

**Minutes of 953rd Meeting of the
Town Planning Board held on 26.2.2010**

Present

Permanent Secretary for Development
(Planning and Lands)
Mr. Thomas Chow

Chairman

Dr. Greg C.Y. Wong

Vice-chairman

Mr. Nelson W.Y. Chan

Mr. Leslie H.C. Chen

Professor David Dudgeon

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Professor N.K. Leung

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. Y.K. Cheng

Mr. Felix W. Fong

Dr. James C.W. Lau

Mr. K.Y. Leung

Mr. Rock C.N. Chen

Mr. Timothy K.W. Ma

Deputy Director of Environmental Protection
Mr. Benny Wong

Director of Planning
Mrs. Ava S.Y. Ng

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

Secretary

Absent with Apologies

Mr. David W.M. Chan

Professor Bernard V.W.F. Lim

Mr. Raymond Y.M. Chan

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Hon. Starry W.K. Lee

Professor Edwin H.W. Chan

Mr. Maurice W.M. Lee

Dr. Winnie S.M. Tang

Principal Assistant Secretary (Transport)
Transport and Housing Bureau
Mr. Fletch Chan

Assistant Director (2), Home Affairs Department
Mr. Andrew Tsang

Director of Lands
Miss Annie Tam

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Ms. Christine K.C. Tse

Senior Town Planner/Town Planning Board
Ms. Amy M.Y. Wu

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 952rd Meeting held on 5.2.2010

[The meeting was conducted in Cantonese.]

1. The minutes of the 952rd meeting held on 5.2.2010 were confirmed without amendments.

Agenda Item 2

[Open Meeting]

Matters Arising

[The meeting was conducted in Cantonese.]

2. There were no matters arising.

Agenda Item 3

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-NSW/192

Temporary Warehouse for Storage of Stainless Steel Sheets and Coils for a Period of 2 Years in "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" zone, Lots 3719 S.P ss.1 S.A (Part) and 3719 S.P ss.3 (Part) in D.D. 104, Tai Sang Wai, Nam Sang Wai, Yuen Long

(TPB Paper No. 8491)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

3. The following representative of the Government and the applicant's representatives were invited to the meeting at this point:

Mr. C.C. Lau - District Planning Officer/Tuen Mun and Yuen Long
(DPO/TMYL), Planning Department (PlanD)

Mr. P.K. Chung Applicant's representative

4. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited Mr. C.C. Lau to brief Members on the background to the application.

[Mr. Rock C.N. Chen and Dr. C.N. Ng arrived to join the meeting at this point.]

5. With the aid of the Powerpoint presentation, Mr. C.C. Lau presented the application and covered the following main points as detailed in the Paper:

- (a) the application sought planning permission for a proposed temporary warehouse for storage of stainless steel sheets and coils for a period of 2 years in an area zoned "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" ("OU(CDWRA)") on the approved Nam Sang Wai Outline Zoning Plan (OZP);
- (b) the site was 2,408m² in area with a single-storey warehouse of 745m² and was accessible from Kam Pok Road via a road track. The site was surrounded by open storage uses and vehicle repair workshops. Most of them were suspected Unauthorised Developments. To the southwest of the site were fish ponds;
- (c) the site fell within Category 4 areas under the revised Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). In Category 4 areas, applications for open storage and port back-up uses would normally be rejected except under exceptional circumstances. The intention was to encourage the phasing out of non-conforming uses as early as possible;

- (d) the site also fell within the Wetland Buffer Area (WBA) according to the Town Planning Board Guidelines for “Application for Developments within Deep Bay Area” (TPB PG-No. 12B). The intention of the WBA was to protect the ecological integrity of the fish ponds and wetland within the Wetland Conservation Area (WCA) and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds;

- (e) the Rural and New Town Planning Committee (RNTPC) rejected the application on 4.9.2009 for the reasons that the continuation of warehouse use on the site was not in line with the planning intention of the “OU(CDWRA)” zone to phase out existing sporadic open storage and port back-up uses on degraded wetlands and there were no strong planning grounds to justify a departure from the planning intention even on a temporary basis. The development was considered not compatible with the natural environment to its south and west of the site comprising fishponds within the wetland conservation area as well as the low-density residential area to its north. The applicant could not demonstrate that there were no adverse traffic, environmental and ecological impacts to the surrounding area. Also, the applicant could not demonstrate that he had made any genuine efforts to try to relocate his use to other alternative locations, nor had he provided any strong planning justifications that the use should remain at the site;

