

**Minutes of 886th Meeting of the
Town Planning Board held on 1.6.2007**

Present

Permanent Secretary for Housing, Planning and Lands
(Planning and 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. Nelson W.Y. Chan

Mr. David W.M. Chan

Mr. Leslie H.C. Chen

Dr. Lily Chiang

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

Mr. Raymond Y.M. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Dr. James C.W. Lau

Ms. Starry W.K. Lee

Mr. K.Y. Leung

Director of Planning

Mrs. Ava Ng

Deputy Director of Environmental Protection

Dr. Michael Chiu

Director of Lands

Mr. Patrick L.C. Lau

Deputy Director of Planning/District

Mr. Raymond T.L. Chiu

Secretary

Absent with Apologies

Ms. Carmen K.M. Chan

Professor David Dudgeon

Professor Peter R. Hills

Mr. Tony C.N. Kan

Ms. Maggie M.K. Chan

Mr. Felix W. Fong

Professor Paul K.S. Lam

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. S. Lau

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

Senior Town Planner/Town Planning Board
Mr. W.S. Lau

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 885th Meeting held on 18.5.2007 and 22.5.2007

[The meeting was conducted in Cantonese.]

1. The minutes of the 885th meeting held on 18.5.2007 and 22.5.2007 were confirmed without amendments.

Agenda Item 2

[Open Meeting]

Matters Arising

[The meeting was conducted in Cantonese.]

2. There was no matters arising item.

Agenda Item 3

[Open Meeting]

Area Improvement Plan for the Shopping Areas of Mong Kok - Proposed Planning Framework and Early Projects
(TPB Paper No. 7839)

[The meeting was conducted in Cantonese.]

3. The following representatives from the Planning Department (PlanD) and the study consultants were invited to the meeting:

- Mr. Raymond Wong - Assistant Director/Territorial & Sub-Regional,
PlanD
- Mr. Jerry Austin - Senior Town Planner/Standards & Studies, PlanD
- Mr. Derek Sun) Maunsell – EDAW Joint Venture
- Mr. Eddie Tsui)
- Mr. Igor Ho)
- Mr. Rick Chan)

4. The Chairman extended a welcome and invited Mr. Raymond Wong to brief Members on the Paper.

Presentation Session

5. Mr. Raymond Wong introduced the concepts and background to the preparation of area improvement plans for various local districts. He said that the Board was briefed on the objectives and key tasks of the Study on Area Improvement Plan for the Shopping Areas of Mong Kok (the Study) on 5.8.2005 and Members were generally supportive. The Paper was to seek Members' views on the planning framework and 3 early projects proposed under the Study. The early projects, subject to the views of the community, were ready for implementation under the existing mechanism.

[Ms. Sylvia S.F. Yau and Dr. Peter K.K. Wong arrived to join the meeting at this point.]

6. With the aid of a Powerpoint presentation and computer simulation, Mr. Derek Sun made the following main points:

Key Issues

- (a) the identified key issues of the area included incompatible land uses, insufficient district identity, under-utilization of certain sites, lack of accessible open space, lack of roadside trees and greening, roads with heavy traffic, insufficient loading/unloading facilities and illegal/double parking as well as inadequate pedestrian linkages;

Major Planning and Design Concepts

- (b) the major planning and design concepts of the Area Improvement Plan were to improve pedestrians' overall experience of the area, enhance the district identity and improve the central hinge of the area;

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

Improvement Initiatives

- (c) four streams of improvement initiatives were proposed within the area improvement planning framework:
 - (i) greening and streetscape improvement;
 - (ii) identity improvement;
 - (iii) linkage improvement; and
 - (iv) destination improvement;
- (d) fifteen projects were proposed under the four improvement initiatives. The greening and streetscape improvement projects included streetscape improvement of Nathan Road, Tung Choi Street and Sai Yee Street and greening improvement of Nullah Road and Lai Chi Kok Road;
- (e) for identity improvement, the physical appearance of the main public corridors would be improved by incorporating place-making design treatments. The Mong Kok Footbridge, Bute Street Subway and Soy Street Subway were proposed for improvement;
- (f) for linkage improvement, the pedestrian crossing facilities and pavements of Nathan Road, Yim Po Fong Street, Prince Edward Road West and Shantung Street would be improved;

- (g) for destination improvement, the under-utilized Government sites would be used to re-provision on-street public transport facilities or designated for suitable uses. Destination improvement projects were proposed at Flower Market Road, Sai Yee Street and Soy Street;

[Professor Nora F.Y. Tam arrived to join the meeting at this point.]

