

**Minutes of 874th Meeting of the
Town Planning Board held at 9:00 a.m. on 22 December 2006**

Present

Permanent Secretary for Housing, Planning and Lands
(Planning & Lands)
Mrs. Rita Lau

Chairperson

Dr. Peter K.K. Wong

Vice-Chairman

Mr. Michael K.C. Lai

Dr. Greg C.Y. Wong

Professor Nora F.Y. Tam

Mr. David W.M. Chan

Mr. Nelson W.Y. Chan

Professor David Dudgeon

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Dr. Daniel B.M. To

Mr. B.W. Chan

Mr. Raymond Y.M. Chan

Mr. Walter K.L. Chan

Mr. Y.K. Cheng

Mr. Felix W. Fong

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Dr. James C.W. Lau

Mr. K.Y. Leung

Director of Lands
Mr. Patrick L.C. Lau

Deputy Director of Environmental Protection
Dr. Michael Chiu

Director of Planning
Mrs. Ava S.Y. Ng

Deputy Director of Planning/District
Mr. Raymond T.L. Chiu

Secretary

Absent with Apologies

Ms. Carmen K.M. Chan

Mr. Leslie H.C. Chen

Dr. Lily Chiang

Professor Peter R. Hills

Professor N.K. Leung

Professor Bernard V.W.F. Lim

Dr. C.N. Ng

Mr. Stanley Y.F. Wong

Mr. Alfred Donald Yap

Ms. Sylvia S.F. Yau

Ms. Maggie M.K. Chan

Ms. Starry W.K. Lee

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

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

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

Senior Town Planner/Town Planning Board
Mr. Tom C.K. Yip

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 873rd Meeting held on 8.12.2006

1. The minutes of the 873rd meeting held on 8.12.2006 were confirmed without amendment.

Agenda Item 2

[Open Meeting – the meeting was conducted in Cantonese.]

Matters Arising

(i) Town Planning Appeals Received

Town Planning Appeal No. 22 of 2006
Temporary Vehicle Park for Private Cars, Coaches,
Container Vehicles, Goods Vehicles and Truck-mounted Crane
and Repair Area (Goods Vehicles Including 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
(Application No. A/TM-LTTY/137)

and

Town Planning Appeal No. 23 of 2006
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
(Application No. A/YL-HT/428)

2. The Secretary reported that two appeals against the decisions of the Board to reject on review an application for temporary vehicle park at Lo Fu Hang, Tuen Mun and an application for temporary open storage use at Ha Tsuen, Yuen Long were received by the Town Planning Appeal Board (TPAB). The hearing dates of the appeals were yet to be fixed. The Secretariat would represent the Board in the appeal proceedings in the usual manner.

(ii) Town Planning Appeal Statistics

3. The Secretary reported that as at 22.12.2006, 25 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows:

Allowed	:	17
Dismissed	:	87
Abandoned/Withdrawn/Invalid	:	120
Yet to be Heard	:	25
Decision Outstanding	:	9
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Total		258

[Professor David Dudgeon and Dr. Daniel B.M. To arrived to join the meeting at this point.]

Agenda Item 3

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-LFS/144

Temporary Open Storage of Construction Materials

(Timber, Steel, Scrap Metal and Tile) for a Period of 3 Years

in “Residential (Group E)” and “Recreation” Zones

Lots 2219 RP (Part) and 2226 (Part) in D.D. 129,

Deep Bay Road, Lau Fau Shan, Yuen Long

(TPB Paper No. 7731)

[The hearing was conducted in Cantonese.]

4. Mr. Tony C.N. Kan declared an interest on the application as Mr. Ng Yat-cheung, one of the applicant’s representatives, was his friend but they had not discussed any matter

relating to the application. Members considered Mr. Kan's interest indirect and he should be allowed to stay in the meeting and participate in the discussion of the item.

[Mr. Y.K. Cheng arrived to join the meeting at this point.]

Presentation and Question Session

5. Mr. Wilson So, the District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL) of the Planning Department (PlanD), and the following applicant and her representatives were invited to the meeting at this point:

Ms. Cheuk Miu-fan	- Applicant
Mr. Ng Yat-cheung) Applicant's Representatives
Mr. Lam Bing-kei)

6. The Chairperson extended a welcome and explained briefly the procedures of the review hearing. The Chairperson then invited the DPO/TMYL to brief Members on the background to the application.