- (f) the details of the applicant’s proposal were set out in paragraph 1 of Annex A of the Paper. The applicant had submitted written representation with justifications in support of the review application as summarised in paragraph 2 of the Paper and below:
 - (i) the applicant had used the site for warehouse use for over 15 years;
 - (ii) the applied use was the subject of five previous approvals by the Board and the Town Planning Appeal Board (TPAB);
 - (iii) the non-compliance of the approval condition of the previous

- planning permission on fire service installations (FSI) proposals was due to practical difficulties;
- (iv) the applied use would not affect the long term planning intention of the application site;
 - (v) the applied use was compatible with adjacent uses and there was no adverse impact on environmental, traffic and ecology; and
 - (vi) there were difficulties to relocate the warehouse to other sites;
- (g) previous and similar applications were summarised in paragraphs 3.8 to 3.17 of the Paper. The site was the subject of 6 previous applications (No. A/YL-NSW/54, 61, 88, 107, 121 and 178) for similar uses submitted by the same applicant. The three applications No. A/YL-NSW/54, 61 and 88 were considered under the then “Recreation”(“REC”) zone, whereas the other three applications No. A/YL-NSW/107, 121 and 178 were considered under the “OU(CDWRA)” zone. Except the first application which was rejected by the RNTPC in 1999, the remaining applications were approved either by the RNTPC, the Board upon review or the TPAB. The last planning approval was revoked in 2009 due to non-compliance of approval condition related to FSI proposals. There was one similar application No. A/YL-NSW/93 for temporary warehouse for storage of building materials (plywood). It was rejected by the RNTPC mainly for not being in line with planning intention, not compatible with the surrounding areas, not complying with the TPB PG-No. 12B in that there was insufficient information to demonstrate that the development would not have adverse disturbance impact on the ecological integrity and ecological value of the fish pond within the Deep Bay Area; and setting an undesirable precedent for other similar applications;
- (h) departmental comments – the departmental comments were summarised in paragraph 4 of the Paper. Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity and environmental nuisance was expected. There was one waste pollution complaint in 2009 related to the site. While Director of

Agriculture, Fisheries and Conservation (DAFC) had no adverse comment on the applicant's elaboration that there was no adverse ecological impacts, he pointed out that the proposed use did not comply with the planning intention of the zone and it would be desirable to discourage such kind of use within the zone. Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) commented that in view of the anticipated traffic generated from the temporary warehouse (on average 6 trips per month) and the use of Kam Pok Road as access route, the traffic impact from the operation of the warehouse was considered to be minimal. However, AC for T/NT noted that the proposed vehicular access to/from the site would pass through private land, the right of way in the private access would not be guaranteed. District Land Officer/Yuen Long, Lands Department (DLO/YL, LandsD) advised that if the planning application was approved, modification of the existing Short Term Waiver to regularise the irregularities on site was required. Director of Fire Services (D of FS) had no objection in principle to the application subject to FSIs being provided to his satisfaction. Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had no objection to the application from the landscape planning perspective as the site was generally surrounded by similar open storage developments and the existing vegetation provided effective screening effect. Other departments had no objection to the application.

- (i) public comments - during the statutory publication period, 6 public comments were received from a Yuen Long District Council Member, the Fairview Park Property Management Limited, the Customer Services Office of the Villa Camerllia and an owner of Fairview Park respectively. They objected to the application on the grounds that the proposed development was not in line with the planning intention of the "OU(CDWRA)" zone, was incompatible with the surrounding environment, and had adverse impacts in terms of noise nuisance, damage on road surface, additional burden on the local road network and noise nuisance to villagers and birds; and