Proposed Early Projects

- (h) based on the criteria set out in paragraph 5 of the Paper, three projects were selected for early implementation. They were the Tung Choi Street Streetscape Improvement Project, the Nathan Road Linkage Improvement Project and the Soy Street Destination Project. The respective aims of these three early projects were as detailed in paragraph 6 of the Paper.

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

7. Mr. Raymond Wong supplemented that a public consultation exercise on the Study had just started. Apart from a public forum and consultation with the relevant District Council, major interest groups/stakeholders would also be consulted in the two-month consultation. All comments received in the public consultation exercise would be carefully considered in the next stage of the Study.

Discussion Session

8. The comments/questions raised by Members were summarized as follows:

General

- (a) the initiatives to improve the shopping areas of Mong Kok were supported;
- (b) more early projects should be identified to bring more visible results to

this important district of Hong Kong. In addition to streetscape improvement which was rather limited in scope, there was room for some land use restructuring to address the traffic and congestion problems in Mong Kok. Apart from the Government depot sites at Sai Yee Street, the petrol filling stations and refuse collection point at Nullah Road identified in the Study, some under-utilized school sites could also be considered for the relocation of the on-street minibus stands in the inner core area and provision of public open space and solution space;

- (c) there should be coordination between the projects proposed under the Study and the Urban Renewal Authority (URA)'s redevelopment/area improvement projects in the district so as to achieve better results;
- (d) the boundary of the study area should not be rigid. The linkages to the adjoining areas should also be enhanced;

District Identity

- (e) Mong Kok was a unique place with its own identity and characteristics. The improvement initiatives should aim to sustain the district identity which evolved over years. The improvement efforts should focus on road safety and pedestrian convenience. Overseas models might not be applicable in Mong Kok;
- (f) Mong Kok had different characteristics in day-time and night-time. Signboards, dai pai dong (大排檔) and concentration of cinemas decades ago were all part of the characteristics. Some popular local movies were also shot in the area. On-street display panels showing film-shooting scenes could be considered to highlight the character of the area;
- (g) the improvement projects might lead to an increase in rent and displace some existing shops, which would adversely affect the character of such themed streets like Tung Choi Street (the Goldfish Market). The

shop operators should be consulted on the proposed projects;

Design

- (h) the totem proposal did not appear to be a vernacular design feature relevant to Mong Kok;
- (i) display of artwork might be considered as an alternative to tree planting at suitable locations. Themed design for street furniture and lighting could also be explored;
- (j) the provision and design of the pocket open spaces in Mong Kok should be carefully considered in order to achieve the improvement objectives. Ease of maintenance should not be the sole consideration in the choice of building materials and design of seats within the open spaces. The rather massive vertical greening panels proposed in the small open space at Soy Street could be visually intrusive;
- (k) in the design for improvement of footbridges, such as through landscaping, the pedestrian circulation space should not be encroached upon;
- (l) greening was supported and should be done in a more comprehensive manner rather than just in form of a line of trees. Moreover, as the streets in Mong Kok were crowded and with lots of advertisement signboards, due care should be exercised in selecting locations for planting. At key locations, the underground utilities would need to be relocated to allow better greening;

Traffic Issues

- (m) the existing pedestrian/vehicular conflicts in the area should be addressed;
- (n) the shop operators' need for on-street loading/unloading facilities

should be duly considered in the improvement proposals;

- (o) consideration could be given to reducing some at-grade pedestrian crossing facilities and increasing segregated crossing facilities;
- (p) the linkage between the KCRC and MTR stations as well as the footbridge system should be strengthened;

Implementation Issues

- (q) in implementing the projects, due care should be exercised to avoid use of standard design and standard materials in order to achieve the original design objectives;
- (r) the maintenance aspect, such as cleansing of the proposed glass cover above the footbridges, should be considered in the formulation of improvement projects;
- (s) the improvement efforts should aim at supporting the local economy in the district. Careful consideration should also be given to project implementation, e.g. in tree planting, to avoid unnecessary objection;

