

**Minutes of 973rd Meeting of the
Town Planning Board held on 7.1.2011**

Present

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

Chairman

Mr. Stanley Y.F. Wong

Vice-chairman

Mr. K.Y. Leung

Mr. Walter K.L. Chan

Mr. B.W. Chan

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Y.K. Cheng

Mr. Felix W. Fong

Ms. Anna S.Y. Kwong

Professor Edwin H.W. Chan

Mr. Timothy K.W. Ma

Professor P.P. Ho

Professor Eddie C.M. Hui

Dr. C.P. Lau

Ms. Julia M.K. Lau

Dr. W.K. Lo

Mr. Roger K.H. Luk

Ms. Pansy L.P. Yau

Dr. W.K. Yau

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

Deputy Director of Environmental Protection
Mr. Benny Wong

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

Director of Lands
Miss Annie Tam

Director of Planning
Mr. Jimmy Leung

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

Secretary

Absent with Apologies

Professor Paul K.S. Lam

Dr. James C.W. Lau

Mr. Rock C.N. Chen

Mr. Maurice W.M. Lee

Dr. Winnie S.M. Tang

Professor Joseph H.W. Lee

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

Ms. Anita W.T. Ma

Professor S.C. Wong

Mr. Stephen M.W. Yip

In Attendance

Assistant Director of Planning/Board

Mr. Lau Sing

Chief Town Planner/Town Planning Board

Ms. Christine K.C. Tse (a.m.)

Senior Town Planner/Town Planning Board

Ms. Amy M.Y. Wu (a.m.)

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 972nd Meeting held on 17.12.2010

[The meeting was conducted in Cantonese.]

1. The minutes of the 972nd Meeting held on 17.12.2010 were confirmed without amendments.

Agenda Item 2

[Open Meeting]

Matters Arising

[The meeting was conducted in Cantonese.]

(i) Four New Town Planning Appeals Received

Town Planning Appeal No. 16 of 2010 (16/10)

Proposed School (Tutorial School) in “Residential (Group B)” zone, Ground Floor, 108C Boundary Street, Kowloon (NKIL 2323)

(Application No. A/K7/99)

2. The Secretary reported that an appeal was received by the Town Planning Appeal Board (TPAB) on 20.12.2010 against the decision of the Town Planning Board (the Board) on 8.10.2010 to reject on review an application for a proposed school (tutorial school) in “Residential (Group B)” zone on the approved Ho Man Tin Outline Zoning Plan No. S/K7/20. The application was rejected by the Board for the following reasons:

- (a) the proposed tutorial school would cause disturbance or nuisance to the local residents; and
- (b) the approval of the application would set an undesirable precedent for similar applications for tutorial schools within residential buildings in the area.

Town Planning Appeal No. 17 of 2010 (17/10)

Proposed House (New Territories Exempted House (NTEH) – Small House) in “Agriculture” zone, Government Land in D.D. 15, Shan Liu Village, Tai Po
(Application No. A/NE-TK/301)

3. The Secretary reported that an appeal was received by the TPAB on 20.12.2010 against the decision of the Board on 19.11.2010 to reject on review an application for ‘NTEH – Small House’ in the “Agriculture” (“AGR”) zone on the draft Ting Kok Outline Zoning Plan No. S/NE-TK/16. The application was rejected by the Board for the following reasons:

- a) the design, scale and height of the proposed development, in particular the 6.6m high building platform, were considered incompatible with the rural character of the surrounding area comprising fallow agricultural field surrounded by wooded hills; and
- b) the applicant failed to demonstrate that the proposed development would not cause adverse landscape impact on the surrounding area resulting in a general degradation of the rural environment and landscape quality in the area.