7. Mr. Wilson So did so as detailed in the Paper and made the following main points:

- (a) the applicant sought planning permission for temporary open storage of construction materials (timber, steel, scrap metal and tile) for a period of 3 years at a site zoned "Residential (Group E)" (about 65%) and "Recreation" (about 35%) with an area of about 4,500m²;
- (b) on 21.7.2006, the Rural and New Town Planning Committee rejected the application for the reasons that the proposed development was not in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13D), and there was insufficient information in the submission to demonstrate that the development would not have adverse environmental and drainage impacts on the surrounding areas;
- (c) in support of the review, the applicant had submitted further written

representation including 3 support letters from a group of 18 nearby residents, the Chairman of Ping Shan Heung Rural Committee and a Yuen Long District Council Member. The applicant's justifications were summarized in paragraph 3 of the Paper. The applicant mentioned that a planning permission for similar use at the site was granted in 2003, but due to technical and time constraints, the approval condition on drainage aspect had not been complied with. The applicant was confident in being able to comply with the approval conditions upon obtaining planning permission;

- (d) departmental comments – the Transport Department (TD) maintained its view that the approval of the application would set an undesirable precedent for similar applications in the surrounding areas and approving such similar applications would induce cumulative adverse traffic impact. The Environmental Protection Department (EPD) did not support the application as the proposed use would generate nuisances to the sensitive receivers in the vicinity of the site. The Drainage Services Department (DSD) considered the drainage proposal submitted at the s.16 application stage incomplete;
- (e) public comments – no public comment was received during the publication period of the review application. However, four public comments were received at the s.16 application stage from four local residents, including the resident of Lot 2221 in D.D. 129 adjacent to the application site. All commenters objected to the application mainly on traffic, environment, visual and drainage grounds; and
- (f) PlanD's view – the review application was not supported for the reasons detailed in paragraph 6.2 of the Paper. According to TPB PG-No.13D, the application site fell partly within Category 2 areas and partly within Category 3 areas. Six previous planning permissions had been granted to similar open storage uses at the site from 1996 to 2002. The first five applications were for open storage of marbles and the approval conditions on landscape and drainage aspects had not been complied with. On 24.1.2003, a shorter permission of 12 months was granted to Application No. A/YL-LFS/92 upon review by the Board in order to give the applicant

the last opportunity to comply with the approval conditions. The planning permission was revoked on 24.11.2003 due to non-compliance with the approval condition on provision of drainage facilities. There was insufficient information to demonstrate that the proposed development would not cause adverse environmental and drainage impacts on the surrounding areas.

[Ms. Anna S.Y. Kwong arrived to join the meeting at this point.]

8. The Chairperson then invited the applicant and her representatives to elaborate on the application.

9. Ms. Cheuk Miu-fan and Mr. Lam Bing-kei made the following main points:

- (a) there were five marble workshops located to the north and east of the application site. These workshops had been in operation for about 10 years without generating any adverse impact on the surrounding areas;
- (b) on 24.1.2003, a planning permission for similar use at the application site (Application No. A/YL-LFS/92) was granted to the applicant. The applicant had spent a lot of money to lay drains within the site with a view to connecting with the public drains outside the site, but the public drains were not in place at that time. The applicant had also proposed to construct drains to connect to Deep Bay via Deep Bay Road, but due to gradient problem, the proposal could not meet DSD's requirement. The permission was subsequently revoked due to non-compliance with the approval condition on drainage aspect. The site had then been left vacant pending the availability of public drains in the area;
- (c) an area of about 400,000ft², which was located to the south of the application site and had been used for open storage of containers since 2000, suffered from the same drainage connection problem. Application No. A/YL-LFS/126 for open storage use at that site was approved on 18.2.2005 but due to the lack of Government drains to serve the site, the permission was revoked for non-compliance with the approval condition on drainage

aspect. In late 2004, the Government constructed a large drain to serve the Lau Fau Shan area and the flooding problem in the area had been resolved. On 29.7.2005, a further planning permission for open storage use at that site (Application No. A/YL-LFS/138) was granted. Since the drainage network in the area had been improved, the applicant was confident in being able to comply with the approval conditions including those on drainage aspect upon obtaining planning permission;

- (d) as the application site was abutting a road and the proposed development would generate only one vehicular trip per day, the application should not cause any adverse traffic impact on the surrounding areas. The site was mainly used for storage of marble and related products. Storage of marble in multi-storey buildings was considered inappropriate since some workers were killed in an accident caused by carrying marble upstairs in such buildings in 2000. Since then, many applications for open storage of marble had been approved by the Board; and

[Messrs. Felix W. Fong, David W.M. Chan and Nelson W.Y. Chan arrived to join the meeting at this point.]