Time-table

- (t) certainty should be given to the time-table for implementation of the three early projects and the remaining 12 projects;
- (u) a more concrete programme for the improvement projects, which could be packaged for implementation by phases, should be provided in the next stage of consultation;
- (v) improvements to the Flower Market and the existing footbridges were suggested to be included as early projects. An early start would also be necessary for the improvement of Nullah Road due to the long lead time to relocate the petrol filling stations and refuse collection point;

Others

- (w) consideration could be given to providing a suitable place for the existing on-street performance, and addressing the street sleeper problem;
- (x) the Board should be consulted early on the improvement proposals before the commencement of the public consultation exercise; and
- (y) in the public consultation exercise, it should be emphasized that the improvement initiatives were intended to improve the local economy. The illustrative photographs and diagrams in the Public Consultation Digest should use more local examples and adopt local flavour, which would be more comprehensible to the general public.

9. In response, Mr. Raymond Wong made the following main points:

General

- (a) three early projects were identified at this stage because they were less demanding in resources and could be quickly implemented under the existing mechanism before completion of the Study. For instance, the cooked food centre at Soy Street was being demolished and there was local support for early implementation of the improvement project. Taking into account public comments solicited in the public consultation exercise, more early projects would be recommended in the next stage of the Study. The under-utilized Government depots at Sai Yee Street would be considered to incorporate other uses, including a public transport interchange to reduce the number of on-street minibus and taxi stands. The petrol filling station sites at Nullah Road would also be considered for land use improvement. In view of the complexities and significant resources involved, some projects had to be longer term proposals as more time was required to sort out the implementation issues and relocation arrangements;

- (b) there was established inter-departmental coordination to integrate improvement projects proposed under the Study and URA's projects in the district;
- (c) the study boundary was not meant to be rigid, as the definition of the Study Area was intended to help focus on key issues identified in the district. As in the case of the Flower Market, flexibility was exercised to include the adjoining area in the formulation of the improvement project;

District Identity

- (d) the improvement initiatives aimed to address and solve the identified issues in Mong Kok. The underlying principle was not to displace or replace the existing district identity. The photographs in the Public Consultation Digest were for illustration purpose only and there was no intention to directly copy the overseas examples;
- (e) the local shop operators would be consulted to ensure that the character of the themed streets would be sustained;

Design

- (f) there was no express preference on whether the limited public space on streets should be used for greening or for display of artwork. However, there might be more benefits to carry out greening in terms of visual, air quality and micro-climate improvements;
- (g) relocation of some underground utilities for greening could be considered at detailed design stage, as appropriate;

Traffic Issues

- (h) as no new land could be made available for pavement widening, there

was a need to balance the interests between vehicles and pedestrians. Given that the district was easily accessible by public transport, the number of on-street parking spaces in the inner streets which had generated unnecessary traffic flow could be suitably reduced to create space for pavement widening for better pedestrian circulation. While the parking spaces would be reduced, loading/unloading spaces would be provided to cater for the needs of the shop operators;

- (i) in general, pedestrians and shoppers in particular, preferred at-grade crossing facilities rather than subways and footbridges. The provision of segregated pedestrian crossings was also subject to space constraint;

Implementation Issues

- (j) The Study would duly consider the impacts of the improvement proposals on the local economy. The study team would consult the local community, including the shop operators, to solicit their views;

Time-table

- (k) The three early projects could be implemented in the short term. The time-table for the other projects would be determined having regard to the public comments received during the public consultation exercise, project complexity as well as resources involved. Further details would be provided in the next stage of the Study.

Others

- (l) the Board was the first body consulted upon the commencement of the public consultation exercise. The TPB Paper was issued a week before the meeting and was publicly available. The public consultation materials had also been put on PlanD's website. That was why the Study was widely reported by the press before the Board's meeting; and

- (m) all comments expressed by Members and those solicited in the public consultation exercise in the coming two months would be carefully considered in the Study. The Board would also be consulted further on the Area Improvement Plan with more details at the next stage.

10. Mr. Derek Sun made the following main points:

- (a) Mong Kok was a dynamic and multifarious place. The improvement efforts were to preserve and strengthen the district identity and characteristics; and
- (b) the public consultation exercise was a process to stimulate discussions on how to improve the district. The wisdom of the local community would be engaged to solve the problems identified.

