK-HH/36

4. The Secretary said that an appeal against the decision of the Board to reject on review an application for temporary showroom of ship and office, open storage of ship, steel frame for sign board, store room for a period of 3 years on a site zoned “Green Belt” on the draft Hebe Haven Outline Zoning Plan (OZP) No. S/SK-HH/5 was received by Town

Planning Appeal Board (TPAB) on 25.9.2006.

5. The review application was rejected by the Board on review on 14.7.2006 for the reason that the proposed temporary office and showroom were not compatible with the surrounding developments, which were primarily for residential use. The hearing date of the appeal was yet to be fixed. The Secretariat would represent the Board in the TPAB proceedings.

(b) Town Planning Appeal No. 18 of 2006 (18/06)  
Proposed New Territories Exempted House (NTEH) (Small House)  
in "Agriculture" Zone, Lots 539C and 541B8 in DD9,  
Yuen Leng Village, Kau Lung Hang, Tai Po  
(Application No. A/NE-KLH/343)

(c) Town Planning Appeal No. 19 of 2006 (19/06)  
Proposed New Territories Exempted House (NTEH) (Small House)  
in "Agriculture" Zone, Lots 535A3 and 539D in DD9,  
Yuen Leng Village, Kau Lung Hang, Tai Po  
(Application No. A/NE-KLH/344)

6. The Secretary reported that two appeals related to two applications, each for a NTEH at two adjacent sites zoned "Agriculture" on the draft Kau Lung Hang OZP No. S/NE-KLH/10 were received by the TPAB on 19.9.2006. The applications were approved with conditions by the Board on review and the appellants appealed against an advisory note. The hearing dates of the two appeals were yet to be fixed, and the Secretariat would represent the Board in the TPAB proceedings.

(ii) Appeal Statistics

7. The Secretary said that as at 13.10.2006, 33 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows:

Allowed :	17
Dismissed :	86
Abandoned/Withdrawn/Invalid :	117
Yet to be Heard :	33
Decision Outstanding :	1
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Total :	254

[Dr. Daniel B.M. To, Professor Paul K.S. Lam, Professor David Dudgeon, Mr. Stanley Y.F. Wong, Mr. Leslie H.C. Chen, Mr. Raymond Y.M. Chan, Ms. Carmen K.M. Chan and Ms. Maggie M.K. Chan arrived to join the meeting at this point.]

**Sai Kung and Islands District**

**Agenda Item 3**

[Open meeting (Presentation and Question Session Only)]

Review of Application No. A/SK-PK/144

Temporary Fish Tanks for a Period of 3 Years in “Recreation” zone,  
Lots 341(Part), 342(Part) and 343(Part) in DD 221, Sha Kok Mei, Sai Kung  
(TPB Paper No. 7683)

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[The hearing was conducted in Cantonese.]

**Presentation and Question Session**

8. Mr. Michael Chan, District Planning Officer/Sai Kung and Islands of the Planning Department (PlanD), was invited to the meeting at this point.

9. The following applicant and the applicant's representative were invited to the meeting at this point:

- Mr. Chow Wai-hon - Applicant
- Mr. Cheng Kwok-fai - Applicant's Representative

10. The Chairperson extended a welcome and explained briefly the procedures of the review hearing. The Chairperson then invited the PlanD's representative to brief Members on the background to the application.

11. Mr. Michael Chan did so as detailed in the Paper and Supplementary Paper, and covered the following main aspects:

- (a) the proposed fish tanks were for de-toxication of the imported seafood before supplying to the restaurants;
- (b) the application was rejected by the Rural and New Town Planning Committee on 17.2.2006;
- (c) the applicant submitted written representation in support of the review application, and supplementary information on the disposal of waste water and the proposed access arrangement to address the environmental and traffic concerns raised by the concerned Government departments. The applicant pointed out that there was no need for changing the seawater in the proposed fish tanks;
- (d) departmental comments - the Environmental Protection Department (EPD) did not support the application as there was insufficient information on the disposal arrangement of the cleansing water and sewage discharge from the application site. The Transport Department (TD) considered the traffic arrangement of the site not satisfactory and recommended to impose a condition on the design and provision of access, car parking spaces and loading/unloading facilities if the Board approve the application. The Sai Kung District Office (SKDO) considered that the proposed structure was close to the residential area and the residents nearby might have

concern about the possible noise nuisance and parking problem associated with the proposed development; and

- (e) PlanD's views – the review application was not supported for the reasons detailed in paragraph 4.1 of the Supplementary Paper. The EPD, TD and SKDO had raised concerns on the application.

12. The Chairperson then invited the applicant and the applicant's representative to elaborate on the application.

13. Mr. Chow Wai-hon and Mr. Cheng Kwok-fai made the following main points at the meeting:

- (a) the proposed fish tanks were used to store imported seafood for a few weeks before sending to restaurants in Sai Kung;
- (b) the water in the proposed fish tanks would not be discharged to the nearby stream and would be retained for re-use. The water would be disinfected, and filtered by sponges, active carbon and sand;
- (c) according to the applicant's understanding of the operation of the large-scale fish rearing ground in South-east Asia, there was no need for changing the seawater in large fish tanks installed with proper disinfection system and regular cleansing of sponge. A sand pit would be provided to cleanse the sponge;
- (d) the applicant would further follow-up with the TD's requirements on the traffic arrangement of the site should the application be approved by the Board; and
- (e) no noise nuisance on the surrounding area was envisaged as only a 5.5-ton vehicle would be used once daily for the transportation of seafood and the loading/unloading activities would only be carried out during 10:00 a.m. to 2:00 p.m.. The local consulted had no objection to the application.



[Dr. Lily Chiang and Mr. Y.K. Cheng arrived to join the meeting at this point.]

14. Members sought clarifications from the applicant's representatives on the followings:

- (a) how to treat the waste water generated from the cleansing of sponge filters and stored in the sand pit; and
- (b) whether the existing tree within the application site would be affected by the proposed development.

15. Mr. Chow Wai-hon responded as follows:

- (a) the sponge filters would be cleansed twice every month in the sand pit and the water within the sand pit would not be discharged. The proposed sand pit was similar to the soakaway pit commonly found in the village house developments; and
- (b) the existing tree within the application site would be preserved.

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

16. As the applicant and the applicant's representative 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, the applicant's representative and PlanD's representative for attending the meeting. They all left the meeting at this point.

#### Deliberation Session

17. The Chairperson remarked that according to the applicant, the water within the proposed fish tanks would be recycled and no waste water would be discharged from the proposed fish tanks.

18. Members had the following views on the review application:

- (a) the concern on tree felling within the application site was addressed as the applicant had claimed that the existing tree would be preserved;
- (b) the traffic impact of the proposed development was considered not significant in view of the low traffic trip generated from the transportation of seafood;
- (c) the proposed fish tanks were considered in general compatible with the rural setting of the area;
- (d) subject to the advice from the EPD, sympathetic consideration might be given to the application in view of temporary nature of the proposed fish tanks and no objection from the locals consulted by the applicant, and that the waste water generated from cleansing of sponge filters would be carried away by water trucks;
- (e) the environmental concern on the potential water contamination problem associated with the waste water generated from the cleansing of sponge filters had not been addressed satisfactorily. The applicant should provide technical information with detailed illustration on the treatment of the waste water generated from the proposed development and relevant disposal facilities; and
- (f) although the applicant claimed that no water would be discharged, it was likely that partial changing of the water was required. Also, discharge of water might be occasionally required for the cleansing of sponge, maintenance or repairing works of the proposed fish tanks. Therefore, the information on how to treat the discharged water should be provided.

