

**Minutes of 1109th Meeting of the  
Town Planning Board held on 15.4.2016**

**Present**

Permanent Secretary for Development  
(Planning and Lands)  
Mr Michael W.L. Wong

Chairman

Professor S.C. Wong

Vice-chairman

Mr Lincoln L.H. Huang

Professor K.C. Chau

Dr Wilton W.T. Fok

Mr Ivan C.S. Fu

Mr. Sunny L.K. Ho

Ms Janice W.M. Lai

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Ms Christina M. Lee

Mr H.F. Leung

Mr Stephen H.B. Yau

Dr F.C. Chan

Mr David Y.T. Lui

Mr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Mr K.K. Cheung

Mr Wilson Y.W. Fung

Mr Thomas O.S. Ho

Mr Alex T.H. Lai

Dr Lawrence K.C. Li

Mr Stephen L.H. Liu

Professor T.S. Liu

Miss Winnie W.M. Ng

Ms Sandy H.Y. Wong

Mr Franklin Yu

Deputy Director of Environmental Protection (1)  
Mr C.W. Tse

Director of Lands  
Ms Bernadette H.H. Linn

Chief Engineer (Works), Home Affairs Department  
Mr Martin W.C. Kwan

Director of Planning  
Mr K.K. Ling

Deputy Director of Planning/District  
Mr Raymond K.W. Lee

Secretary

**Absent with Apologies**

Mr H.W. Cheung

Dr C.H. Hau

Mr T.Y. Ip

Principal Assistant Secretary (Transport) 3  
Transport and Housing Bureau  
Miss Winnie M.W. Wong

**In Attendance**

Assistant Director of Planning/Board  
Miss Fiona S.Y. Lung

Chief Town Planner/Town Planning Board  
Ms Lily Y.M. Yam (a.m.)  
Mr Louis K.H. Kau (p.m.)

Senior Town Planner/Town Planning Board  
Ms Doris S.Y. Ting (a.m.)  
Ms W.H. Ho (p.m.)

**Agenda Item 1**

[Open Meeting]

Confirmation of Minutes of the 1108th Meeting held on 1.4.2016

[The item was conducted in Cantonese.]

1. The minutes of the 1108th meeting held on 1.4.2016 were confirmed subject to the rectification of the post-title of Mr Wilson Y.W. Fung which should read as ‘the ***President*** of the Hong Kong Business Accountants Association’ instead of ‘the Chairman of the Hong Kong Business Accountants Association’ as shown on page 47 (paragraph 74) of the draft minutes.

**Agenda Item 2**

[Open Meeting]

Matters Arising

[The item was conducted in Cantonese.]

(i) Withdrawal of Judicial Review Applications against the Decision of the Town Planning Board

2. The Secretary reported that the Court of First Instance (CFI) approved the withdrawal of three Judicial Review (JR) applications against the decisions of the Town Planning Board (the Board) in respect of the following two Outline Zoning Plans (OZPs):

(a) the draft So Kwun Wat OZP No. S/TM-SKW/12 (HCAL 254/2015); and

(b) the draft Shek Kip Mei OZP No. S/K4/28 (HCAL 158/2015 and HCAL 159/2015).

3. The Secretary said that on 7.4.2016, the applicant of the JR application in respect of the So Kwun Wat OZP applied to CFI for withdrawing the JR application. The withdrawal was approved by CFI on 8.4.2016. For the two JR applications in respect of the

Shek Kip Mei OZP, the applicants applied to CFI for withdrawing the applications on 8.4.2016. The withdrawal was approved by the Court on the same date.

4. Members noted that the above JR applications had been withdrawn.

[Mr Peter K.T. Yuen arrived to join the meeting at this point.]

(ii) New Judicial Review Application against the Decision of the Town Planning Board in respect of the Chek Lap Kok Outline Zoning Plan (HCAL 68/2016)

5. The Secretary reported that the following Members had declared interests in the item for being representer, having business dealings/affiliation with the Airport Authority Hong Kong (AAHK) or the representers/commenters, or matters related to the three-runway system (3RS) of the Hong Kong International Airport:

Professor S.C. Wong (the Vice-chairman) - being a member of the Institute of Transport Studies of the University of Hong Kong, which had obtained sponsorship from AAHK (C1) before and the council member of the Chartered Institute of Logistics and Transport in Hong Kong (R2), but not involving in the submission of R2's representation

Mr Sunny L.K. Ho - being the Executive Director of the Hong Kong Shipper's Council (R1) and the President of the Chartered Institute of Logistics and Transport in Hong Kong (R2)

Ms Christina M. Lee - being Secretary-General of the Hong Kong Metropolitan Sports Events Association which had obtained

sponsorship from the Chinese Manufacturers' Association of Hong Kong (C20) before

Mr Dominic K.K. Lam - being a member of the 3RS and Works Committee of the AAHK

Ms Janice W.M. Lai ] having current business dealings with  
Mr Patrick H.T. Lau ] AAHK (C1)  
Mr Thomas O.S. Ho ]

Professor K.C. Chau - being a member of the Advisory Council on the Environment which endorsed the Environmental Impact Assessment report of the 3RS project

6. As the item was to report a new Judicial Review (JR) application, Members agreed that the above Members should be allowed to stay in the meeting.

#### The JR Application

7. The Secretary reported that on 5.4.2016, a JR application was lodged by Ho Ho Sum (the Applicant) against the decision of the Town Planning Board (the Board) made on 26.2.2016 for noting the supportive representations, not upholding the adverse representations and not amending the draft Chek Lap Kok Outline Zoning Plan (OZP) No. S/I-CLK/13.

8. The Applicant sought, inter alia, the reliefs from the Court to quash the Board's decision and to remit the matter to the Board for re-consideration. The Court had not yet granted leave to the JR application.

9. Members noted the JR application and agreed that the Secretary should represent the Board in all matters relating to the JR in the usual manner.

(iii) New Town Planning Appeals Received

- (a) Town Planning Appeal No. 2 of 2016  
Proposed House (New Territories Exempted House (NTEH) – Small House)  
in Area designated as “Unspecified Use”, Government Land in D.D. 289,  
Ko Tong, Tai Po
  
- (b) Town Planning Appeal No. 3 of 2016  
Proposed House (NTEH – Small House) in Area designated as  
“Unspecified Use”, Government Land in D.D. 289, Ko Tong, Tai Po

10. The Secretary reported that two Notices of Appeal were received by the Appeal Board Panel (Town Planning) on 24.3.2016 against the decision of the Town Planning Board (the Board) on 15.1.2016 to reject on review two applications (No. A/DPA/NE-TT/64 and A/DPA/NE-TT/66) for Small House development at two adjacent sites falling within an area designated as “Unspecified Use” on the approved Tai Tan, Uk Tau, Ko Tong and Ko Tong Ha Yeung Development Permission Area (DPA) Plan No. DPA/NE-TT/2.

11. Each of the two applications was rejected by the Board for the following reasons:

- (a) the application did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the proposed development would cause adverse landscape impact on the surrounding area;
  
- (b) the approval of the application would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such applications would result in adverse impacts on the natural environment, infrastructure capacities and landscape character of the area; and
  
- (c) the cumulative effect of approving similar applications would pre-determine the land use zoning of the Outline Zoning Plan under preparation.

12. The hearing date of the appeals was yet to be fixed. Members noted the appeals and agreed that the Secretary should represent the Board on all matters relating to the proceedings of the appeals in the usual manner.

(iv) Appeal Statistics

13. The Secretary reported that as at 15.4.2016, a total of 14 cases were yet to be heard by the Appeal Board Panel (Town Planning). Details of the appeal statistics were as follows :

Allowed	:	34
Dismissed	:	142
Abandoned/Withdrawn/Invalid	:	192
Yet to be Heard	:	14
<u>Decision Outstanding</u>	:	<u>2</u>
Total	:	384

(v) Approval of Draft Outline Zoning Plan

14. The Secretary reported that on 5.4.2016, the Chief Executive in Council approved the draft Ma Tau Kok Outline Zoning Plan (OZP) (renumbered as S/K10/22) under section 9(1)(a) of the Town Planning Ordinance. The approval of the OZP was notified in the Gazette on 15.4.2016.

(vi) Reference Back of Approved Plans

15. The Secretary reported that on 5.4.2016, the Chief Executive in Council referred the following approved plans to the Town Planning Board for amendments under section 12(1)(b)(ii) of the Town Planning Ordinance:



- (a) approved Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan (OZP) No. S/K15/23; and
- (b) approved Tseung Kwan O OZP No. S/TKO/22.

16. The reference back of the OZPs was notified in the Gazette on 15.4.2016.

(vii) Matter Arising (vii)  
[Confidential Item] [Closed Meeting]

17. This item was recorded under confidential cover.

[Mr Franklin Yu, Miss Winnie W.M. Ng and Mr C.W. Tse arrived to join the meeting during consideration of the confidential item.]

[Mr Michael W.L. Wong, Mr Thomas O.S. Ho, Mr Alex T.H. Lai, Mr Stephen L.H. Liu and Mr Franklin Yu left the meeting temporarily at this point.]

### **Hong Kong District**

#### **Agenda Item 3**

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments in respect of the Draft Wong Nai Chung Outline Zoning Plan No. S/H7/18

(TPB Paper No. 10093)

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[The item was conducted in Cantonese and English.]

[Closed Meeting]

18. As the Chairman had declared direct interest in the item and left the meeting temporarily, the Vice-chairman took up chairmanship of the meeting at this point.

19. The Secretary reported that on 12.4.2016, the Secretariat received an email from a commenter (C3) enclosing a list of educational and social welfare facilities of Po Leung Kuk (PLK), copied from the website. The commenter claimed that the information was to assist the discussion in the meeting and requested that the information be circulated to Members before the meeting. As the information was submitted out-of-time, which, according to the Town Planning Ordinance (the Ordinance), should be treated as not having been made. The Vice-chairman remarked that such approach was in line with the previous practice adopted by the Board.

[Dr Wilton W.T. Fok arrived to join the meeting at this point.]

20. In response to a Member's question, the Secretary said that as the above information relating to educational and social welfare facilities of PLK were readily available on the website, Members could make reference to them during the discussion if considered necessary. The Vice-chairman added that C3 could also include the above information in her presentation.

21. Members agreed that the information submitted by C3 which was out-of-time should not be accepted and should be considered as not having been made.

[Open Meeting]

#### Presentation and Question Sessions

22. The Vice-chairman said that reasonable notice had been given to the representers and commenters inviting them to attend the hearing, but other than those who were present or had indicated that they would attend the hearing, the rest had either indicated not to attend or made no reply. As reasonable notice had been given to the representers and commenters, Members agreed to proceed with the hearing of the representations and comments in their absence.

[Ms Sandy H.Y. Wong and Mr David Y.T. Lui arrived to join the meeting at this point.]

23. The Secretary said that the representations were related to the revisions to the

building height restrictions (BHR) for the “Government, Institution or Community” (“G/IC”) zones covering part of PLK and Man Lam Christian Church (MLCC). The following Members had declared direct interests in the item for having properties in the vicinity of the representation site by themselves or by their relatives, or having affiliations with PLK (R1), and/or having business dealings/affiliations with the Sun Hung Kai Properties Ltd. (SHKP) being the mother company of Supreme Management Services Limited which provided property management service to The Leighton Hill (i.e. The Leighton Hill Management Services Office) (R88):

- |                      |   |  |
|----------------------|---|--|
| Mr Michael W.L. Wong | - | his close relative being the Chief Executive Officer of PLK (R1)   |
| Mr Dominic K.K. Lam  | - | his spouse owning a flat at Caroline Hill Road   |
| Mr K.K. Cheung       | - | co-owning with spouse a flat at The Leighton Hill, and The Leighton Hill Management Services Office (R88) was a representer which submitted representation on behalf of the residents of The Leighton Hill |
| Mr Alex T.H. Lai     | - | his parents owning a flat at The Leighton Hill, and The Leighton Hill Management Services Office (R88) was a representer which submitted representation on behalf of the residents of The Leighton Hill    |
| Mr Martin W.C. Kwan  | - | his close relative owning a flat at The Leighton Hill and The Leighton Hill Management Services Office (R88) was a representer submitted representation on behalf of the residents of The Leighton Hill    |

- Mr Patrick H.T. Lau - having current business dealing with SHKP. Owning a flat at Kwai Shing Lane, Happy Valley, and being the Chairman of Happy Valley Residents' Association
- Mr Ivan C.S. Fu ] having current business dealings with  
Ms Janice W.M. Lai ] SHKP  
Mr Thomas O.S. Ho ]
- Mr Stephen L.H. Liu ] having current business dealings with  
Mr Franklin Yu ] SHKP and PLK (R1)
- Ms Bernadette H.H. Linn - self-occupying a flat at Broadwood Road

24. In addition, the following Members or their relatives, who had properties in the Wong Nai Chung area not in the vicinity of the representation sites, or having affiliations with PLK (R1) or SHKP had declared remote interests in the item:

- Ms Christina M. Lee - being the Secretary-General of the Hong Kong Metropolitan Sports Events Association which obtained sponsorship from SHKP before
- Professor S.C. Wong - being the Chair Professor and Head of Department of Civil Engineering of the University of Hong Kong (HKU) where SHKP had sponsored some activities of the department before. Being an employee of HKU and the HKU Space and PLK Community College (the Community College) was adjoining the PLK site

- Dr Wilton W.T. Fok - his parents owning property at Blue Pool Road. Being an employee of HKU and the Community College was adjoining the PLK site and being a Director of a primary school of PLK (R1)
- Mr H.F. Leung ] being employees of HKU and the  
Dr C.H. Hau ] Community College was adjoining the  
] PLK site
- Ms Winnie W.M. Ng - being a Director of the Kowloon Motor Bus Co. Ltd. (KMB) and SHKP was one of the shareholders of KMB

25. Members agreed that the above Members who had declared direct interests should be invited to leave the meeting temporarily for the item. Those who had declared remote interests should be allowed to stay at the meeting. Members noted that Dr C.H. Hau had tendered apology for being unable to attend the meeting; Mr Dominic K.K. Lam, Mr K.K. Cheung, Mr Patrick H.T. Lau, Mr Ivan C.S. Fu, Ms Janice W.M. Lai, Ms Christina M. Lee, Mr H.F. Leung, and Ms Bernadette H.H. Linn had not yet arrived to join the meeting; and Mr Michael W.L. Wong, Mr Alex T.H. Lai, Mr Thomas O.S. Ho, Mr Stephen L.H. Liu, Mr Franklin Yu and Mr Martin W.C. Kwan had already left the meeting temporarily.