- (j) the planning considerations and assessments on the application were set out in paragraph 6 of the Paper and were summarised below:
 - (i) the planning intention of the “OU(CDWRA)” zone was to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area. Open storage uses and other temporary uses within this sensitive ecological area, such as the use currently applied for, could be phased out. The continued operation of the site for the applied use was therefore not in line with the planning intention;
 - (ii) the site was located within Category 4 areas under the TPB PG-No. 13E. While the applied use was not open storage or port back-up uses for which the said guidelines were intended, the spirit of the guidelines could still be applicable to the current case. Applications for open storage/port back-up uses in Category 4 areas would normally be rejected except under exceptional circumstances. Even if permission was granted, a shorter period of 2 years at maximum would only be granted upon renewal of planning permission for the applicant to identify suitable sites for relocation, and no further renewal of approval would be given unless under very exceptional circumstances;
 - (iii) the site was located in WBA under the TPB PG-No. 12B which was to protect ecological integrity of WCA and prevent development that would have negative impact on ecological value of fish ponds. New open storage/port back-up uses within WBA, whether temporary or permanent, would normally not be allowed;
 - (iv) the previous planning approvals had been granted by the Board and TPAB on sympathetic grounds. In granting the approval to Application No.A/YL-NSW/178 in September 2007, the RNTPC had made it very clear that the 2-year approval was to allow the applicant to relocate his business to other suitable location. The planning intention of the site could not be realised if the applied use continued to operate on the site;

- (v) regarding the non-compliance of the approval condition on the submission of FSI proposals under previous planning approval, extension of time limit for compliance of FSI proposals had been granted to the applicant several times for a total of 22 months. The applicant therefore had not demonstrated that the potential fire risk at the site could be satisfactorily addressed; and
- (vi) all the public comments objected to the application on the grounds that the proposed development was not in line with the planning intention of the “OU(CDWRA)” zone, incompatibility with the surrounding environment and adverse impacts.

[Dr. Daniel B.M. To and Ms. Sylvia S.F. Yau arrived to join the meeting at this point.]

- (k) PlanD’s view – PlanD did not support the application for the following reasons as set out in paragraph 7.1 of the Paper:
 - (i) the continuation of warehouse use on the site was not in line with the planning intention of the “OU(CDWRA)” zone which was intended to phase out existing sporadic open storage and port back-up uses on degraded wetlands and there were no strong planning grounds to justify a departure from the planning intention;
 - (ii) the development was considered not compatible with the natural environment to its south and west of the site comprising fishponds within the wetland conservation area as well as the low-density residential area to its north; and
 - (iii) the applicant could not demonstrate in this application that he had made any genuine effort to relocate his use to other alternative locations, nor had provided any strong planning justifications that the use should remain at the site.

6. The Chairman then invited the applicant’s representative to elaborate on the application.

[Mr. Felix W. Fong, Mr. Tony C.N. Kan, Mr. Y.K. Cheng, Mr. Nelson W.Y. Chan and Mr.

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

7. With the aid of some plans and photos, Mr. P.K. Chung made the following points:

- (a) the applicant had used the application site as warehouse for the storage of stainless steel sheets and coils since 1994. There had been no change in land ownership, operator, operation mode and size of structures/facilities within the site. The site had an area of about 2,400m² and was only occupied by a single-storey warehouse of about 700m². All storage activities were confined within the warehouse only. The site was the subject of 5 valid planning approvals. The applicant had a good record in compliance with approval conditions under the previous planning approvals and upkeeping the site in a very good condition;
- (b) as shown by the two aerial photos taken in 1999 and 2008 respectively, there had been improvement in the local environment of the site since the first approved application (No.A/YL-NSW/61). Access to the site was no longer required to go through Fairview Park Boulevard but could be gained from Kam Pok Road along the new drainage channel under the current application. Besides, the local environment was also upgraded by the provision of drains and landscape planting within the site;
- (c) as stated in paragraph 3.14 of the Paper, the TPAB had allowed the previous application No.A/YL-NSW/121 on the consideration that previous approvals had been given, the nature of goods stored would not normally give rise to any environmental or safety concern, the appellant had a good record in compliance with approval conditions, and no significant environmental and traffic impacts were envisaged. The same situation applied to the current application which included a further improvement in terms of the access road to the site;
- (d) relevant departments had no objection to/adverse comment on the

operation of the warehouse at the site. The warehouse would not create any adverse environmental and traffic impacts. DEP's concern on the environmental nuisance on sensitive uses could be addressed by the proposed access via Kam Pok Road. The traffic impact arising from the applied use would also be minimal as the warehouse would only generate an average of 6 traffic trips per month;