19. Ms. Anissa Wong said that the submitted information was considered too general and not satisfactory to address the environmental concern on the treatment of waste water generated from the development. On the discharge/disposal of waste water, the Food and

Environmental Hygiene Department also considered that proper drainage should be provided to the satisfaction of the department.

20. After further discussion, Members considered that insufficient information had been provided on the provision of waste water treatment facilities and measures to safeguard against the potential water contamination problem associated with the proposed development and therefore the application should not be supported. It was agreed to amend the proposed rejection reason (a) suitably to reflect Members' concerns.

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

- (a) the water to be discharged from the fish tanks could be of high salinity and might contain various chemicals. Insufficient information had been provided in the submission on the provision of waste water treatment facilities and measures to safeguard against potential water contamination problem on the surrounding area;
- (b) there were village houses in close proximity to the application site. There was insufficient information in the submission to demonstrate that the proposed development would not cause noise nuisances on the nearby residents;
- (c) there was insufficient information in the submission on the vehicular access and loading/unloading arrangements for the transportation of seafood and other equipment; and
- (d) approval of the application would set an undesirable precedent for other similar applications. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

[Dr. Greg C.Y. Wong left the meeting temporarily.]

**Tuen Mun and Yuen Long District**

**Agenda Item 4**

[Open meeting (Presentation and Question Session Only)]

Review of Application No. A/YL-KTN/246

Proposed Religious Institution and Ancillary Facilities

in “Agriculture” and “Green Belt” zones,

Government Land in DD 109, Kam Tin, Yuen Long

(TPB Paper No. 7687)

[The hearing was conducted in Cantonese.]

**Presentation and Question Session**

22. Mr. Wilson Y.L. So, District Planning Officer/Tuen Mun and Yuen Long of the Planning Department (PlanD), was invited to the meeting at this point.

23. The following applicant’s representatives were also invited to the meeting at this point:

Mr. Ngai Hok-yan	]	Applicant’s representatives
Mr. Chan Yu-yuk	]	
Mr. Lo Kiu-wing	]	
Mr. Chan Chu-fat	]	
Mr. Tsui Ka-hing	]	
Mr. Yeung Hoi-fook	-	Village Representative of Tai Kong Po
Mr. Tang Kwei-yau	-	Yuen Long District Councillor

24. The Chairperson extended a welcome and explained briefly the procedures of the review hearing. The Chairperson then invited the PlanD’s representative to brief Members on the background to the application.

25. Mr. Wilson Y.L. So did so as detailed in the Paper and covered the following

main aspects:

- (a) the proposed religious institution and ancillary facilities, and the use of the adjacent land rented by the applicant;
- (b) the reasons for the Rural and New Town Planning Committee (the RNTPC) to reject the proposed religious institution and ancillary facilities on 7.4.2006 as set out in paragraph 1.2 of the Paper;
- (c) the written representation and supporting letters submitted by the applicant and major justifications put forth in support of the review application as detailed in paragraph 3 of the Paper;
- (d) departmental comments – the Lands Department advised that short term tenancy would not be granted to the part of the application site falling within the permitted Burial Ground, even if the planning application was approved by the Board. The Chief Town Planner/Urban Design and Landscape of the PlanD had no in-principle objection to the application from the landscape planning point of view and pointed out that site formation had already taken place with extensive clearance of existing natural vegetation within the application site. The Drainage Services Department considered that the applicant should submit a drainage proposal to address the drainage concern and clarified that a major section of the access road was not built under the drainage project. The Transport Department (TD) advised that the traffic impact of the proposed development was minimal and clarified the access road was not under his purview;
- (e) two public comments objecting to the application, each from a villager of Tai Kong Po, were received during the publication periods of the review application and further information on review application. The comments stated that the application was submitted by a group of villagers who intended to make profit from building columbarium; and
- (f) PlanD's views – the review application was not supported for the reasons as

detailed in paragraph 6.1 in the Paper. Apart from not being in line with the planning intention of the “Agriculture” (“AGR”) and “Green Belt” (“GB”) zones, the proposed development involved an intensification of the existing temple activities and there were signs of unauthorized site formation with clearance of vegetation within the application site. No strong justification had been provided to justify the encroachment onto the “GB” zone and burial ground on Government land, while the main use was a 3-storey religious institution occupying only a minor portion of the application site.

26. The Chairperson then invited the applicant’s representatives to elaborate on the application.

27. With the aid of a plan showing the existing layout of Tin Tak Temple, Mr. Ngai Hok-yan made the following main points:

- (a) the Tin Tak Temple adjacent to the proposed development, which was constructed about 70 years ago, had been managed by the applicant, the Kam Tin Chiu Kiu Yue Lan Association Limited, for more than 40 years. The applicant originally owned an office structure for managing the annual activities of Yue Lan Festival and Birthday of Kwun Yum. The office site was recently acquired by the Government for the implementation of drainage improvement works and the Government agreed to provide a site for the reprovisioning of the affected office. However, various sites identified by the Government were considered not suitable for the office use;
- (b) the applicant proposed to develop the office in the site occupied by an existing unauthorized structure near Tin Tak Temple. The Lands Department advised that if planning permission was granted for the proposed office structure, they might consider issuing a short term tenancy to cover the unauthorized structure and the adjoining Tin Tak Temple;
- (c) to address the concern on the encroachment onto the “GB” zone and setting of an undesirable precedent for similar applications within that zone, the

applicant said that he was willing to exclude the “GB” area from the application site and that planning permission could be granted for the proposed 3-storey building falling with the “AGR” zone only. Also, the Board might consider to impose a condition limiting the future use of the “GB” area or request the Lands Department to exclude the “GB” area from the future short term tenancy;

- (d) the traffic impact of the proposed development was minimal as confirmed by the TD. As no traffic problem was observed during a recent large-scale activity with more than 1,000 participants organized by the applicant, no traffic impact arising from the proposed development was envisaged as the ancestral hall, with limited floor area, would not attract too many visitors during worshipping times;
- (e) the proposed office was essential for managing the annual activities of Yue Lan Festival and Birthday of Kwun Yum, which had become the important traditions of Pat Heung area. It was hoped that the review application would be approved due to such cultural and historical considerations; and
- (f) the proposed indoor recreation centre would serve the local community by providing venue for holding social activities. The adjacent vacant area, which would not be used on the days other than festive occasions, had recently been used as a sports field for the local residents. The proposed office was also required for managing the sports field.

[Dr. Greg C.Y. Wong returned to join the meeting at this point.]

28. Mr. Tang Kwei-yau made the following main points:

- (a) he was a District Councillor and had been serving the area for about 4 years. Before that, he worked for the Rural Committee. He was familiar with the business of the district and had participated in most of the religious activities organized by the applicant. He had submitted a letter in support of the proposed development;

- (b) the existing facilities were considered not adequate to cater for the activities organized by the applicant;
- (c) no adverse impact on the local residents was envisaged as the application site was located near hillside; and
- (d) approval of the application was considered beneficial to the district.

29. Mr. Yeung Hoi-fook, the Village Representative of Tai Kong Po, said that he hoped that the Board would approve the review application on the grounds made by Mr. Ngai Hok-yan and Mr. Tang Kwei-yau at the meeting.