26. The following government representatives and the representers/commenters or their representatives were invited to the meeting at this point:

*Government representatives*

- Ms Ginger K.Y. Kiang - District Planning Officer/Hong Kong, Planning Department (DPO/HK, PlanD)
- Miss Josephine Y.M. Lo - Senior Town Planner/Hong Kong (STP/HK), PlanD

Mr Tony S.K. Cheung - Senior Engineer/Wan Chai, Transport  
Department (SE/WC, TD)

*Representers/Commenters or their representatives*

R1 – PLK

Mrs Bridget Yu ]  
Mr Eddie Leung ] Representers' representatives  
Ms Betty Ho ]

R2 - 郭佩嫻

郭佩嫻 - Representer

R3 - Chik Yuen Wah

Ms Chik Yuen Wah - Representer

R42 - Dave Garcia

Ms Kwong Mi Choi, - Representer's representative  
Celia Garcia

R88/C2 – The Leighton Hill Management Services Office

Ms Melanda Luk ] Representers' and Commenters' representatives  
Mr Ricky Cheung ]

C3 - Mary Mulvihill

Ms Mary Mulvihill - Commenter

27. The Vice-chairman extended a welcome and explained the procedures of the hearing. To ensure the efficient operation of the meeting, each representer/commenter or their representatives would be allotted 10 minutes for making oral submission. There was a timer device to alert the representers/commenters and their representatives 2 minutes before the allotted time was to expire, and when the allotted time limit was up. The Vice-chairman then invited the representatives of PlanD to brief Members on the representations and

comments.

28. With the aid of a Powerpoint presentation, Miss Josephine Y.M. Lo, STP/HK, made the following main points as detailed in the Paper:

Background

- (a) on 30.10.2015, the draft Wong Nai Chung Outline Zoning Plan (OZP) No. S/H7/18 (the Plan), incorporating amendments mainly related to the revision of BHRs for two “G/IC” sites covering the MLCC site at Village Road (Amendment Item A) and part of the PLK site at Leighton Road (Amendment Items B1 and B2), was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the exhibition periods, a total of 94 representations and 3 comments were received.

*MLCC site at 9 Village Road (Amendment Item A)*

- (b) the MLCC site (about 331m<sup>2</sup>) was the subject of two representations against the draft Wong Nai Chung OZP No. S/H7/15 gazetted on 30.9.2010, which incorporated amendments to the BHRs for the Hong Kong Sanatorium & Hospital (HKSH) site. On 8.4.2011, the Board considered that part of the two representations related to the BHR for the MLCC site was invalid and decided not to propose amendment to meet the representations. Notwithstanding, the Board advised that if there was redevelopment/expansion proposal for the MLCC site which required relaxation of the BHR and such proposal was well justified and supported by the relevant government bureaux/departments, PlanD might recommend to the Board to amend the BHR of the site as appropriate;
- (c) the MLCC’s extension proposal involved erection of six additional floors on top of part of the existing five-storey church building, resulting in an overall building height (BH) of 11 storeys (i.e. 55mPD). The revised BHR of the site from 5 storeys to 11 storeys under Amendment Item A was to reflect the proposed building height of the extension proposal;

*PLK Site at 66 Leighton Road (Amendment Items B1 and B2)*

- (d) according to PLK's redevelopment proposal, the existing Community College and the Main Building (a 2-storey Grade 2 historic building) would remain intact, whereas the remaining land area in the southern portion of the site would be redeveloped into a new complex for provision of educational and social welfare facilities, administration offices and supporting facilities. The new complex would have a total gross floor area (GFA) of about 18,780m<sup>2</sup> and a maximum BH of 80mPD. With the redevelopment proposal in place, the total GFA of the PLK as a whole would be increased from 30,016m<sup>2</sup> to 37,725m<sup>2</sup>. Technical assessments for the redevelopment proposal undertaken by PLK concluded that no significant adverse traffic, environmental, sewerage, air ventilation and visual impacts on the surrounding area were envisaged;
- (e) stepped BH with various levels ranging from 9 to 21 storeys was adopted and roof gardens and vertical greenings were proposed at different levels to enhance the visual amenity of the new complex. To respect the context of the historic building, a full-height separation of at least 10m in width between the Main Building and the new complex was proposed. The new complex would also be set back from Link Road to create a buffer;
- (f) on consideration that the Main Building of PLK would be preserved, the Metro Planning Committee (MPC) considered that the BHR of the part of "G/IC" zone covering the Main Building and its adjacent area should be revised from 4 storeys to 2 storeys (Amendment Item B2) to reflect the intention of preserving the Main Building;
- (g) in view of the policy support given by the concerned bureaux and no objection to the redevelopment proposal by the concerned departments, MPC agreed to revise the BHRs for the southern part of the PLK site from 3, 4, 8 and 13 storeys to 80mPD (Amendment Item B1);



*Consultation with the Wan Chai District Council (WCDC)*

- (h) prior to the submission of the proposed amendments to MPC for consideration, the WCDC was consulted on 15.9.2015 which expressed in-principle support to the proposed amendments to the OZP and provided the following comments:
- (i) controlling the BH of MLCC site in terms of metres above Principal Datum (mPD) instead of number of storeys;
  - (ii) potential traffic impacts of MLCC's and PLK's proposals;
  - (iii) access arrangement for PLK's redevelopment;
  - (iv) the interface between PLK's redevelopment and the proposed redevelopment of the ex-workshop of Electrical and Mechanical Services Department (ex-EMSD site) at Caroline Hill Road; and
  - (v) promoting the use of public transport upon completion of the two proposals.

The Representations

- (i) a total of 94 representations were received, of which 89 were supportive and five were adverse. Among the 89 supportive representations, 5 supported both Amendment Items B1 and B2 (R1 to R5); 81 supported Amendment Item B1 alone (R6 to R86); and 3 supported the redevelopment of PLK in general (R89 to R91);
- (j) for the remaining 5 adverse representations, 1 opposed Amendment Items A and B <sup>1</sup> (R87); 1 opposed Amendment Item B1 (R88 submitted by the Leighton Hill Management Services Office enclosing 401 standard objection letters); and 3 objected to the redevelopment of PLK in general (R92 to R94);

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<sup>1</sup> The representer did not specify whether the adverse representation was made to Item B1 or B2

Major Grounds of Representations, Representers' Proposals and Responses

- (k) the major grounds of the representations, representers' proposals, and responses to grounds of representations and representers' proposals, as summarised in paragraphs 4.2, 4.3, 6.4 and 6.5 of the Paper respectively, were highlighted below:

Supportive Representations (R1 to R86 and R89 to R91)

*Amendment Item B1 (R1 to R86)*

- (i) the revisions to the maximum BH were essential to the redevelopment proposal of PLK which could provide additional floorspace to enhance the PLK's service and meet the diverse and growing demand;
- (ii) additional floorspace to be provided could enhance the existing facilities up to standard, offer additional services to the needy and improve the living environment of the children at PLK;
- (iii) the existing office space was not coping with the growth of PLK. The redevelopment proposal could provide adequate space to enhance the works of the staff;
- (iv) the redevelopment proposal would have minimal adverse traffic, visual and air ventilation impact on the neighbourhood;
- (v) the redevelopment proposal was supported by members of WCDC. PLK had also liaised with the local residents and was aware of their concerns on the potential traffic, visual and air ventilation impacts. Mitigation measures had been adopted in the redevelopment proposal;

*Amendment Item B2 (R1 to R5)*

- (vi) R2 to R5 had not specified their supporting grounds;

- (vii) as part of the redevelopment plan, the Main Building of PLK Headquarters, which was a Grade 2 historic building, would be preserved and renovated (R1);

*General Views (R89 to R91)*

- (viii) the existing floorspace was not adequate for supporting the residential child care service and expansion was needed to meet the demand.
- (ix) there should be a balance between the loss of view and potential property value of the nearby residents and the service offered by PLK to the underprivileged children; and
- (x) PLK had long been helping the people in need, and space was needed for enhancing their services;
- (xi) response - all the supportive views were noted;

Adverse Representations (R87, R88 and R92 to R94)

*Amendment Item A (R87)*

- (xii) the proposed relaxation of BHR of the MLCC had been rejected several times and more elaborations and clarifications of such relaxation should be provided;
- (xiii) the responses to the above ground were:
- no planning application for relaxing the BH of the MLCC site had been rejected by the Board. The BHR relaxation was a follow-up action of the Board's previous advice;
  - relevant bureaux/departments had no adverse comments on MLCC's extension proposal from traffic, visual, landscape

planning, air ventilation, environmental and infrastructural aspects;

*Amendment Item B (R87)<sup>2</sup>*

- (xiv) the BHR of the sites should be stipulated in number of storeys, instead of mPD, to reflect the possible impact due to increase in BH;
- (xv) the responses to the above ground were:
- the proposed amendment followed the general practice of the Board in formulating BHR for “G/IC” sites;
  - restricting BH in mPD could ensure certainty and clarity in controlling the BH of the future development at the PLK site;

*Amendment Item B1 (R88)*

*Compatibility with the Surroundings and Visual Impact*

- (xvi) BHR relaxed up to 80mPD was incompatible with the surrounding residential areas. Substantial part of Leighton Hill Road, junction of Link Road and Broadwood Road and the gaps between the buildings would be obstructed visually and spatially;
- (xvii) “G/IC” zone should serve as spatial and visual relief. The PLK site should be restricted to the existing BH so as to be compatible with its surroundings;
- (xviii) the visual appraisal for PLK’s redevelopment proposal did not comply with the requirements under the Environmental Impact Assessment Ordinance and Guidelines for Landscape and Visual Impact Assessment. It also failed to take into account the

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<sup>2</sup> See Note 1.

perception and aspiration of the community, and was considered unacceptable to the residents of The Leighton Hill;

(xix) the responses to the above grounds were:

- in terms of land use, the G/IC uses which were always permitted on the PLK site was considered compatible with the surroundings;
- due regard had been given to various considerations in formulating the BHRs for the “G/IC” sites. Should there be functional/operational requirements and social needs, taller development on the “G/IC” sites might be allowed subject to no significant adverse impacts on the locality;
- with an increasing demand for more quality social welfare and educational facilities, policy support to PLK’s redevelopment proposal had been tendered by relevant bureaux. Relevant departments consulted had no adverse comments on the proposal in respect of traffic, visual, landscape, environmental and infrastructural impacts;
- PLK had submitted a visual appraisal to demonstrate the potential impacts on the public views in the surrounding area. The visual appraisal followed the Board’s Guidelines on Submission of Visual Impact Assessment for Planning Applications to the Town Planning Board (TPB PG-No. 41);
- with the proposed mitigation measures, the proposed redevelopment was not considered visually incompatible with the surrounding existing and planned context;

*Air Ventilation*

(xx) there was no quantitative assessment on the air ventilation

impact of PLK's redevelopment proposal and relevant government departments had reservation on the Air Ventilation Assessment (AVA) undertaken by PLK's consultant;

(xxi) the responses to the above ground were:

- according to the AVA – Expert Evaluation on Wong Nai Chung Area (2008) conducted by PlanD's consultants (PlanD's AVA), the PLK site did not fall within any major air path of the area, and significant blockage of air flow due to the new complex was not envisaged;
- PLK had taken into account relevant departmental comments in finalising the qualitative AVA and the proposed mitigation measures;
- design measures to promote building permeability and air ventilation had been proposed;