11. In conclusion, the Chairperson said that it was important to sustain the identity of the Mong Kok district. While the problems and constraints encountered in improving the environment of the district should not be under-estimated, PlanD should work with the concerned Government departments to take forward the longer term proposals in addition to the early projects. Moreover, the District Council should also be engaged to bring the improvement proposals into fruition. The views expressed by Members and the community should be duly taken into account in the Study.

12. The Chairperson thanked the representatives from PlanD and the study consultants for attending the meeting. They left the meeting at this point.

[Mr. Edmund K.H. Leung and Ms. Starry W.K. Lee left the meeting temporarily at this point.]

Agenda Item 4

[Open Meeting (Presentation and Question Session only)]

Review of Application No.A/SK-TLS/32

Proposed Temporary Private Garden for a Period of 3 Years in “Conservation Area” zone, Government Land Adjoining House No. 8, Rise Park Villas, 38 Razor Hill Road, Sai Kung (TPB Paper No. 7836)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

13. Mr. Michael Chan, District Planning Officer/Sai Kung and Islands of the Planning Department (PlanD), and Mr. Kong Chee Cheung, the applicant’s representative, were invited to the meeting at this point.
14. The Chairperson extended a welcome and explained briefly the procedures of the review hearing. The Chairperson then invited Mr. Michael Chan to brief Members on the background to the application.
15. With the aid of a Powerpoint presentation, Mr. Michael Chan did so as detailed in the Paper and made the following main points:
 - (a) the applicant sought planning permission for temporary private garden use on a piece of Government land (335.6m² in area) for a period of 3 years in an area zoned “Conservation Area” (“CA”);
 - (b) the reasons for the Rural and New Town Planning Committee (RNTPC) to reject the application on 2.2.2007 were set out in paragraph 1.2 of the Paper;
 - (c) no written representation in support of the review application was submitted by the applicant;
 - (d) departmental comments – the departmental comments were as summarized in paragraph 9.1 of the Paper, highlighting that the Chief Town Planner/Urban Design and Landscape, PlanD did not support the application from landscape planning point of view;

- (e) public comments – 1 public comment raising objection to the application for not being in line with the planning intention and setting of undesirable precedent was received during the statutory publication period of the review application; and
- (f) PlanD's view – PlanD did not support the application for reasons stated in paragraph 5.1 of the Paper. The use under application was not in line with the planning intention of "CA" zone and approval of the application would set an undesirable precedent.

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

[Ms. Starry W.K. Lee and Mr. Edmund K.H. Leung returned to the meeting at this point.]

17. With the aid of some photos, Mr. Kong Chee Cheung made the following main points:

- (a) when the applicant moved to the subject house, the application site was unattended with grass and rubbish. It was tidied up and provided an effective buffer area against bush fires, wild boars and burglars;
- (b) the application site was landscaped with grass. The greenery of the area was maintained and only low boundary wall to prevent soil erosion was built at the periphery;
- (c) buffer area within the "CA" zone should be allowed. The applicant was of old age and in case of bush fire, the buffer would be a life-saving measure;
- (d) the subject use would not have adverse visual impact on others as the site was not easily accessible; and
- (e) two neighbouring Government sites had been granted to the Incorporated Owners of Rise Park Villas for underground soakaway pit

purposes by the Lands Department. The application for only 330m² of land as buffer for safety and security purposes was fully justified.

18. The questions raised by Members were summarized as follows:
- (a) whether the applicant had conveyed the problems of wild boars and burglars to concerned Government departments for attention as the arguments put forward for the application were mainly management problems;
 - (b) whether the application site was an illegally formed platform;
 - (c) whether the short term tenancies for sewage treatment purpose overlapped with the application site;
 - (d) whether enforcement action by concerned Government departments had been taken for the subject case;
 - (e) referring to the aerial photograph of 1990, whether the two sites to the west of the application site were used for private garden purpose then; and
 - (f) when the site was first zoned "CA" in the Outline Zoning Plan and whether any objection was received at that time.
19. In response, Mr. Michael Chan made the following main points:
- (a) the site was not a formed platform but there were some formation works on the site;
 - (b) there were two short term tenancies for underground soakaway pits to the west and east of the application site. A small part of the tenancy at the east overlapped with the application site;
 - (c) the subject case was detected by the District Lands Office (DLO) in

their regular patrol work. If the application was rejected by the Board, the DLO would take appropriate enforcement actions;

- (d) the two sites to the west of the application site were already put to private garden use before the gazettal of the Interim Development Permission Area Plan, which was tolerated as an 'existing use'. Hence, the DLO had granted short term tenancies for the said use of the two sites; and
- (e) the site was first zoned "CA" in the Tseng Lan Shue Outline Zoning Plan (No. S/SK-TLS/1) in 1994. No objection was received when the Plan was gazetted.