30. Mr. Chan Chu-fat supplemented the following main points on the background of the application:

- (a) the Government had identified ten site for the reprovisioning of the office affected by the drainage project. However, these sites were considered not suitable as they were located far away from the venue of holding the activities of Yue Lan Festival;
- (b) the application site was suggested by the local residents for the reprovisioning of the affected office use. The Lands Department basically agreed to use the proposed site for the purpose; and
- (c) the applicant, with a history of serving the district for more than 50 years and recently become a charity organization, had gained wide support from both the local residents and various organizations from the Society. They had recently received a donation of 5 million dollars from an organization for the construction of an access road and a platform for holding the activities of Yue Lan Festival.

31. Members sought clarification from the applicant on the followings:

- (a) whether there was any tree planting proposal to improve the landscape of the application site;



- (b) the details of the proposed access road and car park mentioned in TD's comments;
- (c) the use of the proposed indoor recreation centre on the first floor of the proposed building;
- (d) the scale of the proposed ancestral hall for placing ancestral tablets;
- (e) the nature of the ancestral tablets and whether there was any existing permanent ancestral tablets placed in the area owned by Tin Tak Temple;
- (f) whether the paving works for the area occupied by the access road, car park, platform and unauthorized structure were undertaken by the applicant, and the organization that had provided funding support for the development of the platform; and
- (g) any advice or assistance offered by the Yuen Long District Office on the proposed development.

32. In response, Mr. Ngai Hok-yan made the following main points:

- (a) the applicant intended to develop the proposed private open space area with trees and Chinese-style structures compatible with the adjacent temple. The area zoned "GB" was previously included into the application site as the graves there was managed by the applicant. They mainly concerned with the development of the office building and could give up the northern part of the proposed private open space in the "GB" zone, which was not an essential part of the application; and
- (b) both the concrete access road and the platform where the car park was located were constructed by the applicant with donation by an organization. The adjacent platform was mainly used as the venue for holding the activities of Yue Lan Festival and the remaining area would be used a temporary car park to serve the visitors on such occasions. The concrete

road, which provided access to the platform and the application site, was mainly built along the drainage work area. Although a section of this access road had a width of less than 4.5m, it could still cope with the traffic generated during festive occasions and no adverse traffic impact was resulted.

33. In response, Mr. Chan Chu-fat made the following main points:

- (a) in view of inadequacy of the existing community facilities in the area to meet the local needs, the existing unauthorized structure within the application site was turned into a gathering place for the residents. As the building was dilapidated, the applicant would like to redevelop it so as to provide a better facility for the use of the local residents;
- (b) the number of ancestral tablets to be provided on the second floor of the proposed building was subject to the future demand of their Members. It was envisaged that about 300 ancestral tablets of A-4 size would be provided with the proposed floor area of 700ft<sup>2</sup>. In view of limited number of ancestral tablets provided, no traffic and environment impacts were envisaged and the applicant would try to minimize any potential impacts;
- (c) the ancestral tablets, only for the use of Tin Tak Temple Members, was permanent in nature. No human ashes would be placed in the ancestral hall. Only two permanent tablets, which had been established for a long time, were placed within the Tin Tak Temple. The applicant intended to extend their services by providing permanent ancestral tablets within the proposed office building;
- (d) paving works for the adjacent area was undertaken by the applicant with the donation from a major land developer, by using recycled building materials. The applicant, with the donation from local villagers, had also undertaken paving and slope works for the application site affected by the landslide. The existing trees within the application site were affected and felled due to the landslide; and

- (e) the Yuen Long District Office was concerned with the proposed development as well as the activities organized by the applicant. They had offered assistance in the application for the proposed development and application for turning the Association into a charity organization to facilitate formal management of the Tin Tak Temple by the applicant.

34. Members sought clarification from the PlanD on the followings:

- (a) whether the application site was identified by the Lands Department for the proposed development;
- (b) the location of the original office site; and
- (c) the area proposed for the religious institution and ancillary facilities.

35. Mr. Wilson Y.L. So, with the use of plans shown at the meeting, responded as follows:

- (a) the Lands Department advised that several structures within the application site were unauthorized. If the application was approved by the Board, only the proposed structure and the adjoining Tin Tak Temple would be included into the short term tenancy. The application site, which covered also the Burial Ground and area under the “GB” zone had not been agreed by the Lands Department;
- (b) the original office site, which was located near Cheung Kong Tsuen, was located further away from Tin Tak Temple. The office structure had been demolished for the implementation of the drainage improvement works; and
- (c) the application site proposed for the 3-storey building and private open space had a total site area of about 1,180m<sup>2</sup>.

[Professor Bernard V.W.F. Lim arrived to join the meeting at this point.]

36. 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

37. The Chairperson drew Members' attention that the application was rejected by the RNTPC mainly on the grounds of not being in line with the planning intention of the "AGR" and "GB" zones; insufficient information to demonstrate no adverse landscape, traffic and drainage impacts on the surrounding areas; and setting of an undesirable precedent. As the traffic impact was not a major reason for rejection of the application, the consideration of the review should be focused on whether the proposed development was acceptable on the remaining grounds.

38. A Member strongly objected to the application as unauthorized building and site formation works with illegal clearance of vegetation within the application site on the Government land zoned "AGR" and "GB", and illegal dumping for paving the platform on the adjacent site were considered undesirable and unacceptable.

39. Another Member said that, though unauthorized building works, tree felling, and dumping were involved, consideration of the review application should be focused on whether the proposed development was justified. Approving the application with conditions might help to regulate the situation by putting the area under proper planning control.

40. A Member added that the Buildings Department and Lands Department should be requested to take enforcement actions against the unauthorized works carried out on the application site and the adjacent area. Although it was considered not desirable to grant approval to the application which involved unauthorized works prior to obtaining planning permission, approving the application might facilitate putting the area under proper control, which might help improving the landscape, traffic and drainage of the area.

41. Members then had a discussion on whether the proposed uses within the application site were acceptable.

42. A Member expressed support to the proposed 3-storey building on the following grounds:

- (a) the proposed office, which was required to re-provision the office structure affected by the drainage project, was acceptable;
- (b) no objections were received from the relevant Government departments consulted on the proposed 3-storey building;
- (c) no significant adverse impacts arising from the proposed building on the surrounding area were envisaged; and
- (d) there was merit to allow the proposed indoor recreation centre, which would serve the local residents.

43. Another Member objected to the proposed 3-storey building and made the following main points:

- (a) apart from the need to re-provision the office structure affected by the drainage project, there were no other strong justifications for the proposed development;
- (b) the proposed 3-storey building was not in line with the planning intention of the “AGR” zone;
- (c) the proposed ancestral hall for placing the permanent ancestral tablets was not necessary as it was the tradition of the Yue Lan Festival to burn the temporary ancestral tablets after worshipping for three days. There was also concern on the nuisance associated with the smoke and incense generated from burning of offerings within the ancestral hall; and
- (d) approval of ancestral hall would set an undesirable precedent for future

applications for intensification of the approved ancestral hall use and similar applications within the “AGR” zone.

44. Other Members had the following views on the proposed 3-storey building and private open space:

- (a) although it was considered reasonable to re-provision the office structure affected by the drainage project, the area allowed should be confined to the size of the original office structure. Other additional uses including the proposed private open space, indoor recreation centre and ancestral hall should not be permitted;
- (b) although the building of an unauthorized structure prior to obtaining planning permission was not acceptable, there was no in-principle objection to the proposed office use in view of the background for its development;
- (c) the proposed private open space with an area of 1,115m<sup>2</sup>, which encroached onto the “GB” zone, was considered not acceptable;
- (d) the proposed indoor recreation centre might not be necessary as it would likely be used as a social gathering place. Being located on the second floor of the said building, it could also cause inconvenience to the elderly using the facilities; and
- (e) the potential adverse impact of the proposed ancestral hall was a concern as it could have the capacity of accommodating around 1,000 to 1,300 ancestral tablets within the area proposed.