- (e) the applicant had obtained support letters from 18 local residents. Regarding the objection raised by the resident of Lot 2221 in D.D.129, a man residing at that lot once worked as watchman for the application site in 2000. The objection was raised because the applicant had refused to employ that man again. The commenter's house was outside the application site.

10. Mr. Ng Yat-cheung noted that the EPD had no in-principle objection to the application, subject to no adverse impact on the environmental quality in the area. The DSD required the applicant to follow its requirements, which could be met with the completion of public drains in the area. The Fire Services Department only required the provision of a suitable fire extinguisher in the site office. Without objecting to the application, the Chief Town Planner/Urban Design and Landscape of the PlanD advised that some landscape trees along the site boundary, which provided screening to the surrounding areas, were found missing. The loss of trees was due to lack of management before planning permission was

obtained. If planning permission was granted, the applicant would comply with the landscape requirement. He hoped that the Board could reconsider the application.

11. The Chairperson and Members sought clarifications from the applicant on the following issues:

- (a) whether the applicant had obtained the consent of the adjacent landowners for laying drains through their lots for connection to public drains;
- (b) how would the applicant address TD's concerns as set out in paragraph 4.1.1 of the Paper, i.e. the land status and management/maintenance responsibilities of the access track to the site, cumulative traffic impact on nearby road network; and
- (c) how the concerns raised by the commenters could be addressed.

12. In response, Ms. Cheuk Miu-fan, Mr. Lam Bing-kei and Mr. Ng Tat-cheung made the following main points:

- (a) the applicant had obtained verbal consent of the landowners of the adjacent lots for laying drains through their lots, and for linking up with the drains of their lots. The applicant had thoroughly considered the drainage proposal before making the application, and would provide detailed information in the drainage proposal to be submitted to the DSD after obtaining planning permission;
- (b) to address TD's concerns, the applicant would submit more concrete proposal on road management and maintenance to the TD. Based on their past experience in applying for similar use, the problem was not insurmountable. The Lands Department would also be consulted on the land issue. On the traffic impact, the villagers of Mong Tseng Tsuen and Mong Tseng Wai were actually using another road for access to Yuen Long Town. There were not many residents near the application site, and limited traffic would be generated by the proposed development on Deep Bay Road; and

- (c) the site had been used for open storage purpose since 2000 and the commenter residing at Lot 2221 in D.D. 129 did not object to the use in the past. The objection was raised because the applicant had refused to employ a man residing at the lot. The other nearby residents did not object to the application. The other three commenters objecting to the application at the s.16 application stage were residents of Mong Tseng Tsuen and Mong Tseng Wai. Their worries on the traffic impact on the adjacent roads were unfounded as the application site was remote from their villages. The commenters had not raised objection to the application at the review stage because they had inspected the site and understood the situation.

13. Noting that one-year approval was granted to a previous application on the site, i.e. Application No. A/YL-LFS/92, a Member asked about the reasons for granting a temporary approval of 3 years for open storage of marble at a site to the east of the application site, i.e. Application No. A/YL-LFS/125. In response, Mr. Wilson So said that the site of the latter application fell within Category 3 areas and was the subject of two previous planning permissions for similar use. The applicant of that application had complied with the approval conditions of the second permission and there were no adverse departmental comments on or local objection to the application. In particular, the EPD did not object to that application because the scale of development was small and the site had direct access to Deep Bay Road. A planning permission for a period of 3 years was therefore granted to that application in accordance with TPB PG-No. 13D.

14. In response to the applicant's remarks in respect of two approved similar applications, i.e. Applications No. A/YL-LFS/126 and 138, at a site to the south of the application site, Mr. Wilson So said that the site of these two applications had an area of about 5ha. The two planning permissions were granted in 2005 for open storage of containers and construction materials for a period of 3 years, because the applicant had submitted satisfactory technical assessments on environmental, drainage and landscape aspects and had reduced the area used for storage of containers by 65% as compared with the previously rejected scheme under Application No. A/YL-LFS/108, and erected a 2.5m-high solid fence along the site boundary to minimize the noise impacts on the surrounding areas. The site also had direct access to Lau Fau Shan Road and there was no local objection to the application.