- (e) the applicant was both the land owner and operator. If he had to relocate the warehouse to a new site, he would need to pay extra costs for paying rents, construction of new structures and compliance with planning approval conditions. The applicant would have higher degree of certainty in operating his business at a site owned by him;
- (f) the proposed development would not frustrate the long-term planning intention of the "OU(CDWRA)" zone as there was little possibility that the zone would be developed to its planned comprehensive development in the near and foreseeable future. The area within the zone was occupied by mixed land uses including open storage and port backup uses, warehouses and workshops. There was no material change in planning circumstances and no known programme for development at the site and its surrounding area. The application site was comparatively small and elongated in shape which was not suitable for development on its own. The applicant opined that the applied use should be tolerated if it would not frustrate the long-term planning intention of the "OU(CDWRA)" zone and there was no adverse impact on the surroundings; and
- (g) the non-compliance with the approval condition in respect of FSI proposals under the previous application No. A/YL-NSW/178 was due to practical difficulties encountered. The applicant had submitted proposals for FSIs since May 2008. Apart from those matters relating to the installations of sprinklers and hose reels, DFS had no objection to other items of provision such as fire alarms and ingress/egress. There was no fire accident arising from the operation of the warehouse since its

operation in 1994;

8. Members had the following views and questions:
 - (a) the details of the waste pollution complaint against the site in 2009 and the follow-up action undertaken by Environmental Protection Department (EPD);
 - (b) whether the applicant had made any effort to relocate his business to other suitable locations since the last approval was granted by the Board in 2007 (Application No. A/YL-NSW/178);
 - (c) there were public objections related to adverse traffic impact and road safety problem. Would the public concern be addressed by the applicant's proposal of access via Kam Pok Road instead of Fairview Park Boulevard;
 - (d) the reason for the low traffic trips (i.e. 6 trips per month) in view of the size of the warehouse and the applied use for storage of stainless steel sheets and coils;
 - (e) was the applicant informed explicitly by the Board that no further approval would be granted when the last approval (Application No.A/YL-NSW/178) was granted; and
 - (f) was the applicant required to submit an ecological impact assessment for development within "OU(CDWRA)"?

9. The representatives of the Government departments and the applicant's representative had made the following responses to Members' questions:
 - (a) Mr. Benny Wong advised that the waste pollution complaint was received in May 2009 and was related to the temporary storage of electronic waste at the site. Upon receipt of the complaint, EPD had

inspected the site and found that the materials were packed in good condition. The materials were found removed when EPD staff visited the site again about two weeks later. No further follow up action was thus required;

- (b) Mr. P.K. Chung said that due to the cost implication and various difficulties including the need to pay rents, construction of new structures and compliance with planning approval conditions, the applicant had not considered relocating his business to other sites. He opined that as the applied use would not affect the long term planning intention of the “OU(CDWRA)” zone nor create adverse impact to the surroundings, it should not be required to be relocated to another site;
- (c) Mr. C.C. Lau advised that the proposed access arrangement via Kam Pok Road had already been included in the current application submitted by the applicant. PlanD considered that there were sensitive uses nearby including Man Yuen Chuen abutting Kam Pok Road. He further advised that all the information submitted by the applicant including the access proposal was published for public inspection during the statutory period and the public were aware of the access arrangement when making their comments. On the same question, Mr. P.K. Chung said that among the public commenters, the Yuen Long District Council Member belonged to the Fairview Park constituency and a member of the public was a resident of Fairview Park. He added that Kam Pok Road was now commonly used by residents and occupiers of the surrounding area and there was no public comment received by DO(YL) nor from residents of Man Yuen Chuen on the application;
- (d) on the number of traffic trips, Mr. P.K. Chung explained that the application was for storage use. The goods would be despatched by batches after consolidating a number of orders from clients and hence the trip rate would not be high. He also supplemented that there were other approval conditions in the previous planning permissions relating to the operation hours and days of operation which would also limit the number

of traffic trips;

- (e) the Secretary reported that in the last approval (No.A/YL-NSW/178), the applicant was advised by the Board that a shorter approval period of 2 years and shorter compliance periods were granted so as to allow time for him to relocate the business to other suitable locations and to monitor the situation of the site. However, it was not stated explicitly in the approval letter to the applicant that no further planning approval would be granted. She said that in recent years, the Board had adopted a practice to alert the applicant in the approval letter that no further planning approval would be granted if time had already been allowed for the applicant to relocate his applied use to an alternative location; and
- (f) the Secretary informed the meeting that under the TPB PG-No. 12B, application for temporary use was exempted from the requirement for submission of ecological impact assessment.