20. Mr. Kong Chee Cheung made the following main points to respond:

- (a) it was difficult to guarantee immediate attention and action even if the recurrent problems of wild boars and other issues were conveyed to the concerned Government departments; and
- (b) the site was covered with grass and was geotechnically safe. If the application was not approved by the Board, it was requested that the applicant should not be required to reinstate the site to its original condition because it would create geotechnical instability due to the level difference between the application site and House No. 7.

21. As the applicant's representative had no further comment to make and Members had no further question to raise, the Chairperson informed him 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 PlanD's representative for attending the meeting. They both left the meeting at this point.

Deliberation Session

22. Mr. Patrick L.C. Lau advised that the application was the result of the DLO's

regular patrol and land control action. If the application was rejected, the applicant would be required to reinstate the land to an appropriate state. In stipulating the reinstatement requirements, the DLO would consult the Geotechnical Control Office of the Civil Engineering and Development Department to ensure geotechnical safety.

23. Members did not consider that the issues of bush fires, wild boars and security were sufficient justifications for the application and there were no planning merits and public benefits in the application. The proposed private garden use was not in line with the planning intention of the “CA” zone, and approval of the application would set an undesirable precedent for similar applications.

24. Some Members noted that the area of Government land illegally occupied by the applicant was rather large and considered that reinstatement works should be required to deter occurrence of similar cases. The Chairperson said that the issues of enforcement and reinstatement could be taken care of by the Lands Department.

25. 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 “Conservation Area” (“CA”) zone, which was to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Country Park from the adverse effects of development. No justification regarding public benefits or planning merits had been provided in the submission to merit a departure from the planning intention; and
- (b) the approval of the application would set an undesirable precedent for other similar applications within the “CA” zone.

26. The Board also agreed to advise the applicant that the Lands Department would consider the specific circumstances of the site, including the geotechnical aspect, when stipulating the reinstatement requirements.

[The Chairperson left the meeting temporarily at this point, and the Vice-Chairman took over the chairmanship of the meeting at this point.]

Agenda Item 5

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-NTM/208

Temporary Lorry and Container Tractor/Trailer Park with Ancillary Workshop for a Period of 3 Years in “Open Storage” zone, Lot 647RP(Part) in DD 99, Lots 2971RP(Part), 2972(Part), 2975(Part), 2976, 2977, 2978RP, 2979, 2980, 2981RP, 2982RP, 2983RP(Part), 2986RP, 2987RP(Part) and 2988RP in DD 102, and Adjoining Government Land, Ngau Tam Mei, Yuen Long
(TPB Paper No. 7837)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

27. Dr. James C.W. Lau declared an interest on the item as he had current business dealings with the applicant’s consultant, Top Bright Consultants Ltd.

[Dr. James C.W. Lau left the meeting at this point.]

28. Mr. Wilson So, District Planning Officer/Tuen Mun and Yuen Long of the Planning Department (PlanD), and Mr. Wong Wai Keung, the applicant’s representative, were invited to the meeting at this point.

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

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

30. With the aid of some plans, Mr. Wilson So did so as detailed in the Paper and made the following main points:

- (a) the application for temporary lorry and container tractor/trailer park with ancillary workshop for a period of 3 years in an area zoned “Open Storage” was approved by the Rural and New Town Planning Committee (RNTPC) on 2.2.2007, subject to the conditions as set out in paragraph 1.2 of the Paper. Condition (b) prohibited night-time operation between 11:00 p.m. and 7:00 a.m. and condition (c) prohibited operation on Sundays and public holidays. The applicant applied to review conditions (b) and (c);
- (b) no further written submission in support of the review application had been submitted by the applicant;
- (c) departmental comments – the Environmental Protection Department (EPD) maintained its previous view of having no objection to the application and advised the applicant to follow the latest ‘Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses’ (‘COP’) under which noisy operations should be prohibited during sensitive hours (i.e. 11:00 p.m. to 7:00 a.m.);
- (d) public comments – no public comment was received during the public inspection period and no local objection was received from the District Office; and
- (e) PlanD’s view – PlanD did not support the review application for reasons stated in paragraph 6.3 of the Paper. Imposition of conditions (b) and (c) was in line with the Board’s general practice to impose such restrictions to address potential environmental concerns on nearby sensitive receivers. However, since approval of the subject application by the RNTPC on 2.2.2007, the Board had approved upon review four similar applications to the south of the site to relax their operation hours on Sundays and public holidays from “no operation” to “operation between 10:00 a.m. to 5:00 p.m.”. Hence, condition (c) of