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

Deliberation Session

16. A Member pointed out that while there were adverse departmental comments on and local objections to the application, some applications for temporary open storage of marble in the adjacent area had been approved in the past few years. Sympathetic consideration could be given to granting an one-year permission to allow the applicant to address the concerns of the relevant Government departments. Other Members shared this view. Another Member added that it might not be appropriate to reject the application merely because of the local objections raised at the s.16 application stage.

17. Mr. Patrick L.C. Lau said that if the application was approved, the advisory clause at paragraph 6.4(b) of the Paper should be revised to read "resolve any land issues relating to the development including the provision of drainage facilities and vehicular access with the concerned owners of the land involved."

18. After deliberation, the Board decided to approve the application on review on a temporary basis for a period of one year up to 22.12.2007 subject to the following conditions:

- (a) no night-time operation between 7:00p.m. to 7:00a.m. should be permitted on the site during the planning approval period;
- (b) no operation on Sundays and public holidays should be permitted on the site during the planning approval period;
- (c) the implementation of the accepted landscape 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 22.3.2007;

- (d) 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 22.3.2007;
- (e) in relation to (d) above, the provision of drainage facilities proposed 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 22.6.2007;
- (f) the provision of vehicular access within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 22.3.2007;
- (g) the provision of a 9-litre water type/3kg dry powder fire extinguisher on the site 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 22.3.2007;
- (h) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (i) if any of the above planning conditions (c), (d), (e), (f) or (g) 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
- (j) 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.

19. The Board also agreed to advise the applicant of the following:

- (a) a shorter approval period of 12 months and shorter compliance periods were

given in order to facilitate monitoring of the situation on site and compliance with approval conditions;

- (b) resolve any land issues relating to the development including the provision of drainage facilities and vehicular access with the concerned owners of the land involved;
- (c) note the District Lands Officer/Yuen Long's comment to apply for Short Term Tenancy (STT) to regularize the unauthorized occupation of Government land. Otherwise, his office would consider appropriate control action against the occupier. However, there was no guarantee that the application for STT would ultimately be approved;
- (d) follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Environmental Protection Department; and
- (e) note the Director of Fire Services' comment to approach his Dangerous Goods Division for advice on the licensing requirement for storage of Dangerous Goods on site.

Agenda Item 4

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-LFS/146

Proposed Temporary Open Storage of Construction Materials

for a Period of 3 Years in "Recreation" Zone

Lots 2207 RP(Part), 2213 S.A RP, 2213 S.B, 2214 RP

and 2215 S.A RP in D.D. 129, Lau Fau Shan, Yuen Long

(TPB Paper No. 7732)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

20. Mr. Wilson So, the District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL) of the Planning Department (PlanD), and Ms. Cheuk Miu-fan, the applicant's representative, were invited to the meeting at this point.

21. The Chairperson extended a welcome and explained briefly the procedures of the review hearing.

22. Ms. Cheuk Miu-fan said that due to some latest developments, the applicant would now wish to change the proposed use of the application site. As there were technical issues to be resolved, the applicant would like to withdraw the review application. She apologized for the inconvenience caused.

23. The Chairperson thanked Ms. Cheuk Miu-fan and the DPO/TMYL for attending the meeting. They both left the meeting at this point.

24. In response to a Member's question, the Chairperson said that with the withdrawal of the review application, the decision by the Rural and New Town Planning Committee of rejecting the application under s.16 of the Town Planning Ordinance remained valid. It would be up to the applicant to decide if he/she wished to submit a fresh s.16 application.

Agenda Item 5

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-TYST/331

Temporary Recycling Materials Transfer Station for a Period of 3 Years
in "Village Type Development" Zone

Lots 287(Part), 296(Part), 298(Part), 301(Part), 302 S.A, 302 RP, 303,
304, 306 and 307(Part) in D.D. 119, Shan Ha Tsuen, Yuen Long

(TPB Paper No. 7733)

Presentation and Question Session

25. Mr. Wilson So, the District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL) of the Planning Department (PlanD), and Mr. Sit Kwok-keung, the applicant's representative, were invited to the meeting at this point.

26. The Chairperson extended a welcome and explained briefly the procedures of the review hearing. The Chairperson then invited the DPO/TMYL to brief Members on the background to the application.