10. Noting that the applicant had already been granted a total of 22 months for compliance with the approval condition on FSI under the last approval but had not got it completed, the Chairman asked how the applicant would demonstrate that such approval condition would be fulfilled under the current application. Mr. P.K. Chung replied that the approval condition on FSI proposals was a new requirement imposed on the last planning approval (No.A/YL-NSW/178). Except this new condition, the applicant had complied with all the approval conditions under the previous approvals. He advised that the applicant had no difficulties in fulfilling the condition on FSI proposals except the two items relating to the provision of sprinklers and hose reels as their installation would affect the operation of the warehouse. As such, more time would be required to resolve these issues and the applicant would try to meet FSD's requirement without affecting the current operation of the warehouse.

11. As the representative of the applicant had no further comment to make and Members had no further question, the Chairman informed them that the hearing procedures for the review application had been completed. The Board would further deliberate on the application in their absence and inform the applicant of the Board's decision in due

course. The Chairman thanked the representative of the PlanD and the representative of the applicant for attending the meeting. They all left the meeting at this point.

Deliberation Session

12. A Member considered that as the applicant did not comply with the FSI requirements, the application should be rejected.

13. Noting that the applicant had not been warned by the Board that no further planning approval would be granted under the last approval, a Member considered that a shorter approval period could be granted to the current application and the applicant should be informed explicitly that no further approval would be granted. That Member also considered that the public comments submitted by owners of Fairview Park were made on their vested interest.

14. Several Members, however, considered that whether the applicant had been warned in the last approval should not affect the consideration of the current application. One Member noted that the minutes of the meeting of the last planning approval had indicated very clearly the RNTPC's decision that a shorter approval period of two years was granted to allow time for him to relocate the development. The Board had to consider whether the applied use was in line with the planning intention of the subject zone. Another Member also considered that even if no warning was given in the last approval, it did not imply that future application would automatically be approved. Those Members generally considered that the applicant had already been advised to relocate his business to other suitable locations in the last approval but did not demonstrate adequate effort had been taken to do so. They did not support the application.

15. A Member commented that it would be difficult to implement the planning intention of the "OU(CDWRA)" zone in particular the restoration of degraded wetlands if most of the area was privately owned. That Member suggested that the Government should introduce a more proactive policy to help pursue the implementation of the planning intention of the "OU(CDWRA)" zone. The Chairman advised that under the current Government policy, a private developer could submit proposal within the subject zone for wetland restoration in some parts of the area and residential and/or recreational

development in the less sensitive part of the area.

16. The Secretary reported that in allowing one of the previous applications No.A/YL-NSW/121, the TPAB had expressed some views on the planning intention of the “OU(CDWRA)”. Firstly, the TPAB agreed that the warehouse use was not in line with the planning intention of the “OU(CDWRA)” zone but the planning intention per se did not mean that the temporary use had to be rejected. Secondly, the planning permission was sought for a warehouse with storage under cover of a structure on the site. The adverse ecological, environmental and visual impacts of the subject warehouse were much less than those of other forms of open storage. Thirdly, the planning history of the site should not be disregarded. Permissions were given in the past and the appellant had a good record in complying with the approval conditions. Apart from the above, the Secretary pointed out that under the last approval No.A/YL-NSW/178, the applicant had failed to comply with the approval condition on FSI proposals though a total of 22 months had been allowed for compliance with the approval condition.

17. The Chairman concluded and Members agreed that the application should be rejected as the applicant could not demonstrate that there was no adverse impact on fire safety at the site, noting that he had failed to comply with the approval condition on the FSI proposals. Besides, the applicant also could not demonstrate that he had made any genuine effort to relocate his use to other alternative locations. Members then went through the reasons for rejection as stated in paragraph 7.1 of the Paper and agreed to refine the reasons to appropriately reflect the Board’s deliberation.

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

- (a) the applicant could not demonstrate that there was no adverse impact on fire safety at the site, noting that he had failed to comply with the approval condition on the FSI proposals; and
- (b) the applicant could not demonstrate that he had made any genuine effort to relocate his use to other alternative locations, nor had he provided any strong planning justifications that the use should remain at the site.

[Mr. B.W. Chan left the meeting at this point.]