Town Planning Appeal No. 18 of 2010 (18/10)

Temporary Private Vehicle Park (Private Cars and Light Goods Vehicles) for Villagers of To Yuen Wai and Recreation and Village Affairs Centre (with Ancillary Self-help Car Cleansing Facilities) for a Period of 3 Years in “Village Type Development” zone and Area Shown as ‘Road’, Lots 538 s.B-L, 581, 586 s.A-C and 586 RP in D.D. 130, To Yuen Wai, Lam Tei, Tuen Mun
(A/TM-LTTY/201)

4. The Secretary reported that an appeal was received by the TPAB on 21.12.2010 against the decision of the Board on 8.10.2010 to reject on review an application for a temporary private vehicle park (private cars and light goods vehicles) for villagers of To Yuen Wai and recreation and village affairs centre (with ancillary self-help

car cleansing facilities) at the application site in the “Village Type Development” (“V”) zone and an area shown as ‘Road’ on the approved Lam Tei and Yick Yuen OZP No. S/TM-LTY/6 and the draft Tuen Mun Outline Zoning Plan. The application was rejected by the Board for the following reasons:

- (a) the proposed development would frustrate development of Small Houses at part of the site and contravene the planning intention of the “V” zone;
- (b) the proposed development would cause adverse environmental impacts to the local residents and surrounding environment; and
- (c) there was no information in the submission to demonstrate that the proposed development would not cause adverse drainage impacts on the surrounding areas.

Town Planning Appeal No. 19 of 2010 (19/10)

Proposed House (New Territories Exempted House – Small House)

(Private Garden Ancillary to House) in “Green Belt” Zone

a piece of Government Land to the South of House No. 86,

Cheung Muk Tau Village, Sai Kung North, Ma On Shan, Sha Tin

(Application No. A/MOS/81)

5. The Secretary reported that an appeal was received by the TPAB on 29.12.2010 against the decision of the Board on 22.10.2010 to reject on review an application for a private garden ancillary to an existing New Territories Exempted House – Small House in the “Green Belt” (“GB”) zone on the approved Ma On Shan Outline Zoning Plan No. S/MOS/16. The application was rejected by the Board for the following reasons:

- (a) the proposed development was not in line with the planning intention of “GB” zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against

development in “GB” zone and no strong planning justifications had been provided in the submission for a departure from this planning intention;

- (b) the proposed development did not comply with the TPB Guidelines No.10 that the proposed development would cause adverse landscape impact on the surrounding areas; and
- (c) approval of the subject application would set an undesirable precedent for other similar development proposals in the “GB” zone. The cumulative effect of approving such proposals would result in a general degradation of the environment in the area.

6. The hearing dates of the appeals were yet to be fixed. The Secretary would act on behalf of the TPB in dealing with the appeals in the usual manner.

(ii) Abandonment of Two Town Planning Appeals

Town Planning Appeals No. 5 of 2010 (5/10) and No. 9 of 2010 (9/10)
Proposed House (New Territories Exempted House (NTEH) – Small House)
in “Green Belt” zone Government Land in D.D. 20, Ta Tit Yan Village, Tai Po
(Application No. A/TP/435)

Proposed House (New Territories Exempted House (NTEH) – Small House)
in “Green Belt” zone
Government Land in D.D. 20, Ta Tit Yan Village, Tai Po
(Application No. A/TP/436)

7. The Secretary reported that two appeals had been abandoned by the appellants of their own accord. Town Planning Appeals No. 5/2010 and 9/2010 were received by the TPAB on 7.4.2010 against the decisions of the Board on 22.1.2010 to reject on review two applications (No. A/TP/435 and 436) for proposed houses (New Territories Exempted Houses - Small House) within the “Green Belt” zone on the Tai Po Outline Zoning Plan. They were abandoned by the appellants on 20.12.2010. On 5.1.2011, the Appeal Board Panel (Town Planning) formally confirmed that the appeals were abandoned in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations.

(iii) Appeal Statistics

8. The Secretary reported that as at 7.1.2011, 26 cases were yet to be heard by the Town Planning Appeal Board. Details of the appeal statistics were as follows:

Allowed	: 27
Dismissed	: 113
Abandoned/Withdrawn/Invalid	: 144
Yet to be Heard	: 26
<u>Decision Outstanding</u>	<u>: 2</u>
Total	: 312

Agenda Item 3

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/FSS/197

Temporary Public Vehicle Park (Private Car and Light Goods Vehicle) for a Period of 2 Years in "Residential (Group A)" and "Open Space" zones, Lots 3035RP, 3036S.A, 3036RP, 3037, 3044, 3045RP in D.D. 51 and adjoining Government land, San Wan Road, Fanling

(TPB Paper No. 8700)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

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

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

Mr. Leung Tat Chung - Applicant's representative

Ms. Cheng Kwan Ying - Applicant's representative

10. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited Mr. W.K. Hui to brief Members on the background to the application.