*Adverse Traffic Impact*

(xxii) the traffic impact assessment (TIA) for PLK's redevelopment proposal had not taken into account the current traffic condition in the area, in particular the congested junctions and when there were special events. It was incorrect to state that the traffic would not be affected by the redevelopment;

(xxiii) additional parking spaces would be provided in the future PLK's new complex, while cars could continue to park at the existing open area within the site. It was misleading to say that there would be no additional parking space or increase in traffic;

(xxiv) the responses to the above grounds were:

- TIA and updated junction analysis submitted by PLK

demonstrated that the redevelopment proposal would not have adverse traffic impact on the nearby road network;

- a total of 10 car parking spaces and one loading/unloading (L/UL) bay for reprovisioning of the existing open-air ones, and one additional lay-by for rehabilitation bus would be provided in the basement level of the future complex building;
- TD had no adverse comment on TIA and the proposed internal transport facilities and advised that the traffic conditions in the area had been assessed and found to be within acceptable limits;

*Adverse Environmental Impact*

(xxv) the uncovered air conditioning plants on the rooftop of the future PLK's new complex were very close to the residential buildings on both sides which would cause air and noise pollution and pose health hazards to the residential neighbourhood;

(xxvi) the responses to the above ground were:

- to minimize the potential noise impact, the educational facilities, child care centre, elderly care/day care centre and offices were to be centrally ventilated and installed with suitable window type;
- fresh air intake for the air conditioning plants was planned on the rooftop of the new complex and adequate buffer distances from Link Road and Leighton Hill Road were proposed. The redevelopment proposal was subject to the control of relevant environmental pollution ordinances;

- a Preliminary Environmental Review would be prepared at a later stage to further address the environmental issues;
- the Environmental Protection Department and other relevant government departments consulted considered that there would be no insurmountable environmental impact arising from the proposed redevelopment;

*PLK's Redevelopment Right and Need*

(xxvii) there was no compelling, overriding and present need for the PLK's redevelopment proposal and there was viable alternative;

(xxviii) the responses to the above ground were:

- there was inadequate floorspace for PLK to meet the growing and diverse demand for social welfare facilities, and most of the existing buildings were aging and the facilities not up to the current standard;
- the proposed new complex would optimize the development potential of the site to cater for the growing demand for community and social welfare services;
- Social Welfare Department (SWD) considered that continued provision of the existing child care related facilities at the new complex was essential for meeting the demands of the service users;
- given the convenient location of the PLK site, the provision of other social services and community facilities would be welcome by the service users;
- the Labour and Welfare Bureau had given in-principle policy support. The Education Bureau and other relevant



government departments had no objection to or adverse comments on the redevelopment proposal.

*Public Consultation*

(xxix) the residents of The Leighton Hill had never been properly informed of or consulted on the redevelopment proposal;

(xxx) the responses to the above ground were:

- the statutory and administrative procedures in consulting the public on the proposed amendments to the OZP had been duly followed;
- the OZP amendments had duly incorporated the general comments of WCDC;
- the public and stakeholders had been given the opportunity to make representations to and comments on the OZP amendments as part of the statutory public consultation process under the Ordinance;
- all the representers/commenters had been invited to the meeting to present their views;
- PLK had also separately carried out their own consultation with WCDC and the local residents;

*General Views (R92 to R94)*

(xxxi) adverse impact on views of the representer's home or the visual amenity of the building the representer resided;

(xxxii) no thorough consultation with the representer or the Owner's Corporation of The Leighton Hill on PLK's redevelopment proposal;

(xxxiii) responses to the above views were similar to those set out in paragraphs 28(k)(xix) and (xxx) above;

### Proposals

(xxxiv) the amendments to the OZP should be deferred unless the concerns could be addressed (R87);

(xxxv) response - R87's concerns had been addressed and the proposal on deferring the OZP amendments was not justified.

(xxxvi) to restrict the maximum BH of the PLK site to the existing BH or to the level comparable to Leighton Hill Road, and that any new development or redevelopment within the PLK site should require planning permission from the Board (R88);

(xxxvii) the responses to the above proposals were:

- the proposal to reduce the maximum BHR of the PLK site was not justified;
- the proposed facilities under PLK's redevelopment proposal were always permitted in the "G/IC" zone. The proposed requirement for planning permission was not justified;

### Comments on Representations and Responses

(l) all the three comments on representations received opposed Amendment Items B1/B2 or the amended BHRs in general;

(m) the grounds of comments were similar to those raised in the representations, which mainly included justifications for the expansion of PLK's social services; adverse impacts on the locality, and general

principles of designation of BHR for “G/IC” sites, etc. and the above responses to grounds of representations were relevant;

- (n) C2’s proposals as detailed in paragraph 5.3 of the Paper were not relevant to the Amendment Items of the OZP and there was already proper control on the land use and BH of those sites mentioned by C2;

PlanD’s Views

- (o) the supportive views of R1 to R86 and R89 to R91 were noted; and
- (p) PlanD did not support R87, R88 and R92 to R94 and considered that the Plan should not be amended to meet the representations.

29. The Vice-chairman then invited the representers/commenters and their representatives to elaborate on their representations/comments.

R1 – PLK

30. Mrs Bridget Yu made the following main points:

- (a) the site at 66 Leighton Road currently occupied by the PLK Headquarters (HQs) had been providing social services to the community since 1930s. Apart from providing important administrative and supporting functions to over 280 educational and social welfare service units of PLK, the site had also provided a number of services including a Home for Children serving over 300 children aged 18 or below, a kindergarten cum nursery, a day creche, and a child care centre, etc;
- (b) given the strong and ever-increasing need of the community, a new complex was needed to provide additional space to improve the existing services and to provide new services to meet the changing need;
- (c) there was an established need to improve the existing substandard living

and studying conditions of the Home for Children and to expand some of the existing services to serve more people as there were long waiting lists for various pre-school educational services provided at the PLK site;

- (d) the redevelopment project at the site could optimize the use of the existing valuable land resources; and
- (e) as part of the redevelopment plan, the Main Building at the site, which was a Grade 2 historic building, would be preserved and renovated to offer innovative social services that could interact with the community.

31. Mr Eddie Leung made the following main points:

- (a) various technical assessments such as TIA, AVA and sun shade study had been carried out to demonstrate that the proposed redevelopment would have minimal adverse impacts on the surrounding area;
- (b) the PLK site was conveniently located and easily accessible. The users of the social welfare and community services of the site would be encouraged to use public transport. Moreover, only a small car park would be provided in order to minimise the potential traffic impact of the new complex on the area;
- (c) the following design/mitigation measures had been proposed in the preliminary proposal to promote building permeability, enhance air and minimize visual impact:
  - (i) setback of the new complex along Link Road to improve lighting and ventilation;
  - (ii) building to be constructed on flat land to avoid affecting the mature trees on the existing slopes;
  - (iii) compatible building outlook and façade treatment with the Main

Building and building separation from the Main Building to maintain air path for ventilation;

- (iv) stepped height profile with roof gardens at different levels of the new complex, and vertical greening to enhance the visual amenity;  
and
- (d) the design and mitigation measures of the proposed new complex would be further reviewed at the detailed design stage.

R2 – 郭佩嫻

32. Ms 郭佩嫻 made the following main points:

- (a) she was the Headmistress of the PLK Chu Lee Yuet Wah kindergarten-cum-nursery within the PLK HQ site;
- (b) the existing kindergarten-cum-nursery mainly served families in the district and there was a strong demand for its whole-day services from the working parents;
- (c) due to its small area, the maximum capacity of the existing kindergarten-cum-nursery was only 80+ students. However, there were about 170 to 200 children on the monthly waiting list and the average waiting time was about two years. The long waiting time might hinder the learning and development of those young children;
- (d) the existing kindergarten-cum-nursery had been operated at the site for more than 50 years and the existing facilities were obsolete and inadequate to meet the ever-increasing demand over the years. The lack of indoor and outdoor space for physical activities or motor skills training might adversely affect the healthy development of children aged between 3 to 6 years;

- (e) the redevelopment proposal which would provide more floor space for the kindergarten-cum-nursery was strongly supported by the school and the parents. That would help to improve the learning environment of the students to a large extent; and
- (f) with the increased provision of the kindergarten-cum-nursery services upon completion of the redevelopment project, more women would be released from their family commitments to join the workforce.

### R3 – Chik Yuen Wah

33. Ms Chik Yuen Wah made the following main points:

- (a) she was the Officer-in-charge of the PLK Mok Hing Yiu Creche at the PLK HQ site;
- (b) the day crèche providing day care services for children below 2 years old had been serving families in the Wan Chai district for more than 30 years. The maximum quota of the existing day crèche was about 50+ places but there were more than 500 babies on the monthly waiting list;
- (c) although there was a high and growing demand for day care services, in particular from those low-income families, it was not possible for the existing day crèche to expand its services due to inadequate floor space;
- (d) she hoped that the redevelopment project could be successfully implemented so that the service quota of the day crèche could be increased to better meet the ever-increasing demand for day care services; and
- (e) the provision of more day crèche services was considered in line with the Government's policies to promote childbirth and encourage women to join the workforce.

R42 - Dave Garcia

34. Ms Kwong Mi Choi, Celia Garcia made the following main points:
- (a) she was a general public who had been working as a volunteer of PLK for more than 15 years;
  - (b) she had witnessed the care and quality services provided by PLK to those children aged between 3 to 18. Moreover, PLK had been providing services to more than 50,000 low-income families every year;
  - (c) over the years, PLK had been providing additional and diversified social and community services to meet the strong growing demand of the society. Yet, the existing floor space in the PLK HQ which provided important supporting function to those services was not correspondingly increased;
  - (d) the PLK's redevelopment proposal which would enhance its services for the benefits of the community was strongly supported. She noted that the objectors of the PLK's redevelopment proposal were those rich people living in luxury flats who desired to preserve their existing environment. Such objections were considered unreasonable; and
  - (e) since the services provided by PLK were territory-wide and its service units were located in different parts of the territory, it would be undesirable to relocate the existing PLK HQ which was centrally located and easily accessible.

35. The Vice-chairman said that the coming presentations would be made by the representatives of R88 and C2 who would be entitled to a total speaking time of 20 minutes. Noting that they had made a request for additional speaking time, the Vice-chairman said that flexibility might be allowed provided that the content of their presentations was related to the grounds of representations and comments and not repetitive.

[The meeting was adjourned for a short break]

[Miss Winnie W.M. Ng left the meeting temporarily and Mr Frankie W.C. Yeung arrived to join the meeting during the break.]

R88/C2 – The Leighton Hill Management Services Office

36. With the aid of a Word document shown on the computer, Ms Melanda Luk made the following main points:

- (a) the Leighton Hill Management Services Office and the 401 residents of The Leighton Hill whom she represented did not object to the provision of social welfare and community services by PLK. They only objected to the relaxation of BHR of part of the PLK site to 80mPD;

*Compatibility with the surrounding*

- (b) the BHR for the PLK site should not be relaxed to 80mPD but should be restricted to the existing building height or that comparable to the level of Leighton Hill Road;
- (c) the BHR of 80mPD was was incompatible with surrounding residential areas and in particular Leighton Hill Road, the level of which ranged from 42.5mPD to 49mPD. Moreover, a substantial part of Leighton Hill Road, junction of Link Road and Broadwood Road and the gaps between buildings would be obstructed visually and spatially if BHR of 80mPD was adopted for the site. PlanD had not responded to the above inconsistencies;
- (d) the Urban Design Guidelines (November 2002) and other publications also favoured preserving and protecting ridgelines and in support of the above intention of the ES. Leighton Hill Road was the original ridgeline of Leighton Hill. Trees and vegetation thereon improved the area visually and created a better air quality and living environment for the whole area. The existing conditions of Leighton Hill Road and its surrounding area should be protected and preserved;



- (e) when WCDC was briefed by PlanD in 2008 regarding the need to impose BHR for the area, members considered that any amendment must not affect the ridgeline views and the ‘hillbacking’ (依山而建) characteristics of the buildings should be retained;

*Imposition of BHR for “G/IC” sites*

- (f) in 2009, PlanD provided the following responses to the key points relating to the imposition of BHR for “G/IC” sites as raised in the Hong Kong Institute of Architects’ (HKIA) position paper on Building Height Control Mechanism:
  - (i) there was a need to generally retain existing heights of “G/IC” zones as breathing space in densely built-up area;
  - (ii) the development potential of “G/IC” zones should not be maximized to the full as if it were commercial development; and
  - (iii) relaxation of BHR might be considered if there was redevelopment proposal known to and supported by relevant bureaux and departments, but also subject to intended uses, planning and urban design requirements;
- (g) PlanD cited the BHRs for the Diocesan Boys’ School (DBS) and King George V School (KGVS) sites in Ho Man Tin as an example in its response to HKIA. In that case, representations objecting to the original BHRs for the DBS and KGVS sites and proposing to relax the BHRs for the former from 1, 3 and 6 storeys to 110 mPD and for the latter from 1, 2 and 4 storeys to 8 storeys for their long-term development were considered by the Board. The Board decided to partially meet those representations by amending the BHRs for part of the DBS site to 5, 3 and 6 storeys, and for part of the KGVS site to 6 storeys instead of what the representers had proposed. The above situation was very similar to the present case;