45. After further discussion, majority of the Members was of the view that sympathetic consideration could be given to the proposed office but not the other proposed uses within the application site, and therefore the application should not be approved. The Buildings Department and Lands Department, as well as the Planning Department should be asked to take enforcement actions against the unauthorized works carried out on the application site and the adjacent area

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

- (a) the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) and “Green Belt” (“GB”) zones. The “AGR” zone was to retain and safeguard good agricultural land for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. The “GB” zone was for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. No strong justification had been given in the submission for a departure from the planning intention of these zones;
- (b) there was insufficient information in the submission to demonstrate that the proposed development would not have adverse landscape and drainage impacts on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the “AGR” and “GB” zones. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

47. The meeting adjourned for a break of 5 minutes and resumed at 11:05 a.m..

[Dr. Lily Chiang left the meeting temporarily at this point and Ms. Anissa Wong left the meeting at this point.]

### **Agenda Item 5**

[Open meeting (Presentation and Question Session Only)]

Review of Application No. A/YL-PH/518

Proposed Temporary Warehouse for Storage of  
Industrial Machinery for a Period of 3 Years

in “Village Type Development” and “Open Storage” zones,  
Lots 645, 646(Part), 647, 648(Part), 649(Part), 650(Part),  
678(Part), 679 and 691 in DD 111, Pat Heung, Yuen Long  
(TPB Paper No. 7689)

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[The hearing was conducted in Cantonese.]

Presentation and Question Session

48. Mr. Wilson Y.L. So, District Planning Officer/Tuen Mun and Yuen Long of the Planning Department (PlanD), was invited to the meeting at this point.

49. The following applicant and the applicant’s representatives were also invited to the meeting at this point:

Mr. Lau Wing-kit	] Applicant’s representatives
Mr. Tang Chi-yin	]
Ms. Chan Pui-yun	]
Ms. Tang Wing Chi Amy	]
Mr. Tang Wai-woo	- Applicant

50. The Chairperson extended a welcome and explained briefly the procedures of the review hearing. The Chairperson then invited the PlanD’s representative to brief Members on the background to the application.

51. Mr. Wilson Y.L. So said that a replacement page of Plan R-1a, with information rectified, had been tabled at the meeting for Members’ consideration. Mr. So then brief Members on the background to the application as detailed in the Paper and covered the following main aspects:

- (a) the proposed temporary warehouse use;
- (b) the reasons of the Rural and New Town Planning Committee to reject the application for temporary warehouse for storage of industrial machinery on 28.4.2006 were set out in paragraph 1.2 of the Paper;



- (c) written representation was submitted by the applicant and major justifications put forth in support of the review application were detailed in paragraph 3 of the Paper;
- (d) departmental comments – the Lands Department advised that one Small House application on Lot 697 to the north of the site was now under active processing. The Environmental Protection Department did not support the application in view of environmental nuisance on the nearby sensitive uses;
- (e) no public comments were received during the publication period of the review application as well as the previous publication period of the planning application; and
- (f) PlanD's views – the review application was not supported as the application was not in line with the planning intention of the “Village Type Development” (“V”) zoning and there was insufficient information to demonstrate no adverse environmental impact on the surrounding areas. Although approvals were given for previous applications, they were for various temporary open storage uses, but not for the subject warehouse uses. The latest two applications (No. A/YL-PH/451 and A/YL-PH/485) were only approved for a shorter period of 12 months to provide time for the relocation of the applied use to other suitable location. The proposed warehouse, with a size of 2,900m<sup>2</sup> and 12m to 15m in height, was considered substantial in size and not compatible with the village type developments in the area.

52. The Chairperson then invited the applicant's representatives to elaborate on the application.

53. Mr. Tang Chi-yin said that he declared an interest in this item as he was the Town Planning Committee Member of the Yuen Long District Council. The Chairperson said that there was no problem for his participation in the review hearing.

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

54. Ms. Chan Pui-yun referred to a supporting letter shown to Members at the meeting and made the following main points on the proposed warehouse development:

- (a) the proposed enclosed warehouse with peripheral hoarding and greening was visually more pleasant when compared with the open storage uses. It would not cause adverse environmental impact on the surrounding area;
- (b) the applicants of two previously approved applications had also provided hoarding, greening and U-shape drainage channel in their approved developments;
- (c) although the application site fell partly within the “V” zone, it was believed that no villagers would like to build a Small House near the existing pigsty;
- (d) the proposed development would form a barrier to minimize the odour and noise nuisances created by the pigsty to the nearby residents;
- (e) the applicant would implement the drainage and landscape works, and adopt security measures so as to improve the drainage and visual qualities of the surrounding area, and enhance the security of the neighbourhood;
- (f) the proposed development would not cause noise nuisance on the surrounding area as it would only be operated in the daytime. Also, the application site would only be used for the storage of industrial machinery and no illegal works would be carried out;
- (g) the proposed warehouse development would alleviate the problem of shortage of open storage areas in Pat Heung area; and
- (h) the proposed development had gained support from villagers, Village Representatives and District Councillors of the area.

55. Mr. Tang Wai-woo, the applicant, then made the following main points:

- (a) since the mid 1980s, the open storage of building materials were commonly found in the nearby area of the application site along Fan Kam Road;
- (b) more trees would be planted on the northern part of the application site to address the concern on the adverse environmental impact on the proposed Small House development at Lot 697;
- (c) as the landlord of the application site, he would not build a Small House next to the pigsty;
- (d) the agricultural land within the application site had been left fallow for a long time. Landscape, drainage and environmental measures had previously been implemented to comply with the conditions of the previously approved applications on the application site. Rejection of the application would mean previous investment on the application site would be wasted. The area, if left idle, might turn into a breeding ground for mosquitoes and rodents, which would create environmental hygiene problem; and
- (e) instead of leaving the site vacant, it was considered more desirable to put the site into an appropriate use so as not to waste land resource.

56. Mr. Tang Chi-yin said that he had no presentation to make at the hearing.

57. In response to a Member's enquiry, Mr. Wilson Y.L. So said that the nearby pigsty was an existing use and in active operation.

58. In response to another Member's enquiry, Mr. Wilson Y.L. So said that the proposed warehouse was about 2,900m<sup>2</sup> in area and 12m to 15m in height. Previously approved applications from the earliest No. A/YL-PH/288 approved in 1999 to latest No. A/YL-PH/485 approved in 2005, were all for various temporary open storage uses. No previous applications for the proposed warehouse use had been approved within the subject "V" zone and approval of this warehouse with such a substantial size would set an undesirable precedent.

59. A Member sought clarification from the applicant on whether the nearby residents were aware of the building height proposed for the warehouse development and what their views were.

60. Mr. Tang Wai-woo responded as follows:

- (a) according to his understanding, no complaint against the development within the application site had been received from the Yuen Long District Office for the last few years; and
- (b) two adjacent lots were owned by Tso Tong of Ha Che Tsuen and the Tso Tong was aware of the scale of the proposed warehouse and agreed to the application.

61. As the applicant and 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, the applicant's representatives and PlanD's representative for attending the meeting. They all left the meeting at this point.

#### Deliberation Session

62. The Chairperson remarked that previous approvals were given for various temporary open storage uses mainly on the ground that planning approvals for the same use had been granted before and that the conditions under the previous applications had been complied with.