the subject application was recommended to be amended in line with the four similar applications.

[The Chairperson returned to the meeting at this point.]

31. The Vice-Chairman then invited the applicant's representative to elaborate on the application.

32. Mr. Wong Wai Keung requested the Board to allow operation of the subject development on Sundays and public holidays. He added that the restriction imposed would adversely affect the operation of his business and competitiveness.

33. A Member asked about the difference in approval conditions for the subject application and the last approved application at the site. Mr. Wilson So said that the approval conditions of the last approved application (No. A/YL-NTM/159) were related to drainage and landscaping. Since the promulgation of the TPB Guidelines No. 13D on Application for Open Storage and Port Back-up Uses on 2.11.2005 and taking into account EPD's COP, additional approval conditions restricting the operation hours were imposed on the current application to mitigate the potential environmental impact.

34. Another Member asked whether approval conditions (g) and (h) on submission and implementation of run-in proposals had been complied with. Mr. Wilson So replied that they had been complied with to the satisfaction of Highways Department. Mr. Wong Wai Keung said that all the other approval conditions had been complied with.

35. A Member sought clarification on the applicant's proposed operation hours on Sundays and public holidays. Mr. Wong Wai Keung replied that the applicant only requested the Board to allow operation between 10:00 a.m. and 5:00 p.m. on Sundays and public holidays.

36. As the applicant's representative had no further comment to make and Members had no further question to raise, the Vice-Chairman informed him 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 Vice-Chairman thanked the applicant's representative and representative from PlanD for attending the meeting. They both left the meeting at this point.

Deliberation Session

37. Members considered it necessary to retain approval condition (b) to prohibit night-time operation between 11:00 pm. and 7:00 a.m. to minimize the potential adverse environmental impacts imposed by the applied use on the nearby sensitive receivers. However, condition (c) could be relaxed to allow operation between 10:00 a.m. and 5:00 p.m. on Sundays and public holidays.

38. After deliberation, the Board decided to relax the restriction imposed under approval condition (c) on the terms of the application as submitted to the Board. The planning permission should be valid on a temporary basis for a period of 3 years up to 2.2.2010 and subject to following conditions:

- (a) the setting back of the northern part of the site to avoid encroachment onto the work limit of the "Improvements to San Tin Interchange" project as when required by Government departments;
- (b) no night-time operation between 11:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (c) the operation hours on Sundays or public holidays were restricted to 10:00 a.m. to 5:00 p.m. on the site during the planning approval period;
- (d) the landscape planting on the site should be maintained at all times during the planning approval period;
- (e) the submission of drainage proposals within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 2.8.2007;
- (f) in relation to (e) above, the provision of drainage facilities proposed

within 9 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 2.11.2007;

- (g) the submission of run-in proposals within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 2.8.2007;
- (h) in relation to (g) above, the implementation of run-in proposals within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 2.11.2007;
- (i) the provision of a 9-litre water type/3kg powder fire extinguisher for each of the container-converted site offices within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 2.8.2007;
- (j) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (e), (f), (g), (h) or (i) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) upon 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.