*PLK's redevelopment proposal*

- (h) the overt function of PLK was to protect and offer shelter to women and children who were abducted or had no home and were in need of shelter. However, no such accommodation was proposed in PLK's redevelopment;
- (i) PLK's redevelopment proposal which included some social services above 24m from the ground level contravened the requirement that social and education services should only be provided in premises below 24m from ground level. However, PLK failed to provide information to demonstrate the support from departments nor any justification for such contravention;
- (j) the total GFA of the existing buildings within the PLK site to be demolished was about 11,071m<sup>2</sup> whereas the proposed total GFA for those floors below 24 m of the new complex was only 10,445m<sup>2</sup>. There was a reduction in the total GFA for services that were required to be provided below 24m upon redevelopment;

*AVA*

- (k) the AVA conducted by PLK's consultant was severely criticized by concerned government departments as "contradictory", "confusing" and "unclear" and there was a lack of Computational Fluid Dynamics analysis for vetting. Such deficiencies could not be rectified by mere amendments to the report;
- (l) two drawings showing the problem area near Beverly Hill as extracted from PlanD's AVA and the PLK's AVA demonstrated that the PLK's consultant had copied the information from PlanD's AVA. Such defective and biased expert report should be ignored;

*Traffic Impacts*

- (m) the TIA for PLK's redevelopment proposal had not taken into account the current traffic condition in the area, in particular the congested junctions

of Link Road and Broadwood Road, as well as Wong Nai Chung Road and Broadwood Road, and when there were special events in So Kon Po and Happy Valley; and

- (n) the So Kon Po Driving Test Centre in its vicinity with a lot of learner drivers practicing on those roads would render such road conditions not suitable to the elderly and children. Moreover, a new day care centre for the elderly would be provided in the new complex but Link Road was steep and not suitable for elderly with wheelchairs or those with walking difficulty. PLK's assessment failed to take into account those matters and other similar issues;

*Proposals*

- (o) the BHR for the Leighton Hill Community Hall and its adjacent public garden stipulated at 100 mPD on the OZP was inappropriate. The BHR for the community hall should be 2 storeys while the public garden should be rezoned to "Open Space";
- (p) the existing buildings between the public garden and the junction of Wong Nai Chung Road and Broadwood Road were in the middle of the wind corridor according to the PlanD's AVA. The BHR of those buildings should be set at their existing height in storeys instead of 100 mPD to avoid blocking the wind flowing into the Happy Valley and Morrison Hill area; and
- (q) while PlanD considered that the above proposals were not related to the amendment items of the Plan, it was noted from the previous minutes of the representation hearing of the Ho Man Tin OZP held on 11.7.2008 that 'Members could make a decision if they considered the information provided was sufficient'.

37. As the representatives of R88 and C2 had already used up the entitled speaking time, the Vice-chairman asked Ms Luk the estimated additional time she required to complete her presentation. Upon Ms Luk's request for about 10 more minutes, the Vice-chairman

considered that her request could be acceded to.

38. Ms Luk continued to make the following main points:

*Public consultation*

- (a) the residents of The Leighton Hill had never been properly informed about or consulted on PLK's redevelopment proposal by the concerned District Councillor;
- (b) PLK was previously requested by The Leighton Hill Management Services Office to provide all the expert reports on the redevelopment for their reference but PLK only gave them sketchy information and documents;
- (c) some information and explanations given by PLK during its consultation with WCDC were inaccurate and incomplete. For example, it was not true for PLK to claim that it had all along attached great importance to the communication with local communities when the residents of The Leighton Hill were not consulted; there were discrepancies in the overall GFA of the existing developments of PLK and the increase in GFA after its redevelopment as presented to WCDC and to the Board; there was no explanation on why some social services could be provided at 24m above the ground or why PLK licensed the whole of west wing to HKU Space instead of keeping the floor area for its own use;

*Undesirable Precedent*

- (d) if relaxation of BHR of the PLK site was allowed, it would set a very bad precedent for other charities to follow suit and for future developments in the vicinity;
- (e) while PLK said that its land was precious and wish to optimise its use, consideration could be given to taking back the west wing development from HKU Space;

*Others*

- (f) the originally proposed services and facilities of the PLK west wing redevelopment such as elderly centre, hostel for mentally handicapped and sheltered workshop were not provided. Instead, the west wing area had been developed into the Community College. There was concern that the same could happen in the PLK's current redevelopment proposal for the east wing;
- (g) the population residing in the area were more affluent and were not the target clients of the social services provided by PLK. It might be better for the services provided by PLK to be evenly distributed throughout the territory and in close proximity to those in need of such services; and
- (h) a Building Order stating that some land within the PLK site was liable to become so dangerous that it would collapse/likely to collapse was served on PLK on 30.1.2001 and PLK was required to take remedial action within 2 months. However, the Building Order was only complied with on 5.10.2005. Such failure to comply with simple legal requirements and putting infant and children at PLK at risk for such a long period of time was not appropriate.

C3 – Mary Mulvihill

39. Ms Mary Muvihill made the following main points:

- (a) she raised an objection to the setting of a presentation time limit of 10 minutes which was an administrative measure to cope with those OZPs which received thousands of representations and held on multiple days. It was not acceptable to extend the measure to every single representation hearing meeting as it was the only platform where members of the public could express their views and be heard by the Board;

*MLCC site*

- (b) the role and concept of the "G/IC" sites were destroyed by the Board upon

approving the redevelopment of a number of existing low-rise “G/IC” sites as set out below. That had set an undesirable precedent for other “G/IC” sites;

- (c) the relaxation of the BHR of the Church of Christ in China (CCC) site at 77 Spring Garden Lane to facilitate its redevelopment was approved by the Board despite the numerous objections received. The grounds of objection against the redevelopment of the CCC site, including that the “G/IC” zone was reserved as breathing space and acted as visual relief in the densely built-up area; there was no justification for redevelopment to cater for the religious need of a small church and the proposed redevelopment would generate adverse traffic impacts on the area, were applicable to the relaxation of BHR for the MLCC site;
- (d) it was also unreasonable that the Methodist Church in Wan Chai had been allowed to operate the Wesley Hotel instead of a hostel for the needy or youth;
- (e) the above religious groups did not provide services to those in need but sub-let their spaces to other organizations which generated tax free income to support the churches’ own purposes;
- (f) it appeared that PlanD had encouraged the redevelopment of MLCC instead of maintaining a neutral stance in the project;
- (g) there was no strong justification for the proposed redevelopment of the MLCC. The need for those proposed facilities of the new development such as choir/music room, multi-purpose activity rooms, library/study room and pastor’s quarters could be met by the existing provision;

*PLK site*

- (h) provision of social and community services as well as religious facilities should be assessed on an overall basis and in a comprehensive manner. The locational accessibility of services to their clients should be of prime

importance;

- (i) according to the 2011 Census, the median monthly income of Wan Chai/Causeway Bay district was around \$35,000 which was the highest among all 18 districts. Recent media reports showed that the figure had risen to \$40,000. As such, the need for extensive community services in the district was questionable. On the contrary, the median monthly income of Yuen Long district was around \$12,000 only and with little change over the years, yet only one primary school was provided by PLK in the district;
- (j) PLK had failed to provide information or statistics on the geographical demand and provision of their services. PLK should be asked to explain why so many community services were provided in the Wan Chai/Causeway Bay district which obviously had little need while ignoring the high demand in other districts. According to the information of PLK's social and educational services obtained from the website, no facility was provided in Tin Shu Wai; one primary and one secondary school were located in Tung Chung; and only one primary school was provided in Yau Ma Tei. There was a mismatch in the geographical demand and provision of social services by PLK;
- (k) consideration should be given to moving some of the PLK's facilities to other more deprived districts to better serve the needy. For example, the Home for Children should be moved to a more rural setting where children could enjoy open space and outdoor recreational facilities with better air quality. The provision of a quality and healthy living environment for the children would be an important consideration;
- (l) if the Home for Children was relocated, more floor space could be released for the provision of a larger kindergarten. Moreover, it was not necessary to maintain the administrative or supporting functions of PLK at the present location;

- (m) according to the population forecast, the estimated population for the Hong Kong Island would remain the same in the coming years, while those for Tung Chung and Yuen Long would significantly increase due to the Lantau Development Plan and other planned large scale residential developments in the respective area. Sufficient welfare and community facilities should be provided in those districts to meet the increased demand. The Board should guide the development by encouraging the provision of social and community services in areas mostly needed;
- (n) the grounds of objections raised by other representers with regard to the adverse traffic, environmental and visual impacts of the proposed redevelopment on the surrounding area were supported. The role of the “G/IC” site serving as spatial relief, breathing space and creating some diversity to the cityscape should be maintained; and
- (o) the Board was urged to reject the relaxation of BHR for the two “G/IC” sites.

40. As the presentations from the representers/commenters or their representatives were completed, the Vice-chairman invited questions from Members.

#### MLCC Site

41. A Member sought clarification from DPO on whether the redevelopment of MLCC was encouraged by PlanD as mentioned by C3. In response, Ms Ginger K.Y. Kiang, DPO/HK, said that the MLCC site was the subject of representations against the draft Wong Nai Chung OZP No. S/H7/15, which incorporated amendments to the BHRs for the HKSH site. The MLCC submitted a representation and proposed to relax the BHR of the MLCC site to facilitate its expansion. The Board decided that the part of the representation related to the BHR on the MLCC site was invalid and decided not to propose amendment to meet the representation. The Board, however, advised that if there was redevelopment/expansion proposal for the MLCC site which would require relaxation of BHR and such proposal was well justified and acceptable by the relevant bureaux/departments, PlanD might recommend to the Board to amend the BHR of the site as appropriate. Against that background, when



MLCC came up with its expansion proposal, PlanD had consulted relevant bureaux/departments. The proposed relaxation of BHR was considered acceptable by the relevant bureaux/departments.

42. Another Member asked whether there was any pastor house in the existing development; and whether the use of the multi-purpose activity rooms occupying 3 storeys of the new development would be leased out for public use.

43. Ms Ginger K.Y. Kiang said that there was already a pastor house in the existing development and the facility would be relocated to the top floor of the new development. According to MLCC, the proposed multi-purpose activity rooms were ancillary facilities of the church, mainly catering for different church activities such as choir practice and bible sharing. MLCC had not provided specific information on whether the multi-purpose activity rooms would be leased out for public use. Nevertheless, all uses within the MLCC site had to comply with the statutory provision of the OZP.

44. Noting WCDC's comment on controlling the BH of the MLCC site in terms of mPD instead of number of storeys, a Member would like to know the rationale for imposing the BHR for the site on the OZP in terms of number of storeys. In response, Ms Ginger K.Y. Kiang explained that it was the general practice of the Board that "G/IC" sites occupied by low-rise buildings (usually 13 storeys or less) would be subject to a BHR in terms of number of storeys to allow more design flexibility having regard that there were variations in the headroom requirement for different G/IC facilities. For those sites with taller developments (normally exceeding 13 storeys), the height limit was stipulated in terms of mPD so as to ensure certainty and compliance with the BH profile.

#### PLK Site

##### *Need for PLK's Redevelopment Need*

45. A Member asked whether there were any statistics on the existing and future demand of services provided by PLK. In response, Mrs Bridget Yu made the following main points:

- (a) the child care and educational services currently provided by PLK were required to comply with the relevant licensing requirements and to obtain government approval. In planning for the redevelopment proposal, PLK had worked closely with concerned government departments on the expansion of the existing services as well as the provision of new services upon redevelopment;
- (b) as mentioned in R2 and R3's presentations, there were very long waiting lists for the existing kindergarten-cum-nursery and day crèche services since those services could help the working parents directly;
- (c) the existing residential services for the children was under close monitoring by SWD. In view of the large demand for such residential services, SWD had previously requested PLK to expand its services. However, the scope of expansion of the existing services was constrained by the lack of floor space; and
- (d) apart from a strong demand of the existing services, in view of the aging population, there was also a growing demand for more elderly services to cater for the need of those 'young old'. The service mix of the redevelopment proposal had been carefully planned with regard to the new and changing demand of the community.

46. Another Member asked PLK's representatives to quantify the existing and future demand of services and the level of service increase upon redevelopment, and whether the increased provision was considered acceptable by government departments. In response, Mrs Bridget Yu made the following main points:

- (a) the redevelopment proposal was required to provide more floor space for improving the existing congested environment and enhancing the quality of existing services;
- (b) the maximum capacity of the existing kindergarten-cum-nursery was about 80 which was lower than that of 100 for a standard kindergarten.