11. 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 for a temporary public vehicle park (private car and light goods vehicle) for a period of 2 years in an area zoned mostly "Residential (Group A)" ("R(A)") and partly "Open Space" ("O") on the approved Fanling/Sheung Shui OZP No. S/FSS/14;
- (b) on 10.9.2010, the Rural and New Town Planning Committee (RNTPC) rejected the application for the reasons that there was no information in the submission to demonstrate that the public vehicle park would not have adverse environmental impacts on the surrounding areas; and the application involved two previously revoked planning permissions due to non-compliance with the approval conditions. Approval of the application with repeated non-compliance would set an undesirable precedent for other similar planning permissions for temporary uses which were also subject to the requirement to comply with the approval conditions, thus nullifying statutory planning control;
- (c) the applicant had not submitted any written representation in support of the review application;
- (d) the application site was the subject of 5 previous applications (No. A/FSS/103, 137, 159, 169 and 187) for public vehicle park submitted by the applicant. Application No. A/FSS/103 for public car and lorry park was approved on review by the Board on 12.6.1998 on a temporary basis for a period of 3 years up to 12.6.2001 mainly on the consideration that

the noise impact to the surrounding areas might be reduced if the vehicle park was confined to the parking of private cars only and the operating hours of the car park were restricted to 07:00 to 23:00. Applications No. A/FSS/137, 159 & 169 for temporary public vehicle park were approved with conditions by the RNTPC on 15.6.2001, 11.6.2004 and 25.5.2007 respectively each for a period of 3 years. However, the approval (Application No. A/FSS/169) was revoked on 28.7.2009 due to non-compliance with the approval condition on operation hours (i.e. from 07:00 to 23:00). The latest Application No. A/FSS/187 for temporary public vehicle park (private car) was approved with conditions by the RNTPC on 19.3.2010 for a period of 12 months on consideration that the subject temporary car park would be a relief to the problem of shortage in parking spaces in the North District and the applicant proposed improvement measures to address the concerns on night time operation. However, in view of the revocation of the previous approval (Application No. A/FSS/169) and strong local objection and complaint, shorter approval and compliance periods were granted, and the applicant was advised that sympathetic consideration would not be given to any further application should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission. The last approval (Application No. A/FSS/187) was revoked on 4.6.2010 due to non-compliance with the approval condition on prohibiting the parking of vehicles other than private cars;

[Professor Edwin H.W. Chan, Dr. W.K. Lo and Ms. Maggie M.K. Chan arrived to join the meeting at this point.]

- (e) departmental comments – the departmental comments were summarised in paragraph 4 of the Paper. The Director of Environmental Protection (DEP) had reservation on the application. DEP advised that given the history of noise complaints on the application site and objection from residents of the nearby Fanling Centre, the current application for extending the planning permission to allow parking of light goods vehicles and 24-hour operation for monthly parking would result in an

increase in potential for noise nuisance, especially during the night time and early morning. The Commissioner of Police (C of P) received one report of noise complaint against the public vehicle park operating after 23:00, another eight similar noise complaints from government departments, including District Officer/North, Legislative Council Office, Department of Justice and PlanD and a letter from the Office of Wong Sing Chi Legislative Councillor about a noise complaint from a resident of Fanling Centre. The Commissioner for Transport (C for T) had no in-principle objection from traffic viewpoint. According to the Parking Demand Study, there was a general shortfall of car parking spaces in North District up to the year of 2011. Temporary public carpark was definitely a short-term relief to the pressure of public demand for more parking spaces in the area. The Director of Leisure and Cultural Services (DLCS) advised that there was no development programme for the public open space at the application site, though the site was designated as “Local Open Space” on the Fanling/Sheung Shui Layout Plan;

- (f) public comments - during the statutory publication period on the review application, six public comments were received from residents of Fanling Centre and a member of the public. Four residents strongly objected to the application due to the repeated non-compliance with approval conditions, noise and air nuisance, hygiene and environmental problems, safety concern created by the vehicle park. One resident supported the application as there was parking demand in the area while a member of public expressed ‘no comment’;

[Mr. Raymond Y.M. Chan and Mr. Fletch Chan arrived to join the meeting at this point.]