Agenda Item 4

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-TT/248

Temporary Outdoor Mini-Motorcycle Ground with Ancillary Barbecue Area for a Period of 3 Years in "Agriculture" zone, Lots 1811 (Part), 1812 (Part), 1813, 1814 (Part), 1815 S.A to S.D & S.E to S.J (Part) in D.D. 117 and Adjoining Government Land, Wong Nai Tun Tsuen, Yuen Long

(TPB Paper No. 8493)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

19. The Chairman reported that the applicant had submitted a letter on 24.2.2010 requesting for deferment of consideration of the review application after the Paper was issued to Members of the Board and to the applicant. The applicant's letter was tabled at the meeting. In view of the late deferral request and according to the Board's practice, the applicant was invited to attend the meeting to explain his reason for the Board's consideration.

20. The following representatives of the Government and the applicant's representative were invited to the meeting at this point:

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|-----------------|--|
| Mr. C.C. Lau | - District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL), Planning Department (PlanD) |
| Mr. Kepler Yuen | - Senior Town Planner/East, PlanD |
| Mr. Chris Tang | - Applicant's representative |

21. The Chairman extended a welcome and invited the applicant's representative to explain to Members his request for deferral.

22. Mr. Chris Tang said that the subject application involved a total of nine landowners. As more time was required for the landowners to prepare materials for the application, he would like to seek the Board's approval for a deferment of the consideration of the application to the next meeting.

23. As the applicant's representative had no further comment to make and Members had no further question, the Chairman informed him that the Board would deliberate on the application in his absence and inform the applicant of the Board's decision in due course. The Chairman thanked the representatives of the PlanD and the applicant's representative for attending the meeting. They all left the meeting at this point.

Deliberation Session

24. The Secretary explained to Members the criteria for consideration of deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications (TPB PG-No. 33). One Member, after hearing the explanation from the applicant's representative, agreed to defer a decision on the application to the next meeting but opined that no further deferment should be granted unless under very special circumstances. After deliberation, Members generally considered that the deferment had met the criteria as set out in TPB PG-No.33 in that the applicant had provided reasonable grounds to support his request, the proposed deferment period was not indefinite and no right or interest of other concerned parties had been affected.

25. After further deliberation, the Board agreed to defer a decision on the review application and the review application would be submitted to the Board for consideration at the next Board's meeting on 12.3.2010. The Board also agreed to advise the applicant that no further deferment would be granted unless under very special circumstances.

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

Agenda Item 5

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/NE-TK/293

Proposed House (New Territories Exempted House (NTEH) - Small House) in "Agriculture" zone, Lot 687 A-C S.B in D.D. 29, Ting Kok, Tai Po

(TPB Paper No. 8490)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

26. The Chairman informed the meeting that the applicant indicated that he would not attend the hearing. The following representative of the Government was invited to the meeting at this point:

Mr. W.K. Hui - District Planning Officer/Shu Tin, Tai Po and North
(DPO/STN), Planning Department (PlanD)

27. The Chairman extended a welcome and then invited Mr. W.K. Hui to brief Members on the background to the application.

28. With the aid of some plans, Mr. W.K. Hui presented the application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission to build a house (New Territories Exempted House (NTEH) – Small House) on the application site which fell within an area zoned “Agriculture” (“AGR”) on the approved Ting Kok Outline Zoning Plan (OZP). The site fell outside the “Village Type Development” (“V”) zone and the village ‘environs’ (‘VE’) of any recognised villages;
- (b) the RNTPC rejected the application on 6.11.2009 for the reasons that the proposed development did not comply with the interim criteria for

assessing planning application for New Territories Exempted House/ Small House development (Interim Criteria) as the site was entirely outside the “V” zone and the ‘VE’ of any recognised villages; and the approval of the application would set an undesirable precedent for other similar applications in the area;

- (c) the applicant had not submitted any written representation in support of the review;
- (d) departmental comments – the departmental comments were summarised in paragraph 4 of the Paper. District Lands Officer/Tai Po (DLO/TP) did not support the application as the site was not within the ‘VE’ of any recognised village. Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, Transport Department) had reservation on the application as NTEH development should be confined within the “V” zone with existing and planned traffic and transport facilities. Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural point of view as the site had high potential for agricultural rehabilitation. Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from landscape point of view as the access construction and site formation works would likely affect the trees and shrubs in the area. The Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) raised concern on the geotechnical feasibility of the proposed development;
- (e) public comments - during the statutory publication period, one public comment was received from Designing Hong Kong Limited objecting to the application for the reason that the area was zoned “AGR” and there was a lack of a sustainable village layout for the area; and
- (f) PlanD’s view – PlanD did not support the application based on the planning considerations and assessment in paragraph 6 and the reasons in paragraph 7.1 of the Paper. The proposed development did not comply

with the Interim Criteria as the site was entirely outside the “V” zone and the ‘VE’ of any recognised villages. There were adverse comments from government departments on the proposal. The approval of the application would set an undesirable precedent for other similar applications in the area.