There was a large demand for such service having regard that the waiting list was always maintained at more than 100;

- (c) the maximum capacity of the existing day crèche which served babies/children aged under 2 was 48. However, the waiting list for receiving such day care service was about a few hundred;
- (d) the existing residential home for the children provided both long-term and emergency services, and PLK was the only institution which provided 24 hour emergency residential services to those children in need. The occupancy rate for such residential services was constantly maintained at nearly 100%. Moreover, there was an operational need to provide some reserve capacity to cater for those emergency family crises referred from social workers or the police; and
- (e) with the completion of the redevelopment project and in compliance with SWD's service requirement, it was anticipated that the provision of those existing services could be increased by about 30%.

47. Considering that the increase in level of service was not substantial, the same Member requested the PLK's representatives to provide more justifications to support the need for its large-scale redevelopment proposal. In response, Mrs Bridget Yu said that there was an imminent need to increase the floor space of the existing services in order to improve the environment, enhance the existing facilities and increase the level of services. PLK had been in closely liaison with SWD on the redevelopment proposal for a long time. Apart from the core services currently provided, PLK was also providing some counselling services for the needy. To cater for the changing need of the community, PLK would also provide some new social services for the elderly and the youth in the proposed redevelopment. The redevelopment project which would consolidate a variety of social and community services in a single location was considered important to cater for the need of different groups and to support the development of the local community.

48. In response to the same Member's question on whether the development of the Community College at the west wing of the PLK site was originally planned, Mr Eddie Leung

said that the proposal to develop a Community College was worked out jointly by HKU Space and PLK about 10 years ago. It was a purpose-designed building designated for educational use. The Community College development was well-received by the community with an annual student intake rate of 100% since its commencement in 2008. There were about 2,000 students at the moment. With a view to optimizing the use of the building, apart from providing Associate Degree Programmes at day time, some short courses and other interest classes were also organized at night time. On the issue of granting a licence to HKU Space for using the Community College as mentioned by a representer, Mr Leung clarified that the Community College building was not constructed by PLK for the purpose of leasing out to HKU Space or others for office use. The Community College was a joint project of HKU Space and PLK operated under an agreement. A licence was required to be granted to HKU Space, which was a third party, to use the premises as required under the lease of the site. It was part of the educational services provided by PLK for the community. The Community College located within the PLK HQ site was a kind of GIC facility which conformed with the zoning of the site.

#### *PLK's Redevelopment Proposal*

49. A Member asked whether it was an advisory or mandatory requirement for the educational and social welfare services to be located below 24m, and whether PLK's redevelopment proposal complied with such requirement. In response, Ms Ginger K.Y. Kiang said that it was a licensing requirement for some social welfare/educational facilities such as kindergarten and elderly services facilities be located at a height not exceeding 24m from ground level (the 24m maximum height rule). Referring to a PowerPoint slide showing the section plan of PLK's redevelopment proposal, Ms Kiang said that those social welfare facilities which were subject to the 24m maximum height rule had been proposed at the lower floors below 24m while other facilities with no such height restriction were proposed at the upper floors of the new development.

50. Mr Eddie Leung supplemented that since a majority of the existing services provided by PLK were subsidized by the Government, it was necessary to comply with the licensing requirement and other government regulations and requirements. Referring to the aforesaid PowerPoint slide, he said that those child care, elderly and educational services, which were subject to the 24m maximum height rule, would be provided at floors below 24m

and would take up more than 50% of the total floor space of the development. Those administrative, supportive or ancillary services, and other welfare services not subject to any height rule, such as youth services, were proposed at floors above 24m.

51. A Member asked whether PLK was a major social service provider for the local district. In response, Ms Ginger K.Y. Kiang said that the existing social services provided by PLK were territory-wide and not merely serving the Causeway Bay district. PlanD had been working closely with concerned government departments in respect of the provision of social services for the area. Although there were other service providers in the district providing similar services, in view of the large demand for social services in the district, concerned bureau/departments had given policy support to the redevelopment proposal of PLK.

52. In response to a Member's question on the provision of elderly services upon redevelopment, Mr Eddie Leung said that upon redevelopment, while the level of services relating to children residential home would be increased, the maximum capacity of the existing two kindergartens would also be increased as their floor areas would each be increased by two-fold from 3,000 ft<sup>2</sup> to 6,000 ft<sup>2</sup>. Under the current planning, apart from the proposed day care centre for the elderly in the new complex, the Grade 2 Main Building and the existing PLK museum therein would be renovated and opened for public visits and a centre for retired persons (about 2,000 ft<sup>2</sup> to 3,000 ft<sup>2</sup>) would also be provided to meet the increasing demand for such service. Given that the redevelopment proposal was a long-term project, the provision of welfare facilities might still be subject to change at the detailed design stage with a view to better meet the demand of the community.

53. Mrs Bridget Yu supplemented that at the moment, the estimated increase in the provision of overall children services upon redevelopment was about 30%. Yet the level of increase of such services might be subject to further review to cater for the changes in service need over the years.

#### *Compatibility with the Surroundings and Visual Impact*

54. A Member asked whether the ridgeline mentioned in the presentation of The Leighton Hill Management Services Office referred to the podium level of the Leighton Hill

development.

55. Ms Ginger K.Y. Kiang explained that the development of The Leighton Hill at that location had already breached the ridgeline existed at that time, which was at an approximate level as that of Leighton Hill Road. Hence, the original ridgeline no longer existed at present. Ms Melanda Luk said that Leighton Hill Road at a level ranging from 42.5mPD to 49mPD was the original ridgeline of Leighton Hill. The importance of protecting the ridgeline was mentioned in the ES of the Plan.

56. A Member asked how many additional floors of The Leighton Hill would be visually blocked by PLK's redevelopment project. In response, Ms Ginger K.Y. Kiang said it was specified in the TPB Guidelines No. 41 that in the highly developed context of Hong Kong, it was not practical to protect private views without stifling development opportunity. It was far more important to protect public views in conducting visual appraisal. Ms Melanda Luk said that at present, the views of about 5 to 6 storeys of some residential blocks within The Leighton Hill were blocked by the existing development in the PLK site. It was anticipated that the views of an additional 6 to 7 storeys of some residential blocks would be blocked by the redevelopment project.

57. The same Member asked whether the presence of a large green area such as the Happy Valley Race Course would affect the provision of public open space in the area covered by the current OZP. In response, Ms Ginger K.Y. Kiang said that according to the Hong Kong Planning Standards and Guidelines, the minimum requirement in the provision of public open space within a district would be 2m<sup>2</sup> per person. Any area which served as public open space for enjoyment of the general public would be included in the calculation of public open space provision

[Professor K.C. Chau left the meeting at this point.]

#### *BH for Main Building*

58. Noting that the BHR of the Main Building of PLK had been revised from four storeys to two storeys under the OZP, a Member asked whether such amendment was related to the redevelopment proposal and what the preservation plan for the historic building would

be.

59. Ms Kiang said that the 2-storey Main Building within the PLK site, which was a Grade 2 historic building, would be preserved in-situ and would not be affected by the proposed redevelopment. Noting the above, the MPC, during the consideration of proposed amendments to the Plan, considered it appropriate to revise the BHR of the portion of the PLK site currently occupied by the Main Building to reflect its existing BH. Such amendment followed the general practice of the Board in imposing BHR for “G/IC” sites.

#### *Traffic Impact*

60. In response to a Member’s question on whether the proposed redevelopment would further aggravate the existing traffic congestion of the area, in particular when there might be on-street loading/unloading for wheelchair users, Mr Tony S.K. Cheung, SE/WC, TD, said that based on the TIA conducted by PLK in 2012 and 2015, it was revealed that the increase in traffic flow resulting from the redevelopment was minimal and the junction capacity of various road junctions such as that of Link Road and Leighton Road was considered acceptable. With the provision of internal transport facilities within the PLK site, no on-street loading/unloading activity including that for wheelchair users would be required. Mrs Yu supplemented that barrier-free access and facilities would be provided within the PLK site to serve the wheelchair users. As the only elderly service to be provided in the redevelopment proposal was a day care centre which served those ‘young old’, it was anticipated that only a few would be wheelchair users.

61. In response to another Member’s question regarding the redevelopment of the ex-EMSD site at Caroline Hill, Ms Ginger K.Y. Kiang said that it was announced in the 2016 Policy Address that the site would be used for commercial development. The development proposal, upon finalization, would be submitted to the Board for consideration.

#### *Air Ventilation*

62. Given that the AVAs conducted by PLK and PlanD had stated that the PLK site was not located in the wind corridor, a Member wondered if such findings could adequately address R88’s concern that the redevelopment proposal would adversely affect the ventilation

of the area. In response, Ms Melanda Luk said that in view of the close proximity of the PLK site to The Leighton Hill, the proposed redevelopment would no doubt adversely affect the air ventilation of The Leighton Hill.

63. With the aid of a PowerPoint slide showing the findings of wind environment of Wong Nai Chung area extracted from the PlanD's AVA, Ms Ginger K.Y. Kiang said that the prevailing wind for the area was from the northeast. Although the PLK site was located at an upwind position of The Leighton Hill, no adverse air ventilation impact on The Leighton Hill development was anticipated given the low-rise developments in PLK. On the contrary, The Leighton Hill development comprising very tall building blocks arranged in a linear layout had diverted the prevailing wind to its sides.

#### *Public Consultation*

64. A Member enquired if PLK had conducted any consultation with The Leighton Hill residents or other local residents regarding its redevelopment proposal. In response, Ms Ginger K.Y. Kiang said that PLK had carried out its own consultations. WCDC was consulted which expressed general support to the redevelopment proposal. PLK had also consulted the local residents nearby, including The Leighton Hill.

65. Ms Melanda Luk said that when WDCD was consulted on PLK's redevelopment proposal in January 2015, the Leighton Hill Management Services Office and residents were totally unaware of the proposal as they were not consulted by any DC member or PLK. When they learned about the redevelopment proposal in April/May 2015, they immediately requested PLK to provide more information on the redevelopment proposal. However, such information was not provided by PLK. Finally, they obtained the consultation paper, PowerPoint presentation and minutes of WCDC meeting and learned that the redevelopment proposal was generally supported by WCDC. In June 2015, The Leighton Hill organized a liaison meeting with PLK, Home Affairs Department and PlanD to exchange views on the redevelopment proposal.

66. As the presenters/commenters or their representatives had finished their presentations and Members had no further question to raise, the Vice-chairman said that the hearing procedures had been completed and the Board would deliberate on the representations



in their absence and would inform them of the Board's decision in due course. The Vice-chairman thanked them and the government's representatives for attending the hearing. They all left the meeting at this point.

### Deliberation Session

67. Members noted that Mr Frankie W.C. Yeung did not attend the entire presentation session of the hearing. After deliberation, Mr Yeung considered it prudent to excuse himself from the deliberation session.

[Mr Frankie W.C. Yeung left the meeting at this point.]

68. A Member who had visited the PLK site before said that the existing facilities thereat were out-dated and the floor area were insufficient to cope with the growing demand. Although no concrete statistics on the service demand was provided, the proposed redevelopment was considered necessary as it would allow PLK to improve its existing services to better meet the needs of the children. Regarding the representer's concerns on the change in land use of PLK's west wing redevelopment, and blocking of views and wind of some flats of The Leighton Hill, the Member noted that the existing Community College was part of the original proposal of the west wing redevelopment, and considered that the views of private property in a built-up area might not be preserved and the redevelopment would not have significant air ventilation impact on the surrounding area. The Member considered that there was a genuine need for PLK to redevelop and hence the relaxation of BHR for the site was supported.

69. Another Member also concurred that more specific information on the service demand should be provided. Nevertheless, PLK's redevelopment was considered necessary as it would improve the existing services and provide additional services to meet the needs of the community. While the proposed redevelopment might cause some traffic and visual impacts on the area, such impacts were not insurmountable. On balance, the proposed redevelopment, which would bring more public good, was supported.

70. The Vice-chairman said that PLK had been working closely with the concerned bureaux/departments on the service mix of the proposed redevelopment and policy support

from the concerned bureaux had been obtained.

71. Another Member said that the existing facilities were substandard and the living environment of the residential services was congested. There was a need for PLK to carry out its redevelopment proposal.

72. A Member considered that the redevelopment need of the PLK site had been generally established with regard to the long waiting list and lengthy waiting time for the existing kindergarten and day crèche services as mentioned by R2 and R3. While a commenter had proposed to relocate PLK to other area closer to its clients, the Member considered that the services provided by PLK at its HQ site were territory-wide instead of district-based and it was logical for PLK to optimise its existing land resources before considering the relocation of existing services. Having regard that the proposed redevelopment would have minimal adverse impacts on air ventilation and traffic of the area and protection of views of private property was not a planning consideration, there was no strong justification not to approve PLK's redevelopment project. For the MLCC site, the relaxation of BHR as currently proposed was considered minor, and the proposed redevelopment would not cause significant adverse visual and traffic impacts on the area. The Member considered that the BHRs of the PLK and MLCC sites as currently proposed should be maintained.

73. Another Member, while indicating support to PLK's redevelopment, remarked that some traffic improvement measures should be worked out to improve the traffic congestion of the area during the planning of the redevelopment of the ex-EMSD site at Caroline Hill Road.