27. Mr. Wilson So did so as detailed in the Paper and made the following main points:

- (a) the applicant sought planning permission for a temporary recycling materials transfer station for a period of 3 years at a site zoned “Village Type Development” (“V”) with an area of about 1.25ha;
- (b) on 15.9.2006, the Rural and New Town Planning Committee rejected the application for the reasons that the development was not in line with the planning intention of the “V” zone, the development did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13D), and there was insufficient information in the submission to demonstrate that the development would not generate adverse environmental, drainage and traffic impacts on the surrounding areas;
- (c) the applicant had not submitted any written representation to support the review application;
- (d) departmental comments – the District Lands Officer/Yuen Long (DLO/YL) advised that the processing of a Small House application in respect of Lot 299 S.A located to the immediate east of the application site would be completed within 12 to 18 months. The Transport Department (TD) advised that approval of the application would set an undesirable precedent for similar applications in the surrounding areas. The Environmental Protection Department (EPD) maintained its view of not supporting the application as there were sensitive receivers to the north-west and west of the site, with the nearest one located at about 10m away from the site. The development involved the storage of discarded personal computer sets and accessories. Any breakage of cathode ray tubes and circuit boards during

loading and unloading might cause soil and water pollution. Also, the Drainage Services Department (DSD) did not support the application as the applicant had not submitted any drainage impact assessment (DIA) to demonstrate that the proposed development would not cause any increase in the flooding susceptibility of the adjacent areas;

- (e) public comments – 11 public comments from the villagers of Shan Ha Village objecting to the review application mainly on traffic and environmental grounds were received; and
- (f) PlanD's view – the applied use was more akin to open storage use since more than 85% of the site was uncovered. The Town Planning Appeal Board (TPAB) agreed to such interpretation in considering the appeal against the Board's decision to reject a previous application, i.e. Application No. A/YL-TYST/249. According to TPB PG-No. 13D which was applicable to the application, the site fell within Category 4 areas. Applications would normally be rejected except under exceptional circumstances. The PlanD did not support the application for the reasons detailed in paragraph 6.3 of the Paper.

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

29. Mr. Sit Kwok-keung made the following main points:

- (a) the Paper prepared by the PlanD had failed to address the proposed use of the application site in a holistic manner. The main use of the site was a recycling materials transfer station involving only temporary storage of clean materials. The site photos taken by the PlanD showed that the materials stored on the site at the s.16 and s.17 application stages were completely different. The site was not an open storage site where materials were usually stored for a long period of time. The operation was that recycling materials transported to the site would be sorted and packed into plastic bags by workers, and then stored under covered structures for a few days before transferring out of the site by containers. The uncovered

areas of the site were mainly used for processing and sorting of materials as well as loading and unloading. As rainwater would damage the materials with recycle value, no materials would be stored outdoor. So there would be no water pollution;

- (b) regarding the appeal case mentioned by the DPO/TMYL, the appellant had only indicated that the site was suitable for open storage use, but the TPAB took that the main use of the site was for open storage. The applicant had the right to apply for use as a recycling materials transfer station, which should not be twisted by PlanD's interpretation;
- (c) the structures erected on the site had been in use for about 6 years without paying any waiver fee to the Lands Department. The DLO/YL had made an ambiguous comment that an application for short term waiver (STW) to regularize the unauthorized structures on the site was required if the application was approved. The long existence of the use had proved its value. A STW should have been granted to regularize the unauthorized structures and generate revenue;
- (d) the access track to the site was paved by the villagers of Shan Ha Tsuen and maintained by the applicant. The applicant was managing the site on behalf of the relevant 'Tso Tong', which would distribute the income generated from the site to the villagers of Shan Ha Tsuen. So, the villagers should have no reason to object to using their land as access track to the site. The traffic issue should not be a concern;
- (e) in the previous appeal case in respect of the site, the EPD advised that the major dust and noise nuisances were caused by the heavy vehicles using the track to the east of the site. In this regard, the application site could serve as a buffer area to protect the sensitive receivers to the west of the site. The applicant was confident in complying with the relevant approval conditions, but the EPD did not require the imposition of any approval condition for the application. For the safety of workers, cathode ray tubes would be carefully handled on the site. The sorted materials would be transported to the Mainland for recycling purpose. If the application was

rejected, such materials would be rendered useless and be dumped at landfill;

- (f) the local objections were raised by villagers via standard letters. They were mobilized because of the imminent election of Village Representatives (VRs). In March 2005, the resident of the village house at Lot 1602 in DD121, which was only 10m away from the site, signed a letter to support the application and confirmed that the use on the site had not caused any nuisance to him. As the villagers would benefit from the rent generated from the site, it was not difficult to obtain their support for the application after the VR election; and