29. As Members had no further question, the Chairman thanked the representative of the PlanD for attending the meeting. He left the meeting at this point.

Deliberation Session

30. Members generally agreed that the application should be rejected as the site was entirely outside the “V” zone and the ‘VE’ of any recognised village and did not comply with the Interim Criteria.

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

- (a) the proposed development did not comply with the interim criteria for assessing planning application for New Territories Exempted House/Small House development as the application site and the footprint of the proposed Small House were entirely outside the “Village Type Development” zone and the village ‘environs’ of any recognised villages; and
- (b) the approval of the application would set an undesirable precedent for other similar applications in the area.

Agenda Item 6

[Open Meeting]

Request for Deferral for Review of Application No. A/NE-KTN/131

Proposed Comprehensive Residential Development with Minor Relaxation of Plot Ratio and Site Coverage Restrictions in “Comprehensive Development Area” zone and an area shown as ‘Road’, Lots 684 RP, 705 RP (Part), 706 RP (Part), 709 (Part), 711 (Part), 712, 713 RP, 715, 716, 717, 718 RP (Part), 719, 721 RP (Part), 2158 RP (Part) in D.D. 92 and Adjoining Government Land, Kwu Tung North, Sheung Shui

(TPB Paper No. 8489)

[The meeting was conducted in Cantonese.]

32. The Secretary reported that on 6.11.2009, the Rural and New Town Planning Committee approved an application for a proposed comprehensive residential development with minor relaxation of plot ratio and site coverage restrictions at a site mainly zoned “Comprehensive Development Area” with a small portion shown as ‘Road’ on the Kwu Tung North OZP. Under approval condition (f), the applicant was required to open Enchi Lodge to the public at least one day a week. The applicant sought review of approval condition (f). On 17.2.2010 and 24.2.2010, the applicant’s representative wrote to the Secretary of the Board requesting the Board to defer making a decision on the review application for 2 months as more time was required to liaise with the Antiquities and Monuments Office on approval condition (f). The applicant’s letter dated 24.2.2010 was tabled at the meeting. The justifications for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications (TPB PG-No. 33).

33. After deliberation, the Board agreed to defer a decision on the review application and the review application would be submitted to the Board for consideration within 3 months upon receipt of the further submission from the applicant. The Board also agreed to advise the applicant that the Board had allowed 2 months for preparation of submission of further information and no further deferment would be granted unless under very special circumstances.

Agenda Item 7

[Open Meeting]

Request for Deferral for Review of Application No. A/K3/516

Proposed Petrol Filling Station, Permitted Shop and Services (Retail Shop) and Permitted Office in “Other Specified Uses” annotated “Business” zone, 11-15 Kok Cheung Street, Mong Kok (KIL No. 9706 & Extension)

(TPB Paper No. 8494)

[The meeting was conducted in Cantonese.]

34. The Secretary reported that on 18.9.2009, the Metro Planning Committee rejected an application for a proposed petrol filling station at a site zoned “Other Specified Uses” annotated “Business” zone on the Mong Kok Outline Zoning Plan. On 21.1.2010, the applicant wrote to the Secretary of the Board requesting the Board to defer making a decision on the review application for 2 months in order to allow time for the applicant to consult Fire Services Department to better understand their concerns and to resolve the technical issues raised. The justifications for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications (TPB PG-No. 33).

35. After deliberation, the Board agreed to defer a decision on the review application and the review application would be submitted to the Board for consideration within 3 months upon receipt of the further submission from the applicant. The Board also agreed to advise the applicant that the Board had allowed 2 months for preparation of submission of further information and no further deferment would be granted unless under very special circumstances.