74. Two Members expressed support to PLK's redevelopment but remarked that more statistics on the service requirements should be provided to enhance transparency and to gain more community support for the redevelopment proposal. One of the Members added that with the preservation of the Main Building, the PLK site would continue to serve as a spatial relief and visual amenity of the local area. The use of the Main Building as museum, exhibition halls for public education purpose, which was part of the redevelopment proposal, should be made public. Besides, more information on the overall provision of social welfare and community facilities in the whole district should also be provided.

75. Another Member expressed support to the redevelopment proposals of PLK and MLCC and shared the above Members' views that more information on the service requirement and overall provision of social services within the district should be provided. The Member opined that whether restrictions should be imposed on the leasing out of the multi-purpose activity rooms of MLCC for public use and whether the proposed uses of the new complex of PLK should be more strictly controlled might need to be further considered by concerned bureaux and departments at a later stage.

76. In response to some Members' concerns, Mr K.K. Ling, Director of Planning, made the following main points:

- (a) the leasing arrangement of the proposed multi-purpose activity rooms in the redevelopment of MLCC should not be a planning consideration of the Board. Such use was considered as an ancillary use to a religious institution which was a use always permitted within the "G/IC" zone;
- (b) the development of the Community College at part of the PLK site was in line with the Government's policy launched some 10 years ago. At that time, non-government organisations or churches were encouraged to better utilise their land resources for the development of community colleges to meet the growing demand; and
- (c) PlanD would periodically analyse the overall demand and provision of Government, institution or community (GIC) facilities for a district. Some of the social services currently provided by PLK at the site, such as the Home for Children, were territory-wide facilities instead of district based. In assessing the demand for GIC facilities for a district, comments from concerned government departments on the requirement of specific facilities would also be taken into account. For the subject case, SWD had already given policy support to the services to be provided in PLK's redevelopment project.

77. The Vice-chairman recapped the main points of deliberations by Members as follows:

- (a) regarding the compatibility with the surrounding areas and the visual impact, Members noted that the social and community facilities to be provided in PLK's redevelopment were GIC facilities which were always permitted on the OZP and were compatible with the surrounding area. The relaxation of BHR for the site would not cause adverse visual impact on the surrounding area;
- (b) regarding the technical concerns on adverse air ventilation and traffic impacts, Members noted that such impacts were not insurmountable as revealed by relevant technical assessments and concerned government departments had no adverse comments on the redevelopment;
- (c) regarding the redevelopment need of PLK, although statistics about the service demand might not be sufficient, Members generally considered that PLK had a genuine need for redevelopment in order to improve its existing services and to provide additional services for the benefits of the community at large;
- (d) regarding the concern on lack of public consultation, Members noted that WCDC was consulted and generally supported PLK's redevelopment proposal and that the local residents including The Leighton Hill were also consulted by PLK. Moreover, the views of the representers and commenters attending the hearing were heard by the Board; and
- (e) Members generally considered that the BHR for MLCC and PLK sites on the OZP were in order.

#### Representations No. R1 to R94

78. After deliberation, the Board noted the supportive views of Representations No. R1 to R86, and R89 to R91, and decided not to uphold Representations No. R87, R88 and R92 to R94, and considered that the Plan should not be amended to meet the representations. The reasons were:

- “(a) in amending the building height restriction (BHR) for the Man Lam Christian Church (MLCC) site, the MLCC’s extension proposal for the site and relevant factors, including the planning intention of the “Government, Institution or Community” (“G/IC”) zone, the expanding functional requirements of the MLCC to serve the community, technical feasibility, policy support from relevant bureau and the comments of relevant bureaux/departments (B/Ds) have been thoroughly considered (R87);
- (b) in amending the BHRs for the Po Leung Kuk (PLK) site, the PLK’s redevelopment proposal for the site and relevant factors, including the planning intention of the “G/IC” zone, the expanding functional and operational requirements of the PLK to serve the community, technical feasibility, policy support from relevant bureau and the comments of relevant B/Ds have been thoroughly considered (R87, R88, R92 to R94);
- (c) the imposition of BHR in terms of metres above Principal Datum (mPD) instead of number of storeys could provide more certainty and clarity in controlling the BH of the new complex at the PLK site (R87);
- (d) the amended BHR of the PLK site was not incompatible with the surrounding developments (R88);
- (e) the redevelopment proposal as allowed under the amended BHR of the PLK site would not generate unacceptable adverse impacts on the surrounding areas on traffic, visual, landscape, air ventilation, environmental and infrastructural aspects (R88, R92 to R94);
- (f) the amended BHR for the PLK site could allow the provision of enhanced social welfare and educational facilities, for which policy support has been obtained from relevant bureaux (R88); and
- (g) the statutory and administrative procedures in consulting the public on the zoning amendments have been duly followed. The exhibition of OZP

for public inspection and the provisions for submission of representations/ comments form part of the statutory consultation process under the Town Planning Ordinance (R88, R92 to R94).”

[The meeting was adjourned for a short break of 5 minutes.]

[During the break, Mr Michael W.L. Wong, Mr Alex T.H. Lai, Mr Stephen L.H. Liu, Mr Franklin Yu and Mr Martin W.C. Kwan returned to join the meeting; Mr Dominic K.K. Lam, Mr Ivan C.S. Fu, Mr H.F. Leung and Mr K.K. Cheung arrived to join the meeting; and Mr David Y.T. Lui left the meeting temporarily.]

### **Fanling, Sheung Shui and Yuen Long East District**

#### **Agenda Items 4 to 8**

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-KTS/408

Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone,  
Lot 420 S.B in D.D. 100, Tsiu Keng, Sheung Shui, New Territories  
(TPB Paper No. 10097)

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Review of Application No. A/NE-KTS/409

Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone,  
Lot 420 S.C in D.D. 100, Tsiu Keng, Sheung Shui, New Territories  
(TPB Paper No. 10098)

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Review of Application No. A/NE-KTS/410

Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone,  
Lot 420 S.D in D.D. 100, Tsiu Keng, Sheung Shui, New Territories  
(TPB Paper No. 10099)

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Review of Application No. A/NE-KTS/411

Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone,  
Lot 420 S.E in D.D. 100, Tsiu Keng, Sheung Shui, New Territories  
(TPB Paper No. 10100)

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Review of Application No. A/NE-KTS/414

Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone,  
Lot 420 S.A in D.D. 100, Tsiu Keng, Sheung Shui, New Territories  
(TPB Paper No. 10101)

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[The items were conducted in Cantonese.]

### Presentation and Question Sessions

79. Members agreed that the five applications under agenda items 4 to 8 could be considered together as they were similar in nature, the application sites were located adjacent to one another and within the same “Agriculture” (“AGR”) zone, and the five applicants were represented by the same consultant.

80. The following representative from the Planning Department (PlanD), the applicant and the applicants’ representatives were invited to the meeting at this point:

Ms Maggie M.Y. Chin	-	District Planning Officer/Fanling, Sheung Shui and Yuen Long East (DPO/FS&YLE), PlanD
Mr Cheung Tin Sung	-	Applicant of Application No. A/NE-KTS/414
Mr Lo Chung Yiu, John	-	Applicants’ representative ( <i>for all 5 applications</i> )
Mr Cheung Lai Yin	]	Applicant’s representatives ( <i>for</i>
Mr Yau Yuk Lam	]	<i>Application No. A/NE-KTS/414 only</i> )

81. The Chairman extended a welcome and explained the procedure of the review hearing. He then invited DPO/FS&YLE to brief Members on the review applications.

82. With the aid of a PowerPoint presentation, Ms Maggie M.Y. Chin, DPO/FS&YLE, presented the 5 review applications and covered the following main points as detailed in the Papers:

- (a) on 27.10.2015, the applicants sought planning permission to build a proposed House (New Territories Exempted House (NTEH) - Small House) at each of the application site (the Sites). The Sites fell within an area zoned "Agriculture" ("AGR") on the approved Kwu Tung South OZP No. S/NE-KTS/14;
- (b) on 18.12.2015, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the applications on the same following reasons:
  - (i) the proposed development was not in line with the planning intention of the "AGR" zone in the Kwu Tung South area which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the submission for a departure from the planning intention;
  - (ii) land was still available within the "Village Type Development" ("V") zone of Tsiu Keng Village where land was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructure and services; and
  - (iii) the application site formed part and parcel of the larger piece of



active or fallow agricultural land to the north and north-west of Tsiu Keng Village, of which the agricultural land in the area was generally under active cultivation. The approval of the application would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would further reduce the agricultural land in the area;

- (c) the justifications put forth by the applicants’ representative in support of the review applications were highlighted in paragraph 3 of the Papers and would be elaborated by the applicants’ representatives;
- (d) the Sites and their surroundings - the Sites fell completely within the “AGR” zone and located entirely/mainly within the village ‘environs’ (‘VE’) of Tsiu Keng Village. The Sites formed part and parcel of a larger piece of active or fallow agricultural land to the north and north-west of Tsiu Keng Village. They were currently vacant and covered by weeds and with no direct vehicular access. To the further east of the Sites was fallow agricultural land, and to the further south were fallow agricultural land and village houses within the “V” zone of Tsiu Keng Pang Uk;
- (e) similar applications – a total of 23 applications in Tsiu Keng involving 16 sites were approved with conditions by the RNTPC between 1999 and 2015. Those application sites were either located close to Tsiu Keng Road or fell partly within the “V” zone. Nine applications in Tsiu Keng involving 5 sites to the northeast of the “V” zone and to the east of the Sites were rejected by the RNTPC or by the Board on review between 2013 and 2015 mainly on similar reasons as the current applications in that the proposed development was not in line with the planning intention of the “AGR” zone, the applications sites fell entirely outside the “V” zone and not close to the village cluster of Tsiu Keng Village, and land was still available within the “V” zone of Tsiu Keng Village, etc.;

[Ms Bernadette H.H. Linn arrived to join the meeting at this point.]

- (f) public comments – the District Officer (North) advised that the incumbent North District Council (NDC) member, the Chairman of the Sheung Shui District Rural Committee and the Resident Representative (RR) of Tsiu Keng had no comment on the applications, and the Indigenous Inhabitant Representative (IIR) of Tsiu Keng supported the applications. During the statutory publication periods, a total of 11 (*for Application No. A/NE-KTS/408*), 6 (*for Application No. A/NE-KTS/409*) and 7 (*for Applications No. A/NE-KTS/410, 411 and 414*) public comments were received from the NDC member(s), Designing Hong Kong Limited, World Wide Fund for Nature Hong Kong, Hong Kong Bird Watching Society and members of the general public. One NDC member supported the 5 applications as the proposed development would bring convenience to the concerned villagers while the other NDC member had no comment on all applications (*except Application No. A/NE-KTS/409*). The remaining commenters objected to the applications mainly on the grounds of not in line with the planning intention of “AGR” zone as the Sites and their surrounding area had high potential for rehabilitation of farmland; the applicants were not indigenous inhabitants and the Sites fell outside the “V” zone; land was still available within the “V” zone of Tsiu Keng Village; no submission of environmental, traffic, drainage and sewerage impact assessments; and setting of an undesirable precedent;
- (g) PlanD’s views - PlanD did not support the review applications based on the same planning considerations and assessments set out in paragraph 7 of the Papers, which were summarised below:
- (i) based on the District Lands Officer/North, Lands Department (LandsD)’s latest records, the total number of outstanding Small House applications for Tsiu Keng Village was 53 (i.e. about 1.32 ha), while the 10-year Small House demand forecast (2016 to 2025) for Tsiu Keng Village was 200. According to the latest estimate by PlanD, a total of about 1.76 ha (equivalent to 72 Small House sites) of land were available within the “V” zones. As such, there would be sufficient land in the “V” zone to meet the demand of

those outstanding Small House applications. It was considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructure and services;

- (ii) Tsiu Keng was one of the most active and productive agricultural regions in Hong Kong. Although the Sites fell within the “VE”, it fell entirely within the “AGR” zone and formed part and parcel of the larger piece of active or fallow agricultural land to the north and north-west of Tsiu Keng Village, where the agricultural land was generally under active cultivation. The proposed Small House developments were not in line with the planning intention of the “AGR” zone. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as the Sites were well served with footpath and water source and possessed good potential for agricultural rehabilitation;
- (iii) the proposed Small House developments was considered not in line with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (Interim Criteria) in that it would frustrate the planning intention of the “AGR” zone;
- (iv) approval of the applications would set an undesirable precedent for similar applications within “AGR” zone in the future and would further reduce agricultural land in the area and erode the rural landscape character;
- (v) each of the Sites was the subject of three planning applications for the same use submitted by the same applicant. Those applications were rejected by the RNTPC or by the Board on review based on similar reasons as the current applications. There had been no material change in planning circumstances for the surrounding areas of the Sites since the rejection of the applications in 2013, 2014 and

2015 which warranted a departure from the previous decisions; and

- (vi) since the first promulgation of the Interim Criteria on 24.11.2000, a number of similar applications to the northeast and east of Tsiu Keng Village near Tsiu Keng Road within the same “AGR” zone were approved by the RNTPC. However, only one similar application (No. A/NE-KTS/132) to the north-west of Tsiu Keng Village within the same “AGR” zone was approved with conditions by the RNTPC on 19.10.2001. The application was approved mainly for the reasons that the proposed Small House was located partly (about 50%) within the “V” zone and wholly within the ‘VE’. The current Sites were entirely outside the “V” zone and further away from the village cluster of Tsiu Keng Village.