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

- (a) to resolve any land issue relating to the development with the concerned owner(s) of the application site;

- (b) to note the District Lands Officer/Yuen Long's advice to apply to his Office for Short Term Waiver(s) and a Short Term Tenancy for regularizing the unauthorized structures on site and the illegal occupation of Government land;
- (c) to follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (d) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as condoning to any structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. If the site was not abutting and accessible from a street having a width of not less than 4.5m, the development intensity should be determined by the Building Authority under the Building (Planning) Regulations (B(P)R) 19(3) at building plan submission stage;
- (e) to note the Director of Fire Service advice that should the canteen be intended to be open to public, a proper application to Food and Environmental Hygiene Department (FEHD) would be required and additional fire safety requirements would be formulated upon receipt of formal application referral from FEHD. And, the applicant/operator was advised to approach his Dangerous Goods Division for advice on licensing should the ancillary workshop involved storage/use of dangerous goods;
- (f) to note the Director of Food and Environmental Hygiene's comments that the applicant was required to handle the waste generated at his own cost; and

- (g) to note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s advice that a waterworks reserve within 1.5 metres from the centreline of the water main should be provided to WSD. No structure should be erected over the waterworks reserve and such area should not be used for storage purposes. The Water Authority and his officers and contractors, his or their workman should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorize.

[Dr. C.N. Ng left the meeting at this point.]

[The Chairperson resumed chairmanship of the meeting at this point.]

Agenda Item 6

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-TYST/345

Temporary Open Storage of Hardware, Construction Materials, Vehicles and Heavy Machinery for a Period of 3 Years in "Residential (Group B)1" zone, Lots 1372ARP, 1839D, 1839E and 1839RP in DD 121, Tong Yan San Tsuen, Yuen Long
(TPB Paper No. 7838)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

40. The Chairperson said that reasonable notice on the date of the review hearing had been given to the applicant, but the applicant had indicated that he would not attend or be represented at the meeting. Members agreed to proceed with the hearing in the absence of the applicant.

41. Mr. Wilson So, District Planning Officer/Tuen Mun and Yuen Long of the Planning Department (PlanD) was invited to the meeting at this point.
42. The Chairperson extended a welcome and invited Mr. Wilson So to brief Members on the background to the application.
43. With the aid of some plans, Mr. Wilson So did so as detailed in the Paper and made the following main points:
 - (a) the applicant sought planning permission to use the application site for temporary open storage of hardware, construction materials, vehicles and heavy machinery for a period of 3 years in an area zoned “Residential (Group B)1” (“R(B)1”);
 - (b) the reasons for the Rural and New Town Planning Committee (RNTPC) to reject the application on 2.2.2007 were set out in paragraph 1.2 of the Paper;
 - (c) no written representation in support of the review application had been submitted by the applicant;
 - (d) departmental comments – the comments from concerned Government departments were as summarized in paragraph 4 of the Paper, highlighting that the Environmental Protection Department did not support the application as there were sensitive receivers in the vicinity of the site. Also, the Chief Town Planner/Urban Design and Landscape, PlanD did not support the application from the landscape planning point of view;
 - (e) public comments – 91 public comments (including one with 100 signatures) were received from nearby residents, Owners’ Committees, an estate management office and a Yuen Long District Councillor objecting to the application on environmental, visual, traffic, hygienic and security grounds. There were also 4 local objections received by the District Office (including one with 100 signatures) on similar

grounds; and

- (f) PlanD's view – PlanD did not support the application for reasons stated in paragraph 6.2 of the Paper. The development was not in line with the planning intention of the “R(B)1” zone, and not in compliance with the Board's Guidelines No. 13D in that no previous approval had been granted for the site and the development was not compatible with the nearby residential dwellings and incompatible with the existing rural fringe landscape character of the area. There were adverse departmental comments and local objections. Approval of the application would set an undesirable precedent for similar applications.

44. As Members had no further question to raise, the Chairperson thanked PlanD's representative for attending the meeting. He left the meeting at this point.

Deliberation Session

45. Members noted that the applicant had not submitted any further justification to support the case. The application did not comply with the planning intention as well as the relevant guidelines, and was not acceptable on environmental and landscape grounds.

46. 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 “Residential (Group B)1” (“R(B)1”) zone which was intended primarily for sub-urban medium-density residential developments in rural areas where commercial uses serving the residential neighbourhood might be permitted on application to the Town Planning Board. No strong justification had been given in the submission for 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 residential developments, there was no exceptional circumstances to justify for open storage use at the site and that there were adverse departmental comments on the application;

- (c) there was insufficient information in the submission to demonstrate that the development would not generate adverse environmental and landscape impacts on the surrounding area; and
- (d) approval of the application would set an undesirable precedent for other similar uses to proliferate into the “R(B)1” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

Agenda Item 7

Any Other Business

- 47. There being no other business, the meeting was closed at 11:45 a.m.