- (g) PlanD’s view – PlanD did not support the review application based on the planning considerations and assessments as set out in paragraph 6 of the Paper and summarized below:
 - (i) the site had been approved for temporary public vehicle park use since 1998. There was no programme for the planned uses at the

application site; the temporary public vehicle park was not incompatible with surrounding land uses; and C for T advised that there was a general shortfall of car parking spaces in North District, the previous five applications were approved by the Board on review or the RNTPC subject to imposition of relevant conditions to address the potential noise nuisance of the public car park. However, the latest two approved applications (No. A/FSS/169 & 187) were revoked due to non-compliance with approval conditions relating to the operation hours and restriction to the parking of private cars only;

- (ii) as compared with the previously approved application (No. A/FSS/187), the applicant proposed to increase the number of private car parking spaces from 50 to 70 and to allow the provision of 15 parking spaces for light goods vehicles and 24-hour operation for monthly parking. DEP had reservation on the current application as parking of light goods vehicles and 24-hour operation for monthly parking would result in an increase in potential for noise nuisance, especially during night time and early morning. DEP and C of P advised that they had received several complaints on noise and lighting nuisance related to the temporary public vehicle park;
- (iii) the applicant had failed to comply with the conditions on operation hours and parking of private cars only which resulted in the revocation of the two previous planning approvals. In granting the latest approval (Application No. A/FSS/187), the RNTPC had already warned the applicant that no sympathetic consideration to further planning application would be given if the permission was revoked again. The applicant had not demonstrated in the current submission any intention or proposed any measures to comply with approval conditions imposed by the Board. Against this background and noting the applicant's repeated failures to comply with the approval conditions on operation hours and vehicle types, there were doubts that the potential environmental impact could be addressed by imposing relevant approval conditions on the same

applicant.; and

- (iv) approval of the application with repeated non-compliances would set an undesirable precedent for other similar planning permissions for temporary uses which were also subject to the requirement to comply with the approval conditions, thus nullifying statutory planning control.

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

13. Mr. Leung Tat Chung made the following main points:

- (a) the applicant had been operating the public vehicle park at the site for about 12 years and had all along complied with the law. The imposition of the two approval conditions on operating hours (07:00 to 23:00) and parking of private cars only had created great difficulties on the operation of his business. The applicant confirmed that the vehicle car park was not in operation during the restricted hours but he could not stop the monthly car park users from entering/leaving the site during the restricted hours;
- (b) the objection was in fact lodged by one resident living at Fanling Centre who was offended by a staff of the applicant. That resident had made several complaints to various government departments against the operation of the vehicle park. In response to this, the applicant had liaised with Home Affairs Department, Transport Department, Lands Department and District Councillors and made efforts to reduce the noise disturbance which included the putting up of "no car honking" signs on site. However, the applicant was not able to handle some other grounds of the complaints such as the behaviour of the users at the vehicle park;
- (c) the vehicle park use had been in operation for 12 years with five planning approvals. It was unfair to reject the application because of complaint from a resident;

- (d) regarding PlanD's comment that he had not maintained the existing plantings on site, the applicant said that he would make arrangement to plant trees on the site when the issue on operating hours was resolved;
- (e) the requirement of the approval condition relating to the operating hours of the vehicle park was unclear to the applicant. The applicant had tried to clarify the definition of the operating hour with PlanD with the assistance of a District Councillor but it was still unclear. He requested PlanD to provide a clear definition on the requirement under that approval condition and he would comply with all other approval conditions;
- (f) he noted that light goods vehicles were allowed to be parked at those public car parks operated on government land under Short Term Tenancy (STT) and considered that there was differential treatment between operation of car park on government land and the subject site on private land; and
- (g) the proposed number of light goods vehicles under application was only 15 and that would unlikely create significant noise impact on the nearby residents. The applicant was willing to undertake a noise impact assessment to the satisfaction of DEP should planning approval be granted by the Board.