- (g) since the applied use would facilitate materials recycling, it was hoped that the Board could grant a temporary approval of 3 years, instead of one year as recommended by the PlanD. Regarding the approval conditions suggested in paragraph 6.5 of the Paper, the applicant could only accept approval conditions (a) and (b). As no dismantling and breaking activities would be carried out on the site, the imposition of approval condition to prohibit such activities was unnecessary. The condition to prohibit the use of heavy vehicles was unreasonable as the recycling materials had to be transported by container vehicles. Since the trees requested to be retained by the Chief Town Planner/Urban Design and Landscape were outside the application site, the approval conditions on landscape and tree preservation were unnecessary. The conditions on submission of DIA and provision of drainage facilities were unreasonable as the DSD had not provided any drainage channel to connect with the drain within the site. The condition on the provision of fire service installations was redundant as no inflammable materials would be stored on the site and the provision of a fire extinguisher could meet the Fire Services Department's requirement.

30. Members raised questions on the following issues:

- (a) whether the computer sets and accessories had been dismantled before transporting to the application site, and the duration of their storage on the site;

- (b) according to the applicant's representative, the EPD considered that there was no need to impose approval conditions on the environmental aspect for the application. Whether such interpretation was correct; and
- (c) the reasons for approving a similar application for temporary open storage of scrap metals for recycling at a site partly within the same "V" zone, i.e. Application No. A/YL-TYST/317.

31. In response, Mr. Sit Kwok-keung said that computer sets and accessories were dismantled and preliminarily sorted before transporting to the site. These used materials would be further sorted and packed on the site before re-loading into container vehicles for transporting. No dismantling activities would be carried out on the site and no adverse environmental impacts would be generated from the operation.

32. In response to Members' questions, Mr. Wilson So said that the EPD did not support the application for reasons as set out in paragraphs 4.1.3 of the Paper. Since the environmental concerns could not be addressed by the imposition of approval conditions, the EPD did not recommend the imposition of any approval condition. Dr. Michael Chui confirmed that this interpretation of EPD's advice was correct. As regards approved Application No. A/YL-TYST/317 to the south of the current application site, Mr. Wilson So advised that about 80% of that site fell within the "Undetermined" zone and only 20% of the site fell within the "V" zone. That applicant had complied with the approval conditions of the previous permission. There were no adverse departmental comments on and local objection to the application. No sensitive receivers were found in the vicinity of the site.

33. In response to the remarks made by the applicant's representative in respect of lease control, Mr. Patrick L.C. Lau clarified that the Lands Department reserved the right to take enforcement action against the unauthorized structures erected on the application site, despite the fact that such action had not yet been taken. The waiver fee generated from STW was not a reason to support the application. The planned use on the OZP for the site was for village type development. Unless planning permission for the applied use was obtained, the Lands Department would not consider the granting of STW for the unauthorized structures.

34. In response, Mr. Sit Kwok-keung said that since the proposed development had existed for some years and would facilitate environmental protection, the application should

be considered from a practical perspective. The site could accommodate more than 50 Small Houses, but they could only be developed individually given the land issue involved and long time required for obtaining a Small House grant from the Lands Department. The proposed Small House at Lot 299 S.A. in D.D. 119 to the south-east of the site was said to be under processing for a fairly long time, but would still require 12 to 18 months for processing. The PlanD had a duty to implement the planning intention of the “V” zone by preparing a layout for the site and resolving the traffic and drainage issues. To achieve a win-win situation to the Government and the applicant, the proposed development should be tolerated before implementation of Small House developments on the site.

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

Deliberation Session

36. A Member remarked that no similar applications for recycling materials transfer station or open storage and workshop wholly within the same “V” zone had been approved in the past. The Chairperson added that the applicant had not provided sufficient justifications to support the application and had no intention to comply with approval conditions even if the application was approved.

37. After 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” zone which was to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. No strong justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis;

- (b) the development did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that the development was not compatible with the nearby village houses and active/fallow agricultural land, no previous approval had been granted on the site and that there were adverse departmental comments on the application; and
- (c) there was insufficient information in the submission to demonstrate that the development would not generate adverse environmental, drainage and traffic impacts on the surrounding areas.

[Mr. Raymond Y.M. Chan left the meeting at this point.]

38. The Chairperson said that as agenda item 6 was related to the preliminary consideration of objections lodged under the pre-amended Town Planning Ordinance, the item would be conducted in closed meeting.

Agenda Item 8

Any Other Business

39. There being no other business, the meeting was closed at 10:55 a.m.