83. The Chairman then invited the applicant’s representatives to elaborate on the review applications. Mr Lo Chung Yiu, John made the following main points:

- (a) he was the consultant representing the five applicants who were unfairly treated by the rejection of the applications;
- (b) the Small House developments on the Sites would not have adverse landscape impacts on the environment. The Sites and their surrounding areas within the ‘VE’ were mostly covered by weeds with few agricultural activities. Active agricultural land was only found to the further north outside the ‘VE’;
- (c) the currently available land within the “V” zone as mentioned by PlanD was mostly owned by the developers and there was insufficient land in Tsiu Keng Village to meet the demand of Small Houses by indigenous villagers. The Sites were owned by the applicants and they were unable to find any land within the “V” zone for Small House developments;
- (d) the applicants were indigenous inhabitants in the New Territories and they had only one chance to apply for construction of a NTEH (Small House).

The rejection of the applications would deprive the applicants' right to apply for Small House development within their own village;

- (e) the Sites were less than 200 ft from the "V" zone of the village and the proposed Small Houses were for self-occupation only;
- (f) concerned government departments including Transport Department, Drainage Services Department, Water Supplies Department, Civil Engineering and Development Department, Fire Services Department and District Officer (North) had no objection to the applications. Besides, the Chairman of the Sheung Shui District Rural Committee, the IIR and RR of Tsiu Keng Village rendered support to the applications. There were no strong reasons to reject the applications;
- (g) to address government department's objection to the applications due to adverse landscape impacts, the applicants promised to submit landscape proposal to the satisfaction of the Chief Town Planner/Urban Design and Landscape, PlanD if permissions were granted by the Board. With the implementation of the landscape proposal, the landscape of the area would be improved; and
- (h) the Board was urged to give favourable consideration to the applications.

84. As the presentation of PlanD's representative and the applicants' representative had been completed, the Chairman invited questions from Members.

85. In response to a Member's question on whether there was any discrepancy in the disposition of the approved Small House as indicated in the submission under Application No. A/NE-KTS/132 and that of the as-built one, Ms Maggie M.Y. Chin said that according to the submitted application, about 50% of the footprint of the proposed Small House fell within the "V" zone. Further checking had to be conducted to confirm if there was such discrepancy with that of the as-built layout.

86. A Member asked if the applicants' representative had further justifications to

support the review applications in particular on those rejection reasons relating to the aspects of not in line with the planning intention of “AGR” zone and setting of an undesirable precedent as stated in the Papers.

87. Mr Lo said that the existing Tsiu Keng Village was already highly built-up with very few land available for additional Small House developments. Although PlanD estimated that there were about 1.76 ha of land available within the “V” zone, most of those areas were owned by the developers. There was insufficient land within the “V” to meet the overall Small House demand and a number of Small House applications within the same “AGR” had previously been approved by the Board. As the Sites were located less than 200 ft from the “V” zone and fell within the ‘VE’, favourable consideration should be given to the applications to help address the shortage of land for Small House development.

88. As the applicant and the applicants’ representatives had no further comment to make and Members had no further question, the Chairman informed them that the hearing procedure for the review applications had been completed. The Board would further deliberate on the review applications in their absence and inform the applicants of the Board’s decision in due course.

89. With the Chairman’s agreement, Mr Cheung Lai Yin added that, referring to Plan A-2c of the Paper, a few applications to the northeast of Tsiu Keng Village, which were outside the “V” zone and not directly accessible by road, had previously been approved by the Board. That appeared to be in contradiction with the points made in DPO/FS&YLE’s presentation that the approved Small House applications within the “AGR” zone were located on the sides of the access road. Members noted Mr Cheung’s comments.

90. The Chairman thanked the representative of PlanD, the applicant and the applicants’ representatives for attending the meeting. They left the meeting at this point.

#### Deliberation Session

91. The Chairman said that for the benefits of those new Members, he would invite Mr K.K. Ling, Director of Planning, to brief Members, as background information, on the general assessment criteria adopted by the Board in considering those Small House

applications in the New Territories.

92. Mr K.K. Ling briefed Members on the following main points:

- (a) generally speaking, favourable consideration might be given to those application if more than 50% of the footprint of the proposed Small House fell within the “V” zone provided that there was a general shortage of land in meeting the demand for Small House development in the “V” zone;
- (b) other considerations such as the traffic and sewage impacts of the proposed Small House development would also be taken into account. For those sites falling within the water gathering grounds, the proposed Small House should be able to be connected to existing or planned sewerage system in the area; and
- (c) the availability of land within the “V” zone to meet the Small House demand of the indigenous villagers was also an assessment criteria. In assessing the Small House demand for an indigenous village, reference would be made to the number of outstanding Small House applications being processed by LandsD and the 10-year Small House demand forecast provided by the village representatives to LandsD. Over the years, sympathetic consideration might be given to the application if the land available within the “V” zone was insufficient to meet the total Small House demand from both the outstanding applications and 10-year forecast. In recent years, due to the rapid and substantial increase in Small House demand forecast, more weighting had now been given to the number of outstanding Small House application. Sympathetic consideration might be given to those applications if the available land within the “V” zone was already insufficient to meet the outstanding Small House applications subject to the other criteria being satisfied.

93. The Chairman noted that the outstanding Small House applications could often be a more realistic measure of real demand when compared with the so-called “10-year Small House demand forecast” which covered a much longer time frame and involved quite a bit of

guesswork.

94. A Member considered that the applicants' representatives had failed to provide any responses to the previous rejection reasons relating to the planning intention and undesirable precedent in the review hearing. The reason put forth by the applicants' representatives that it was very difficult to acquire land within the "V" zone was noted but it was not a major consideration of the Board. Besides, sufficient land was still available within the "V" zone to meet the outstanding Small House applications. The Member considered that there was no strong justification to deviate from the RNTPC's previous decision.

95. Another Member said that the existing approach adopted in the consideration of Small House applications should be followed. Land ownership within the "V" zone might be subject to change. Given that the Sites were located outside the "V" zone and there was sufficient land within the "V" zone to meet the current demand, the Member considered that the review applications should not be approved.

96. Two Members raised concern on whether the public was aware of the assessment criteria adopted by the Board in considering Small House applications outside the "V" zone. They were sympathetic to those applicants who had bought some land outside "V" zone with a high hope that their Small House applications would be approved by the Board, and wondered if more information about the Board's approach in considering those applications could be disseminated to the public.

97. Mr K.K. Ling said that since the commencement of the Town Planning (Amendment) Ordinance in June 2005, all the information about planning applications were available for public inspection and the relevant minutes of meeting which clearly recorded the Board's planning consideration and the rationale for making the decisions were available on the Board's website. One could consider conducting some background research with reference to the available information before making a decision on purchase of land for Small House development.

98. The Chairman added that while it was important to maintain a consistent approach in assessing the applications, each application would have to be assessed based on



its individual merits on a case by case basis.

99. In response to a Member's question on the reasons for approving those applications to the east of Tsiu Keng Village, the Secretary, with the aid of Plan R-2b of the Paper displayed on the visualiser, explained that it was the planning intention of the Board that village house development should be concentrated within the "V" zone for orderly development pattern. In the circumstance where Small Houses had to be developed outside the "V" zone, the planning intention was to concentrate the proposed Small House developments close to the existing village cluster for orderly development pattern. For the approved applications to the east of Tsiu Keng Village which were located outside the "V" zone but within 'VE', the Board had taken into account various planning considerations such as the geographical pattern of previous approvals granted in the area and their proximity to Tsiu Keng Road serving as direct vehicular access of the village.

100. A Member, while indicating support for rejecting the review applications, said it was likely that the footprint of the Small House approved under Application No. A/NE-KTS/132 in 2001 had been shifted northward at the construction stage, resulting in less than 50% of its as-built footprint falling within the "V" zone, as revealed in the aerial photo displayed by DPO/FS&YLE. The Member remarked that if the footprint of the proposed Small House which had more than 50% within the "V" zone was a major consideration of the RNTPC in approving that application, the applicant might have misled the Board at the application stage. The Member continued to say that in such case, LandsD would have to ensure that the footprint of the approved Small House would be consistent with that of the approved scheme during the processing of Small House grant.

101. The Chairman noted the above Member's concern and said that PlanD might consider following up the case in consultation with LandsD.

102. After deliberation, the Board decided to reject the applications on review for the following reasons:

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone in the Kwu Tung South area which is primarily to retain and safeguard good quality agricultural land/farm/fish

ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention;

- (b) land is still available within the “Village Type Development” zone of Tsiu Keng Village where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructure and services; and;
- (c) the application site forms part and parcel of the larger piece of active or fallow agricultural land to the north and north-west of Tsiu Keng Village, of which the agricultural land in the area is generally under active cultivation. The approval of the application would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would further reduce the agricultural land in the area.”

### **Agenda Item 9**

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/YL-PH/722

Temporary Open Storage of Scrap Metal for a Period of 3 Years in “Residential (Group D)” zone, Lots 78 S.A (Part) and 93 (Part) in D.D. 108, Fan Kam Road, Pat Heung, Yuen Long (TPB Paper No. 10096)

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[The item was conducted in Cantonese]

### **Presentation and Question Sessions**

103. The Secretary reported that Ms Janice W.M. Lai had declared interest in the item as her family member had a property at Leung Uk Tsuen in Pat Heung. Members noted that

Ms Lai had not yet arrived to join the meeting.

104. The Chairman informed Members that the applicant had indicated that he would not attend the review hearing. As sufficient notice had been given to the applicant to invite him to attend the meeting, Members agreed to proceed with the hearing in the absence of the applicant. He then invited Ms Maggie M.Y. Chin, District Planning Officer/Fanling, Sheung Shui and Yuen Long East, Planning Department (DPO/FS&YLE, PlanD) to the meeting at this point.

105. The Chairman extended a welcome and invited DPO/FS&YLE to brief Members on the review application.

106. With the aid of a PowerPoint presentation, Ms Maggie M.Y. Chin, DPO/FS&YLE, presented the review application and covered the following main points as detailed in the Paper:

- (a) on 18.11.2015, the applicant sought planning permission to use the application site (the Site) for temporary open storage of scrap metal for a period of 3 years. The Site (about 5,282m<sup>2</sup>) was zoned “Residential (Group D)” (“R(D)”) on the approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11;
- (b) on 8.1.2016, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the application for the following reasons:
  - (i) the proposed development was not in line with the planning intention of the “R(D)” zone which was primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise, low-density residential developments subject to planning permission from the Board. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;

- (ii) the application did not comply with the Town Planning Board Guidelines No. 13E for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13E) in that no previous approval had been granted at the Site and there were adverse departmental comment on and local objection to the application. The proposed development was also not compatible with the surrounding land uses which were rural in character mixed with residential structures / dwellings, an orchard and a horse riding school;
  - (iii) the applicant failed to demonstrate that the development would not generate adverse environmental impact on the surrounding areas; and
  - (iv) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within this part of the “R(D)” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area;
- (c) the applicant had not submitted any written representation or technical document in support of the review application;
- (d) the Site and its surrounding - the Site was paved and fenced off and was currently used for open storage of construction machinery and workshop without valid planning permission. To its north (about 15m away) was a residential dwelling with storage use and to its immediate east was a stream course. A horse riding school was located to the further north and east;
- (e) previous applications - the Site was involved in 9 previous applications. Six applications for temporary public car park for 3 years were approved with conditions by the RNTPC between 2001 and 2014 for the developments would meet some of the local parking demand. One

application for a temporary private car, lorry and tractor park and 2 applications for temporary open storage of recyclable metal were rejected in 2003, 2008 and 2014 on similar grounds as the current application;

- (f) similar applications – there were 6 similar applications for various types of temporary open storage uses within the same “R(D)” zone since the promulgation of TPB PG-No. 13E in 2008. Four were rejected on similar grounds as the current application. The remaining 2 applications covering the same site far from the Site were approved with conditions in 2010 and 2013 mainly on similar considerations that the developments were generally in line with TPB PG-No. 13E in that previous approvals had been granted for open storage use on the site since 2002;
- (g) departmental comments – the Director of Environmental Protection did not support the application as there were residential structures in the vicinity of the Site (the nearest one about 15m to the north) and environmental nuisance was expected. The Site was within the flood pumping gathering grounds and a licence should be obtained for the discharges which were subject to control under the Water Pollution Control Ordinance;
- (h) public comments – during the statutory publication periods, no public comment on the review application was received. Two public comments from a local resident and a general public objecting to the application were received during the s.16 stage. The commenters objected to the application as the scrap metal yard would cause adverse environmental impact on the surrounding areas and approval of the application would set an undesirable precedent, leading to further deterioration of the rural landscape resources;
- (i) PlanD’s views - PlanD did not support the review application based on the planning considerations and assessments set out in paragraph 6 of the Paper, which were summarised below:

- (i) the applicant had not submitted any written representation to support the review application. As there had been no material change in the planning circumstances of the case since the consideration of the application by RNTPC on 8.1.2016, the planning considerations and assessments made at the s.16 stage remained mostly valid;
- (ii) the development for temporary open storage of scrap metal was not in line with the planning intention of the “R(D)” zone and there was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;
- (iii) the proposed development was not compatible with the surrounding land uses which were rural in character, mixed with residential structures/dwellings, a horse riding school, an orchard, open storage/storage yards, a warehouse, workshops and vacant/unused land;
- (iv) the application did not comply with TPB PG-No. 13E in that the Site fell within Category 3 areas and there was no previous approval for open storage use granted at the Site and that existing and approved open storage use should be contained within the Category 3 areas and further proliferation of such use was not acceptable. Moreover, there was adverse departmental comment on and local objection to the application;
- (v) the applicant failed to demonstrate that the proposed development would not generate adverse environmental impacts on the surrounding areas; and
- (vi) approval of the current application, even on a temporary basis, would set an undesirable precedent for similar applications within this part of the “R(D)” zone. The cumulative effect of approving such applications would result in a general degradation of the rural

environment of the area.