[Ms. Julia M.K. Lau arrived to join the meeting at this point.]

Government Policy on Public Vehicle Park

14. Noting the applicant's claim that light goods vehicles were allowed to be parked in public car parks operated on government land under STT but not in the subject site, a Member asked about the government practice in allowing the types of vehicles to be parked at public vehicle parks. Another Member noted that there was generally no restriction on operating hours for monthly parking in public car parks and asked whether

the condition of operating hours applied to all other public vehicle parks. Mr W.K. Hui, DPO/TWK, explained that the application for a permanent public car and lorry park at the subject site was first rejected by the RNTPC as DEP was concerned that the operation of the vehicle park would create noise nuisance to the residents nearby. However, the application was approved upon review by the Board on a temporary basis for a period of 3 years in 1998 mainly on the consideration that the noise impact to the surrounding areas might be reduced if the vehicle park was confined to the parking of private cars only and the operating hours of the car park were restricted to 07:00 and 23:00. Two approval conditions were therefore imposed to that effect. Mr. Benny Wong, Deputy Director of Environmental Protection, advised that the restriction on operating hours after 23:00 was considered reasonable and usually adopted as a general requirement to mitigate potential noise impact generated from public vehicle park during night time. He further advised that the reason to prohibit the parking of vehicles other than private cars was due to the fact that the noise impact generated by private cars was relatively lower than that of other vehicles. Mr. W.K. Hui added that the same approval conditions might not be imposed on other public vehicle parks which there were no concern on noise nuisance on nearby residents.

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

Parking of Light Goods Vehicles

15. A Member asked whether the proposed light goods vehicle parking spaces would be designated near the public road so that they could be located away from the residential dwellings. Mr. Leung Tat Chung referred to the layout plan submitted under the application and said that the designated parking spaces for light goods vehicle were near San Wan Road and away from Fanling Centre. However, on the potential noise impact, he did not agree with government departments that light goods vehicles would generate greater noise impact than private cars as the size and engine power of the two types of vehicles were similar. On the question of Members on whether there was any noise complaint arising from the parking of light goods vehicles, Mr. Leung advised that there was no complaint received so far on the parking of light goods vehicles but only a complaint on glare created by spotlights. The problem had been resolved by the applicant five years ago but after a recent replacement of spotlights at the site, that local resident

lodged the complaint again. He said that the spotlights could not be set at a very dim level as they had suffered from car theft because of the low visibility.

[Miss Annie Tam arrived to join the meeting at this point.]

16. A Member said that under the Road Traffic Ordinance, private cars and light goods vehicles were under different categories of which the latter could be of 5.5 tonnes. That Member asked if the applicant was referring to passenger vehicles (i.e. van) instead of light goods vehicles. Mr. Leung Tat Chung said that he was referring to passenger vehicles and confirmed that no light goods vehicles of 5.5 tonnes or over had been parked within the subject vehicle park. The same Member asked which of the two conditions (i.e. restriction on operation hours or parking of private cars only) would be considered as more acceptable by the applicant. Mr. Leung replied that he could accept the parking of private cars only (excluding light goods vehicles) but could not accept the restriction on operating hours for monthly car parking.

Operating Hours for Monthly Car Parking

17. A Member commented that with the restriction on operating hours under the approval condition, the subject site might not be suitable for monthly car parking. That Member noted that the condition was imposed on the subject site due to its specific site circumstances and it was imposed since the granting of the first planning approval in 1998. In this regard, the applicant should have been aware of the requirement on the operating hours and its constraints on monthly car parking. In response, Mr. Leung Tat Chung said that according to his understanding, all leases and contracts for open public vehicle park would allow 24-hour operation. Given the restriction on operating hours, he did not open the vehicle park for hourly parking between 23:00 and 07:00. However, should 24-hour operation not be permitted for monthly car parking, it would create a difficult situation for his business. In response to the Chairman's enquiry on whether he considered the condition unreasonable and hence did not comply with it, Mr. Leung clarified that he had tried to comply with the approval condition but was not aware that the restriction on the operating hours also applied to monthly car parking.