63. Members considered that the application should not be supported as approval of the proposed warehouse would set an undesirable precedent for similar applications within the "V" zone.

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

- (a) the proposed warehouse use was not in line with the planning intention of the “Village Type Development” (“V”) zone on the Outline Zoning Plan which was to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. It was also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. No strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis; and
  
- (b) there was insufficient information in the submission to demonstrate that the proposed development would not generate adverse environmental impact on the surrounding areas.

**Agenda Item 6**

[Open meeting (Presentation and Question Session Only)]

Review of Application No. A/YL-HT/428

Temporary Open Storage of Recyclable Card Boards,

Compressed Plastic Bottles, Steel Wires and Wooden Panels

for a Period of 3 Years in “Recreation” zone,

Lots 495 and 496(Part) and Adjoining Government Land in

DD 125, Ha Tsuen, Yuen Long

(TPB Paper No. 7686)

[The hearing was conducted in Cantonese and English.]

65. Dr. James C.W. Lau, who had current business dealings with Top Bright Consultants, the consultant of the application, had declared an interest in this item.

66. Mr. Raymond Y.M. Chan, being the employee of Maunsell Consultants Asia Ltd., the consultant of the application, had declared an interest in this item.

[Dr. James C.W. Lau left the meeting and Mr. Raymond Y.M. Chan left the meeting temporarily at this point.]

Presentation and Question Session

67. Mr. Wilson Y.L. So, District Planning Officer/Tuen Mun and Yuen Long of the Planning Department (PlanD), was invited to the meeting at this point.

68. The following applicant's representatives were also invited to the meeting at this point:

Mr. Kenneth C.L. Chan	- Counsel
Mr. Chu Wai-kei	- Counsel's Assistant
Mr. Bruce Lau Kan-wai	- Counsel's Assistant
Mr. Lau Piu	- Instructing Solicitor
Mr. Tang Shek-kwan	- Applicant's Lawful Attorney
Mr. Chan Ka-chai	- Applicant's Assistant

69. The Chairperson extended a welcome and explained briefly the procedures of the review hearing. The Chairperson then invited the PlanD's representative to brief Members on the background to the application.

70. Mr. Wilson Y.L. So did so as detailed in the Paper and covered the following main aspects:

- (a) the temporary open storage of recyclable card boards, compressed plastic Bottles, steel wires and wooden panels;
- (b) the reasons of the Rural and New Town Planning Committee to reject the application for temporary open storage of recyclable card boards, compressed plastic Bottles, steel wires and wooden panels on 13.1.2006 were set out in paragraph 1.2 of the Paper;
- (c) written representation was submitted by the applicant and major justifications put forth in support of the review application were detailed in

paragraph 3 of the Paper;

- (d) departmental comments – the Transport Department (TD) and Drainage Services Department (DSD) had no adverse comment on the submitted traffic impact assessment and drainage proposal respectively. The Chief Town Planner/Urban Design and Landscape of the PlanD considered the submitted landscape proposal acceptable. The Environmental Protection Department (EPD) did not support the application as the proposed use would generate additional heavy vehicular traffic to the area and render justifiable environmental concern to the sensitive receivers located along San Wai Road and Tin Ha Road. The Commissioner of Police (C of P) considered that the traffic pressure in the Ha Tsuen area was already very heavy and approval of the application would increase the traffic pressure in the Ha Tsuen area;
- (e) one public comment from a member of the Yuen Long District Council against the application mainly on traffic and environmental hygiene grounds was received during the publication period of the review application; and
- (f) PlanD's views – the review application was not supported for the reasons detailed in paragraph 6.2 of the Paper. The northern and southern parts of the application site fell within Category 2 and 3 areas respectively under the Town Planning Board (TPB) Guidelines No. 13D in which applications would normally not be favourably considered in Category 3 areas unless the applications were on sites with previous planning approvals. The Board had adopted a pragmatic approach in considering open storage applications along Sai Wai Road in which a shorter period of planning approval might be given to the applications with relevant technical assessments submitted and no objection from the relevant Government departments consulted. However, applications for temporary open storage uses to the area west of San Wai Road, which was relatively not so degraded environmentally, would usually not be accepted. Two recent previous applications (No. A/YL-HT/200 and A/YL-HT/415) for temporary open storage uses were rejected in 2001 and 2005 respectively. A similar application (No.

A/YL-HT/408) for temporary open storage of construction materials and machinery on a bigger site to the north of the application site was rejected on review in 2005. As there was no change in the planning circumstances since rejection of these applications, there was no strong justification to merit a departure from the Board's decision on the previous applications.

71. The Chairperson then invited the applicant's representatives to elaborate on the application.

72. Mr. Kenneth C.L. Chan covered the following main aspects as detailed in his written submissions (the submissions) tabled at the meeting:

- (a) background for the review application as detailed in paragraphs 1 to 6 of the submissions;

Response to drainage concern

- (b) in response to the DSD's requirement, the applicant had submitted a drainage proposal including a drainage plan, a catchment plan, hydraulic calculations in support of the drainage design and the drainage details. The applicant also claimed that all proposed drainage facilities would be constructed and maintained at their own costs;
- (c) as the DSD had no adverse comment on the submitted drainage proposal and had no objection to the proposed development from drainage point of view, it was believed that all the requirements of the DSD had been complied with by the applicant;

Response to traffic and environmental concerns

- (d) according to the traffic impact assessment, the proposed development would only generate a maximum of 5 passenger car units (pcus) during peak hours. This amount of traffic would unlikely bring about any significant environmental impact on the adjacent road networks and developments. As it would not significantly worsen the performance of



the assessed junctions, the traffic impact was considered insignificant. It was noted that the TD withdrew its comments on the setting of bad precedent;

- (e) however, the EPD and C of P maintained their previous concerns on the environmental and traffic aspects. It should be noted that they had not given any evidence on the additional heavy vehicle traffic generated by the proposed development. Also, only medium goods vehicle, rather than heavy good vehicles and container trucks, would be used for the proposed development;
- (f) notwithstanding the EPD's adverse comments on the application in view of the environmental nuisance on the sensitive uses in the vicinity of the access road, two similar applications (No. A/YL-HT/454 and No. A/YL-HT/446) in the "Recreation" zone was approved in 2006. Similar to Application No. A/YL-HT/446, the subject application did not involve any night-time operation and the application site could fully enjoy the benefits provided by San Wai Road. Moreover, the application was located 100m north of the Deep Bay Link which was under construction and the environmental impact from the construction work was likely to be much greater than open storage and similar uses in the vicinity;
- (g) it was considered that the application could be tolerated and the concerns of the EPD, C of P as well as TD could be addressed by imposing relevant approval conditions;

Response to planning concern

- (h) given the application was for temporary approval, the planning intention stated in the Outline Zoning Plan would carry less weight against the application than the case of an application for permanent development;
- (i) 32 applications had been approved within the same "Recreation" zone for similar open storage and port back-up uses;

- (j) the site was considered suitable for the proposed open storage use in view of the physical condition of the site and the recent change of surrounding land uses including the construction of Deep Bay Link and the relocation of farm and open storage uses in the vicinity;
- (k) the proposed open storage of recyclable materials was beneficial to environmental development for Hong Kong;
- (l) the proposed development would enhance the landscape and drainage in the surrounding areas with the implementation of the proposed landscape and drainage proposals;

Response to concerns raised in the Public Comment

- (m) the concern over traffic congestion was fully addressed by the submitted traffic impact assessment;
- (n) as the proposed development was temporary in nature, there was no permanent change to the land use of the application site;
- (o) the concern on environmental hygiene problem was unclear. There was no evidence in support of the alleged “uncontrolled sprawl” of the open storage uses within the area, and the alleged causation link between the development and the hygiene at Tin Shui Wai. No pollution would be generated as no workshop activities would be carried out on the application site. The EPD had not raised concern on environmental hygiene aspect; and
- (p) the application should not be objected due to local objection.