Agenda Item 8

[Open Meeting]

Request for Deferral for Review of Application No. A/K7/94

Proposed Redevelopment for Social Welfare and Hotel (Guesthouse) (with Ancillary Eating Place) Uses in “Government, Institution or Community” zone, Hong Kong Young Women’s Christian Association Kowloon Centre and Anne Black Guest House, 5 Man Fuk Road, Ho Man Tin (KIL 9182)

(TPB Paper No. 8488)

[The meeting was conducted in Cantonese.]

36. The Secretary reported that on 6.11.2009, the Metro Planning Committee approved an application for a proposed redevelopment for social welfare and hotel (guesthouse) (with ancillary eating place) uses at a site zoned “Government, Institution or Community” on the Ho Man Tin Outline Zoning Plan. Under approval condition (c), the applicant was required to provide lift service for the connection with either Waterloo Road or Pui Ching Road to facilitate the elderly services. The applicant sought review to remove approval condition (c). On 12.2.2010 and 18.2.2010, the applicant wrote to the Secretary of the Board requesting the Board to defer making a decision on the review application for 2 months in order to allow time for the applicant to prepare supplementary supporting information to address technical concern from various Government departments. The justifications for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications (TPB PG-No. 33).

37. After deliberation, the Board agreed to defer a decision on the review application and the review application would be submitted to the Board for consideration within 3 months upon receipt of the further submission from the applicant. The Board also agreed to advise the applicant that the Board had allowed 2 months for preparation of submission of further information and no further deferment would be granted unless under very special circumstances.

Agenda Item 9

[Closed Meeting]

38. This item was recorded under Confidential cover.

Agenda Item 10

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comment to the Draft Tuen Mun Outline Zoning Plan No. S/TM/26
(TPB Paper No. 8496)

[The meeting was conducted in Cantonese.]

39. The following Members had declared interests on this item:

- | | |
|---------------|--|
| Mr. Tony Kan | - His company owned two godowns in Tuen Mun |
| Mr. Rock Chen | - His father owned textile companies in Tai Hing Gardens |

40. Since the item was procedural, Members agreed that Mr. Tony Kan and Mr Rock Chen could stay at the meeting.

41. The Secretary briefly introduced the Paper. On 16.10.2009, the draft Tuen Mun OZP No. S/TM/26 was exhibited for public inspection under section 7 of the Town Planning Ordinance. A total of 9 representations and one comment were received. Since the representation items involved a wide coverage in the Tuen Mun New Town, it was recommended that the representations and comments should be considered by the full Board. The hearing would be accommodated in the Board's meeting scheduled for 30.4.2010. As some of the representations, and the comment were similar in nature and interrelated, it was suggested that the hearing of the representations and comment be arranged into 4 groups:

- (a) Group 1: individual hearing for 1 representation (R6) objecting to, among others, the non-site specific building height restrictions stipulated on the Plan (except “Residential (Group C)” (“R(C)”)); the plot ratio restrictions for various “Residential (Group A)”, “Residential (Group B)” (“R(B)”), and “Industrial” sub-zones; and the imposition of non-building areas (NBAs) and relevant clause on the application for minor relaxation on such requirement;

- (b) Group 2: collective hearing of 4 site specific representations (R3, R4, R7 and R9). Both R3 and R9 indicated either support or objection to the rezoning amendments at Sam Shing Wan in Tuen Mun Area 27, Tuen Mun East areas, and at various locations in Tuen Mun. In addition, R3 objected to 2 more rezoning amendments. The rezoning amendment items to which R4 and R7 objected overlapped with those of R3 and R9;

- (c) Group 3: collective hearing for 2 site specific representations (R1 and R5) and 1 related comment (C1), in relation to parts of Amendment Item B10, which involve mainly rezoning of sites in Area 52 from “R(B)” to “R(C)”. The commenter (C1) supported the objection from R5; and

- (d) Group 4: collective hearing for 2 site specific representations (R2 and R8), in relation to stipulation of building height restrictions for the electricity substations in Tuen Mun New Town; and incorporation of gross floor area and/or building height restrictions for the “Other Specified Uses” (“OU”) annotated “Power Station” zone and the adjoining “OU(Pier)” zone.

42. The Board agreed that the representations and comment should be considered in the manner as proposed in paragraphs 2.1 and 2.3 of the Paper.

Agenda Item 11

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

43. There being no other business, the meeting was closed at 10:25 a.m.