Public Comments

18. A Member noted that the objection to the application was not only from one local resident as claimed by the applicant but also the Incorporated Owners (IO) of Fanling Centre. That Member also said that as the condition on operating hours was to mitigate the noise impact generated by the operation of the vehicle park during night time, allowing 24-hour operation for monthly car park users would be against the rationale of imposing such condition. Mr. Leung Tat Chung said that the complaints sent to government departments and objection from the IO of Fanling Centre were all because of the same local resident and there were other public comments in support of the application. He said that the reason for lodging the subject review application was to seek clarification on the requirement of the condition on operating hours.

Non-Compliance with Approval Conditions

19. A Member noted that two planning approvals were previously revoked by the Board due to non-compliance with the approval conditions and asked what the applicant had done to convince the Board that the current application should be approved. Mr. Leung Tat Chung explained that the previous revocation was due to his over-reliance on his consultants. The consultants had in fact advised him not to apply for planning application in view of the possible strong local objection and that he could operate the vehicle park under STT for 5 years. After the revocation, he took up the case himself but had difficulty in complying with the approval condition on operating hours. He had consulted his solicitor who had advised him that he could allow monthly car park users to enter/leave the site all day. In response to another Member's query, Mr. Leung advised that he had to close down his business if the approval condition on operating hours was imposed as recommended in the Paper.

20. Noting that there were five previous planning approvals, a Member asked whether the applicant had been able to comply with all the approval conditions imposed in previous occasions. Mr. W.K. Hui explained that similar approval conditions were imposed for the five previous planning approvals. Before 2009, there was no complaint received on the vehicle park use and hence renewals of planning application were granted

for the site. However, since 2009, complaints were received against vehicle park use at the site and the planning approvals for the last two applications (No. A/FSS/169 and 187) were revoked due to non-compliance with the approval conditions, first one being on operating hours and the second one on restriction of parking of private cars only.

21. In response to the question of Mr. Jimmy Leung, Director of Planning, Mr. Leung Tat Chung advised that the subject vehicle park was currently in operation and he understood that it was against the law as the planning approval had been revoked.

22. As the applicant's representatives 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 applicant's representatives for attending the meeting. They all left the meeting at this point.

Deliberation Session

23. The Vice-Chairman said that in granting the last approval (Application No. A/FSS/187), the applicant had already been advised by the Board that sympathetic consideration would not be given to any further planning application should the applicant fail to comply with the approval conditions again resulting in revocation of the planning approval. That planning approval was then revoked on 4.6.2010 due to non-compliance with the approval condition on prohibiting the parking of vehicles other than private cars. Against that background and noting the applicant's repeated failures to comply with the approval conditions of the previous planning permissions especially on operation hours and the restriction on the parking of private cars, he did not support the approval of the planning application.

24. Members generally agreed that the application should be rejected as the applicant had not demonstrated in the current submission any intention or proposed any measures to comply with such approval conditions imposed by the Board. Members then went through the reasons for rejection as stated in paragraph 7.1 of the Paper and considered that they were appropriate.

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

- (a) there was no information in the submission to demonstrate that the public vehicle park would not have adverse environmental impacts on the surrounding areas; and
- (b) the application involved two previously revoked planning permissions due to non-compliance with the approval conditions. Approval of the application with repeated non-compliances would set an undesirable precedent for other similar planning permissions for temporary uses which were also subject to the requirement to comply with the approval conditions, thus nullifying statutory planning control.

[The meeting adjourned for a break of five minutes.]

Agenda Item 4

[Closed Meeting]

26. This item was recorded under confidential item.

Agenda Item 5

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

27. There being no other business, the meeting was closed at 11:15 a.m.