[Ms. Anna S.Y. Kwong left the meeting at this point. ]

73. A Member asked why planning approvals were given to the temporary open storage uses in the “Recreation” zone under Applications No. A/YL-HT/454 and

A/YL-HT/446, even with objection from the EPD.

74. Mr. Wilson Y.L. So responded as follows:

- (a) Application No. A/YL-HT/454 for similar open storage use on a site directly accessible to San Wai Road was the subject of four previous applications. The first two applications (No. A/YL-HT/32 and A/YL-HT/72) for temporary open storage use of new vehicles were granted in 1997 and 1999, which was prior to the promulgation of TPB Guidelines No. 13B in 2001. The third application (No. A/YL-HT/353) for temporary plastic recycling centre with open storage of plastic waste was rejected in 2004 in view of the potential adverse environmental nuisance caused by the recycling centre on the nearby sensitive receivers. Although the subsequent Application No. A/YL-HT/397 for open storage of recyclable metal and plastic but without workshop use was approved, a shorter approval period of 1 year was granted in order to closely monitor the situation of the site. As the applicant had fulfilled the requirements of all the approval conditions, renewal of planning approval for the same use under Application No. A/YL-HT/397 was allowed by the Board under Application No. A/YL-HT/454;
- (b) Application No. A/YL-HT/446 for temporary open storage of containers on a larger site also located next to San Wai Road was the subject of a number of previously approved applications including no. A/YL-HT/204, A.YL-HT/253 and A/YL-HT/312. This application was approved as previous approvals had been given to the application site and the applicant had demonstrated efforts in complying with relevant approval conditions; and
- (c) the present case (Application No. A/YL-HT/428) was only the subject of two previously approved applications (No. A/YL-HT/50 and A/YL-HT/92) in 1998 and 1999 respectively, which were also prior to the promulgation of TPB Guidelines No. 13B. The subject application was not favourably considered as the application site, being situated to the further west of San Wai Road, was located within a relatively undisturbed environment with

greenery. In view of the landscape impact on the rural environment in this part of the area, a similar application (No. A/YL-HT/408) on an adjacent site to its north was also rejected on review in December 2005.

75. Another Member asked whether the number of complaints regarding traffic congestion as mentioned by the C of P was available for Members' reference in view of the contrasting views on the traffic impacts amongst the applicant's representative, EPD and C of P. According to the traffic impact assessment submitted by the applicant, the traffic generated by the proposed development was minimal and would unlikely bring any significant impacts on the surrounding area while the EPD and C of P both raised concerns on the adverse impacts brought about by the vehicular traffic.

76. Mr. Wilson Y.L. So referred to Plan A-5 at Annex A of the Paper and responded as follows:

- (a) the TD had no adverse comment on the submitted traffic impact assessment;
- (b) the application site was accessible via San Wai Road connecting Tin Ha Road and abutting these roads were scattered residential dwellings. The EPD therefore raised concern on the off-site traffic noise nuisance of the additional heavy vehicle traffic generated by the proposed development on these sensitive receivers; and
- (c) the number of complaints regarding traffic congestion was not available in hand. The C of P's concern was that the proposed use would increase the traffic pressure in Ha Tsuen area, which was already very heavy with frequent complaints on traffic congestion received.

77. In response to a Member's enquiry on the enforcement cases mentioned in paragraph 1.5 of the Paper, Mr. Wilson Y.L. So said that the relevant background was also detailed at paragraph 4 of Annex A of the Paper. The application site was related to eight enforcement cases and Enforcement Notices had been issued against two cases at the northern part of the site. The site was under close monitoring by the Planning Authority, and further investigation and enforcement action might be taken if considered necessary.

78. Another Member referred to paragraph 30 of the applicant's submissions tabled at the meeting and asked whether any local complaint was received for the present case.

79. In response, Mr. Wilson Y.L. So said that the said paragraph 30 only pointed out that the EPD did not produce any complaints received by his department. He added that one public comment from a member of the Yuen Long District Council against the application was received during the publication period of the review application.

80. 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

81. The Chairperson remarked that the background of the two similar approved applications quoted by the applicant was different from the subject application in that the sites of the former two applications were both located along San Wai Road and fell wholly within Category 2 areas while the subject application site was located further away from San Wai Road, and fell partly within Category 2 areas and mainly within Category 3 areas.

82. Members had the following views on the application:

- (a) it was considered appropriate not to allow the proposed open storage use in this part of the area to the west of San Wai Road, which was largely undisturbed with greenery;
- (b) apart from giving consideration to the impacts of the proposed development as advised by the concerned Government departments, the Board should also examine the application having regard to its site location and the overall planning context. The proposed open storage use was considered not acceptable as it was not compatible with the rural setting of the

surrounding area and not in line with the planning intention of the application site;

- (c) the application site fell within Category 2 and 3 areas under the TPB Guidelines No. 13D. In the assessment of the subject planning application, the assessment criteria laid down in the Guidelines should be followed. The proposed open storage use was considered not in line with the TPB Guidelines No. 13D in view of the environmental concern raised by the EPD, which was considered valid; and
- (d) the frequent complaints received by the C of P against traffic congestion indicated that the EPD's concern of the off-site traffic noise nuisance on the sensitive receivers in the area was reasonable.

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

- (a) the development was not in line with the planning intention of the "Recreation" zone, which was intended primarily for recreational developments for the use of the general public. There was no strong justification in the submission to merit for a departure from such planning intention, even on a temporary basis; and
- (b) the development was not in line with the Town Planning Board Guideline No. 13D for Application for open Storage and Port Back-up Uses in that there were major adverse comments from Government departments and there was insufficient information in the submission to demonstrate that the development would not have adverse environmental and traffic impacts on the surrounding areas.

[Dr. Lily Chiang left the meeting temporarily and Professor Peter R. Hills, Professor N.K. Leung, Dr. Daniel B.M. To, Mr. Edmund K.H. Leung, Mr. K.Y. Leung, Mr. B.W. Chan, Ms. Maggie M.K. Chan and Ms. Sylvia S.F. Yau left the meeting at this point. ]

[Mr. Raymond Y.M. Chan returned to join the meeting at this point.]



**Agenda Item 7**

[Open meeting (Presentation and Question Session Only)]

Review of Application No. A/TM-LTY Y/137

Temporary Vehicle Park for Private Cars, Coaches, Container Vehicles,  
Goods Vehicles and Truck-mounted Crane and Repair Area

(Goods Vehicles Include Light, Medium and Heavy Goods Vehicles),

Mobile Crane Parking and Repair Area, Storage Area (Including Container Storage)

and Ancillary Site Office for a Period of 3 Years in “Green Belt” zone,

Lots 868 and 869 in DD 130, Lo Fu Hang, Tuen Mun

(TPB Paper No. 7685)

[The hearing was conducted in Cantonese.]

**Presentation and Question Session**

84. Reasonable notice had been given to the applicant, but the applicant had informed the Secretariat that the applicant would not attend or be represented at the review hearing. The Board agreed to proceed with the hearing in the absence of the applicant.

85. Mr. Wilson Y.L. So, District Planning Officer/Tuen Mun and Yuen Long of the Planning Department (PlanD), was then invited to the meeting at this point.

86. The Chairperson extended a welcome and explained briefly the procedures of the review hearing. The Chairperson then invited the PlanD’s representative to brief Members on the background to the application.

87. Mr. Wilson Y.L. So did so as detailed in the Paper and covered the following main aspects:

- (a) the reasons of the Rural and New Town Planning Committee to reject the application on 7.4.2006 were set out in paragraph 1.3 of the Paper;
- (b) written representation was submitted by the applicant and major justifications put forth in support of the review application were detailed in paragraph 3 of



the Paper;

- (c) departmental comments – the Transport Department pointed out that the access road to the site was just 4.5m to 5m in width and the applicant should be requested to submit more information to substantiate that there would be no adverse traffic impact arising from the development. The Environmental Protection Department did not support the application in view of the environmental nuisance on the sensitive uses in the vicinity of the site and access road. The Drainage Services Department considered that the drainage proposal should be submitted as the site was located close to the flood fringe area which was subject to overland flow and inundation during heavy rainfall;
- (d) one public comment from a Tuen Mun District Councillor supporting the application was received during publication period of the review application; and
- (e) PlanD's views – the application site fell within Category 4 areas under the Town Planning Board Guidelines No. 13D and the review application was not supported for the reasons detailed in paragraph 6.2 of the Paper. In sum, the application was not in line with the planning intention of the "Green Belt" zone and not compatible with the surrounding areas; and there was no information to demonstrate no adverse traffic, environmental and drainage impacts on the surrounding areas. Apart from the above, it should be noted that a previous application (No. A/TM-LTYYY/133) and a similar application (No. A/TM-LTYYY/129) for similar uses were also rejected in 2006. Since there was no significant change in the planning circumstances of the area, there was no strong justification to depart from the recent decisions on these two cases.

88. As Members had no question to raise, the Chairperson thanked PlanD's representative for attending the meeting. Mr. Wilson Y.L. So left the meeting at this point.

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

- (a) the development was not in line with the planning intention of the “Green Belt” (“GB”) zone which was to define the limits of urban and suburban 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 exceptional circumstances to justify special consideration of the application;
- (b) the development was considered not compatible with the surrounding areas;
- (c) there was no information in the submission to demonstrate that the development would not have adverse traffic, environmental and drainage impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar application within the “GB” zone, the cumulative effect of approving such applications would result in the encroachment on the “GB” zone by developments and a general degradation of the natural environment.

[Professor Bernard V.W.F. Lim left the meeting at this point.]

**Agenda Item 8**

[Open meeting (Presentation and Question Session Only)]

Review of Application No. A/YL-KTS/367

Temporary Public Car Park for Private Cars for a Period of 3 Years in “Agriculture” zone,  
Lots 299RP(Part), 301(Part), 302, 304(Part), 305(Part), 308(Part), 309(Part),  
310 and 311(Part) in DD 113 and Adjoining Government Land,  
Kam Tin, Yuen Long  
(TPB Paper No. 7688)

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[The hearing was conducted in Cantonese.]

**Presentation and Question Session**

90. Reasonable notice had been given to the applicant, but the applicant had informed the Secretariat that the applicant would not attend or be represented at the review hearing. The Board agreed to proceed with the hearing in the absence of the applicant.

91. Mr. Wilson Y.L. So, District Planning Officer/Tuen Mun and Yuen Long of the Planning Department (PlanD), was then invited to the meeting at this point.

92. The Chairperson extended a welcome and explained briefly the procedures of the review hearing. The Chairperson then invited the PlanD’s representative to brief Members on the background to the application.

93. Mr. Wilson Y.L. So did so as detailed in the Paper and covered the following main aspects:

- (a) the reasons of the Rural and New Town Planning Committee to reject the application for temporary private car park on 7.4.2006 were set out in paragraph 1.2 of the Paper;
- (b) written representation including two supporting letters from the village representatives of Ma On Kong and the Chairman of the Pat Heung Rural Committee was submitted by the applicant and major justifications put forth

in support of the review application were detailed in paragraph 3 of the Paper;

- (c) departmental comments – the Transport Department did not support the application as Kam Ho Road, which was primarily a drainage maintenance access road and opened to the villagers for their access convenience only, had not been designed for taking the traffic generated from any further developments along the road. The Chief Town Planner/Urban Design and Landscape of the PlanD did not support the application as the proposed temporary public car park for private cars was not compatible with the existing landscape character of the area. The Drainage Services Department advised that the applicant should submit a drainage proposal and implement the drainage facilities to his satisfaction;
- (d) no public comments were received during the publication period of the review application and further information on the review application. One public comment form two indigenous residents of Ma On Kong objected to the application was previously received during the publication period of the application. Their concerns were that the development would affect the serenity of the rural area, lead to environmental pollution, create danger to the children while cycling, and the site was next to the “Conservation Area” zone; and
- (e) PlanD’s views – the review application was not supported for the reasons detailed at paragraph 6.1 of the Paper.

94. As Members had no question to raise, the Chairperson thanked PlanD’s representative for attending the meeting. Mr. Wilson Y.L. So left the meeting at this point.

#### Deliberation Session

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

- (a) the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone which was to retain and safeguard good

agricultural land for agricultural purposes. This zone was also intended to retain fallow arable land with good potential for rehabilitation. No strong justification had been given in the submission for a departure from the planning intention even on a temporary basis;

- (b) the development was not compatible with the surroundings as there were residential dwellings located to its close proximity which would be susceptible to adverse environmental nuisance generated by the development;
- (c) there was no information in the submission to demonstrate that the development would have no adverse landscape, traffic and drainage impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

### **Agenda Item 9**

[Open meeting (Presentation and Question Session Only)]

Review of Application No. A/YL-PS/240

Temporary Public Vehicle Park for Private Car, Light Goods Vehicle  
and Container Trailer for a Period of 3 Years

in “Village Type Development” zone, Lots 43E(Part), 43F(Part), 43G(Part),

43RP(Part), 44(Part), 72(Part), 73(Part), 74(Part), 75(Part), 76(Part)

and 79(Part) in DD 122 and Lots 659A(Part), 659B(Part), 659C(Part) in

DD 126 and Adjoining Government Land, Ping Shan, Yuen Long

(TPB Paper No. 7690)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

96. Reasonable notice had been given to the applicant, but the applicant had informed the Secretariat that he would not attend or be represented at the review hearing. The Board agreed to proceed with the hearing in his absence.

97. Mr. Wilson Y.L. So, District Planning Officer/Tuen Mun and Yuen Long of the Planning Department (PlanD), was then invited to the meeting at this point.

98. The Chairperson extended a welcome and explained briefly the procedures of the review hearing. The Chairperson then invited the PlanD's representative to brief Members on the background to the application.

99. Mr. Wilson Y.L. So did so as detailed in the Paper and covered the following main aspects:

- (a) the reasons of the Rural and New Town Planning Committee to reject the application for temporary public vehicle park for private car, light goods vehicle and container trailer on 7.4.2006 were set out in paragraph 1.2 of the Paper;
- (b) written representation was submitted by the applicant and major justifications put forth in support of the review application were detailed in paragraph 3 of the Paper. It should be noted that the applicant had revised the operation hours from 8:30 a.m. to 8:30 p.m. to 9:00 a.m. to 6:00 p.m.;
- (c) departmental comments – the Lands Department advised that Small House applications within the site were under processing. The Drainage Services Department commented that the submitted drainage assessment was incomplete. The Environmental Protection Department did not support the application in view of environmental nuisances to the sensitive receivers in the vicinity of the site and access road;
- (d) four public comments were received during the publication period of the review application and further information on the review application. Two were from a village representative of Ha Mei San Tsuen and the other two

were from a same Yuen Long District Councillor. They objected the application on noise nuisance and environmental, traffic and drainage grounds; and

- (e) PlanD's views – the application site fell within the Category 4 areas under the Town Planning Board Guidelines No. 13D and the review application was not supported for the reasons detailed in paragraph 6.2 of the Paper.

100. As Members had no question to raise, the Chairperson thanked PlanD's representative for attending the meeting. Mr. Wilson Y.L. So left the meeting at this point.

#### Deliberation Session

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

- (a) the development was not in line with the planning intention of the “Village Type Development” (“V”) zone on the Outline Zoning Plan, which was to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and re-provisioning of village houses affected by Government projects. There was no strong justification in the submission for a departure from such planning intention even on a temporary basis;
- (b) the development did not comply with the Town Planning Board Guidelines No. 13D for ‘Application for Open Storage and Port Back-up Uses’ in that there was no exceptional circumstances to merit approval and the development was not compatible with the residential dwellings nearby; and
- (c) there was insufficient information in the submission to demonstrate that the proposed development would not have adverse environmental and drainage impacts on the surrounding areas.

[Open meeting (Presentation and Question Session Only)]

Review of Application No. A/YL-TT/199

Temporary Storage of Old Furniture for a Period of 3 Years

in “Other Specified Uses” annotated “Rural Use” zone,

Lots 734 and 735 in DD 117 and Adjoining Government Land,

Wong Nai Tun Tsuen, Yuen Long

(TPB Paper No. 7691)

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[The hearing was conducted in Cantonese.]

#### Presentation and Question Session

102. Reasonable notice had been given to the applicant, but the applicant had informed the Secretariat that she would not attend or be represented at the review hearing. The Board agreed to proceed with the hearing in her absence.

103. Mr. Wilson Y.L. So, District Planning Officer/Tuen Mun and Yuen Long of the Planning Department (PlanD), was then invited to the meeting at this point.

104. The Chairperson extended a welcome and explained briefly the procedures of the review hearing. The Chairperson then invited the PlanD’s representative to brief Members on the background to the application.

105. Mr. Wilson Y.L. So did so as detailed in the Paper and covered the following main aspects:

- (a) the reasons of the Rural and New Town Planning Committee to reject the application for temporary storage of old furniture on 16.6.2006 were set out in paragraph 1.2 of the Paper;
- (b) written representation was submitted by the applicant and major justifications put forth in support of the review application were detailed in paragraph 3 of the Paper;



- (c) departmental comments – the Transport Department considered that approving similar applications might induce cumulative adverse traffic impact on the nearby road network. The Environmental Protection Department did not support the application in view of environmental nuisances to the nearby sensitive receivers, the closest one being within 15m from the application site;
- (d) two public comments objecting to the development were received during the publication period of the review application. The Shap Pat Heung Rural Committee objected mainly on the grounds that the development would cause environmental degradation, and flooding and mosquito problems, which would affect the residents' health and living quality. The villager objected as the development would affect the living quality of the villagers; and
- (e) PlanD's views – the review application was not supported for the reasons detailed in paragraph 6.1 of the Paper. It should be noted that a previous application (No. A/YL-TT/176) for temporary warehouse for storage of old furniture was rejected in March 2005. Since there was no significant change in the planning circumstances of the area, there was no strong justification to depart from the decision on this recent case.

106. As Members had no question to raise, the Chairperson thanked PlanD's representative for attending the meeting. Mr. Wilson Y.L. So left the meeting at this point.

#### Deliberation Session

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

- (a) the development was not in line with the planning intention of the "Other Specified Uses" annotated "Rural Use" ("OU(RU)") zone which was intended primarily for the preservation of the character of the rural area. No strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis;

- (b) the development was not compatible with the surrounding rural land uses with residential structures and fallow agricultural land;
- (c) there was insufficient information in the submission to demonstrate that the development would not generate adverse traffic, environmental, drainage and landscape impacts on the surrounding areas; and
- (d) approval of the application would set an undesirable precedent for other similar uses to proliferate into the “OU(RU)” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

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

### **Agenda Item 11**

[Open meeting (Presentation and Question Session Only)]

Request for Deferral of Application No. A/YL-TYST/310  
Proposed Flats and Minor Relaxation of Plot Ratio Restriction in  
“Residential (Group B)1” zone, Lot 2131 in  
DD 121, Tong Yan San Tsuen, Yuen Long  
(TPB Paper No. 7692)

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[The meeting was conducted in Cantonese.]

108. The Chairperson said that the background of and justifications for the request was detailed in the Paper. She remarked that the Board had previously agreed to defer consideration of the review application at the request of the applicant and the subject request sought further deferral of the consideration of the review application.

109. Members had no question on the applicant’s request.

### **Deliberation Session**

110. After deliberation, the Board decided to agree to defer a decision on the review application. The application would be submitted to the Board for consideration within 2 months upon receipt of further submission from the applicant. The applicant should be advised that the Board had allowed a total of 5 months for preparation and submission of further information, no further deferment would be granted unless under very special circumstances.

### **Agenda Item 12**

[Open meeting]

Submission of the Draft Ngau Tam Mei Outline Zoning Plan No. S/YL-NTM/11A  
to the Chief Executive in Council for Approval  
Under Section 8 of the Town Planning Ordinance  
(TPB Paper No. 7684)

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111. The Secretary briefly introduced the Paper.

112. After deliberation, the Board agreed that:

- (a) the draft Ngau Tam Mei Outline Zoning Plan (OZP) No. S/YL-NTM/11A together with its Notes were suitable for submission under section 8 of the Town Planning Ordinance to the Chief Executive in Council (CE in C) for approval;
- (b) the updated Explanatory Statement (ES) for the draft Ngau Tam Mei OZP No. S/YL-NTM/11A should be endorsed as an expression of the planning intention and objectives of the Board for various land-use zones on the draft OZP and issued under the name of the Board; and
- (c) the updated ES for the draft Ngau Tam Mei OZP No. S/YL-NTM/11A was suitable for submission to the CE in C together with the draft OZP.

### **Agenda Item 13**

[Open meeting]

Submission of the Draft Sai Kung Town Outline Zoning Plan No. S/SK-SKT/3A  
Under Section 8 of the Pre-amended Town Planning Ordinance  
to the Chief Executive in Council for Approval  
(TPB Paper No. 7693)

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113. The Secretary briefly introduced the Paper.

114. After deliberation, the Board agreed that:

- (a) the draft Sai Kung Town Outline Zoning Plan (OZP) No. S/SK-SKT/3A and its Notes at Annexes A and B of the Paper were suitable for submission under section 8 of the Town Planning Ordinance to the Chief Executive in Council (CE in C) for approval;
- (b) the updated Explanatory Statement (ES) for the draft Sai Kung Town OZP No. S/SK-SKT/3A at Annex C of the Paper should be endorsed as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP; and
- (c) the updated ES was suitable for submission to the CE in C together with the draft OZP.

**Agenda Item 14**

[Open Meeting]

**Any Other Business**

115. The Secretary said that the coming extra meeting was rescheduled from the afternoon to the morning of 23.10.2006 (Monday) and Members would be informed of the arrangement of the meeting by the Secretariat later.

116. There being no other business, the meeting was closed at 12:55 p.m..