107. As the presentation from PlanD's representative had been completed, the Chairman invited questions from Members. As Members had no question, the Chairman thanked DPO/FS&YLE for attending the meeting. She left the meeting at this point.

#### Deliberation Session

108. The Chairman noted that the applicant had not submitted any written submission to support the review application and there had been no material change in the planning circumstances of the case since the consideration of the application by RNTPC.

109. A Member said that since the applicant had not made any new submission to support the review application and there had been no material change in planning circumstances since the last rejection, the previous planning consideration and assessment made by the RNTPC remained valid. There was no strong ground for the Board to deviate from the previous decision of the RNTPC. Members agreed.

110. After deliberation, the Board decided to reject the application on review for the following reasons:

- “(a) the proposed development is not in line with the planning intention of the “Residential (Group) D” (“R(D)”) zone which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise, low-density residential developments subject to planning permission from the Board. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the application does not comply with the Town Planning Board Guidelines No. 13E for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13E) in that no previous approval has been granted at the site and there are adverse departmental comment on and local objection to the

application. The proposed development is also not compatible with the surrounding land uses which are rural in character mixed with residential structures / dwellings, an orchard and a horse riding school;

- (c) the applicant fails to demonstrate that the development would not generate adverse environmental impact on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for other similar applications within this part of the “R(D)” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.”

111. The meeting was adjourned for a lunch break at 1:15 p.m.



112. The meeting was resumed at 2:30 p.m.

113. The following Members and the Secretary were present in the afternoon session:

Mr Michael W.L. Wong	Chairman
Professor S.C. Wong	Vice-chairman
Mr Lincoln L.H. Huang	
Mr Ivan C.S. Fu	
Mr Sunny L.K. Ho	
Ms Janice W.M. Lai	
Mr Dominic K.K. Lam	
Mr Patrick H.T. Lau	
Ms Christina M. Lee	
Mr H.F. Leung	
Mr Stephen H.B. Yau	
Dr F.C. Chan	
Mr David Y.T. Lui	
Mr Peter K.T. Yuen	
Mr Philip S.L. Kan	
Mr K.K. Cheung	
Mr Wilson Y.W. Fung	
Mr Thomas O.S. Ho	
Mr Alex T.H. Lai	
Dr Lawrence K.C. Li	
Mr Stephen L.H. Liu	

Professor T.S. Liu

Miss Winnie W.M. Ng

Ms Sandy H.Y. Wong

Mr Franklin Yu

Deputy Director of Environmental Protection (1)  
Mr C.W. Tse

Director of Lands  
Ms Bernadette H.H. Linn

Chief Engineer (Works), Home Affairs Department  
Mr Martin K.C. Kwan

Director of Planning  
Mr K.K. Ling

### **Tuen Mun & Yuen Long West District**

#### **Agenda Item 12**

[Open meeting (Presentation and Question Sessions only)]

Review of Application No. A/YL-TYST/721

Proposed Dangerous Goods Godown in “Industrial (Group D)” Zone, Lot 1092 S.B ss.7 RP  
in D.D. 121, Tong Yan San Tsuen Road, Yuen Long  
(TPB Paper No. 10094)

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[The meeting was conducted in Cantonese]

114. The Secretary reported that MVA Hong Kong Ltd. (MVA) was one of the consultants of the applicant. Mr Ivan C.S. Fu, Mr Patrick H.T. Lau, Mr Thomas O.S. Ho and Mr Franklin Yu had declared interests in the item as they had current business dealings with MVA. Members noted that Mr Ivan C.S. Fu and Mr Patrick H.T. Lau had not yet arrived at the meeting. As Mr Thomas O.S. Ho and Mr Franklin Yu did not have involvement in the application, Members agreed that they should be allowed to stay in the meeting.

Presentation and Question Sessions

115. The following government representatives and the applicant's representatives were invited to the meeting at this point:

- |                         |   |
|-------------------------|---|
| Mr David C.M. Lam       | - District Planning Officer/Tuen Mun & Yuen Long West, Planning Department (DPO/TMYLW, PlanD) |
| Mr Chris S.W. Yeung     | - Engineer/Yuen Long Central, Transport Department (E/YLC, TD)                                |
| Mr Tam Kam Yip, Antonio | ) Applicant's representatives   |
| Mr Suen Sze Ching       | )   |
| Mr Yiu Sheun Lai        | )   |

116. The Chairman extended a welcome and explained the procedure of the review hearing. He then invited DPO/TMYLW, PlanD to brief Members on the review application.

117. With the aid of a PowerPoint presentation, Mr David C.M. Lam, DPO/TMYLW, presented the review application and covered the following main points as detailed in the Paper:

- (a) on 12.2.2015, the applicant sought planning permission for proposed dangerous goods godown use at the site. On 17.7.2015, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the s.16 application and the reason was that the applicant failed to demonstrate that the proposed site access arrangement measures for meeting the sightline requirement could be implemented and that the proposed development would not generate adverse traffic safety impact on other road users;

- (b) on 25.8.2015, the applicant applied for review of the RNTPC's decision to reject the application. The applicant's justifications were summarised in paragraph 3 of the Paper;
- (c) the site and the surrounding area – the site was abutting Tong Yan San Tsuen Road and the site access was located at the middle of the curved downhill lane at the junction of Tong Yan San Tsuen Road and Sha Tseng Road. The site was paved, partly fenced off and currently occupied by some container structures for storage use. The surrounding areas comprised a mix of warehouses, logistics centre, factory, godown, open storage yards, car servicing workshop, motor trading shop and residential developments;
- (d) previous and similar applications - the site was not involved in any previous planning application. There was one similar application (No. A/YL-TYST/49) for servicing and filling of fire extinguishers and compressed gas cylinders with inert gases for fire suppression purpose to the immediate southwest of the site within the same "Industrial (Group D)" ("I(D)") zone. The application was approved with conditions by the RNTPC mainly on the consideration that the proposed development was in line with the planning intention of the "I(D)" zone and was compatible with the surrounding land uses;
- (e) departmental comments – comments from the relevant government departments were detailed in paragraph 5 of the Paper. In particular, the Commissioner for Transport (C for T) had no comment on the application subject to the imposition of approval conditions on the submission and implementation of the traffic improvement measures as proposed by the applicant. The District Lands Officer/Yuen Long, Lands Department advised that his office had already initiated lease enforcement action against the unauthorized structures on Lot 1092 S.B RP in D.D. 121 by registering a warning letter and lease enforcement action would be considered if necessary. Other government departments consulted generally had no further

view/comments on the review application and maintained their previous views on the s.16 application;

- (f) public comments - a total of four public comments on the review application were received, all objecting on the grounds of potential traffic safety issue arising from the use of the proposed access and the applicant's failure to demonstrate how the risks of the dangerous goods godown on the nearby residents could be mitigated;
- (g) PlanD's views – PlanD had no objection to the application based on the planning consideration and assessments set out in paragraph 7 of the Paper, which were summarized below:
  - (i) the application was not incompatible with the planning intention of the “I(D)” zone and the surrounding uses; and
  - (ii) technical concern on traffic aspect was addressed by the applicant in the review application with the revised vehicular access arrangement and newly proposed traffic improvement measures. C for T had no comment on the review application subject to the imposition of relevant approval conditions. As such, the sole reason for rejecting the s.16 application had been addressed.

118. The Chairman then invited the applicant's representative to elaborate on the review application. With the aid of a PowerPoint presentation, Mr Tam Kam Yip, Antonio made the following main points:

- (a) the applicant's business operation involved the refilling, recovering and recycling of fire extinguishers in a licensed workshop for industrial use and temporary storage of refilled fire extinguishers. The compressed gases inside the cylinders of the fire extinguishers were classified as category 2 dangerous goods (compressed gases)

under the Dangerous Goods Ordinance (Cap 295). The proposed use was in line with the planning intention of the “I(D)” zone;

[Ms Christina M. Lee arrived to join the meeting at this point.]

- (b) the proposed development complied with all of the development restrictions of the “I(D)” zone. There were precedent cases for similar use with planning permission granted within the subject zone. There were other licensed dangerous good godowns and associated manufacturing area currently operated in the neighbourhood of the site;
- (c) to address the concern of RNTPC, the applicant had liaised with the Transport Department and submitted a revised Vehicular Site Access Study Report with justifications and proposed measures to further enhance the safety of the proposed vehicular access;
- (d) the traffic flow along Tong Yan San Tsuen Road was low and the proposed development would not cause adverse impact on the existing traffic. During operating hours, there would be limited number of vehicles (approximately 5 vehicular 2-way trips per day) accessing the site. One loading/unloading bay would be provided and only light goods vehicles would be used;
- (e) the applicant proposed the following measures to enhance the safety of the proposed vehicular access:
  - (i) to install new “Slow” marking on the carriageway at the applicant's own expense in order to reduce the approaching speed of the downhill vehicles. The applicant had already engaged a qualified contractor for the installation works;
  - (ii) to deploy a lookout person to assist the driver to observe the

traffic conditions along Tong Yan San Tsuen Road;

- (iii) to prohibit private cars from accessing the site;
  - (iv) a letter of undertaking for deploying a lookout person and prohibiting private cars was provided; and
- (f) comments from all concerned departments had been addressed. The applicant would comply with the approval conditions prior to the commencement of the proposed development to the satisfaction of the Board and/or the concerned departments.

119. As the presentation of the applicant's representative was completed, the Chairman invited questions from Members.

120. In response to the Chairman's question, Mr David C.M. Lam, DPO/TMYLW confirmed that the application was rejected by the RNTPC merely on traffic grounds. Mr K.K. Ling, Director of Planning, supplemented that the main concern of the RNTPC was on the safety of the dangerous goods vehicles in accessing the site. Noting that the applicant had undertaken to deploy a lookout person, Mr Ling asked how could the applicant ensure that the lookout person could assist especially when vehicles were entering into the site. Mr Tam Kam Yip, Antonio said that prior appointments should have been made for all vehicles entering/leaving the site for loading/unloading purpose. Each operation would last for about 30 minutes and the lookout person would stand by to assist the driver to observe the traffic conditions.

121. In response to a Member's question on how to prohibit private cars from entering the site, Mr Tam said that the applicant had agreed that no private cars, including those from his clients and friends, would be allowed to enter the site. The applicant had undertaken to comply with that requirement. In response to the Chairman's question, Mr Lam said that it was not uncommon in other planning applications to prohibit certain types of vehicles from accessing a site as one of the approval conditions. For the subject application, two approval conditions had been recommended, including the submission of

traffic improvement measures prior to commencement of the proposed development and the implementation of the accepted traffic improvement measures to the satisfaction of C for T. If the approval condition on the implementation of the traffic improvement measures was not complied with, the planning permission would cease to have effect and would be revoked immediately without further notice.

122. As Members had no further question, the Chairman informed the applicant's representatives that the hearing procedure for the review application had been completed. The Board would deliberate on the review application in their absence and inform the applicant of the Board's decision in due course. The Chairman thanked the applicant's representatives and government representatives for attending the meeting. They left the meeting at this point.

#### Deliberation Session

123. Mr K.K. Ling, Director of Planning, said that the RNTPC considered that the proposed industrial use complied with the planning intention of the "I(D)" zone. The application was rejected on technical ground in that the applicant failed to demonstrate that the proposed measures for meeting the sightline requirement could be implemented and hence the proposed development would not generate adverse traffic safety impact on other road users. In the s.17 review application, the applicant proposed improvement measures for which C for T had no comment. As such, the review application was acceptable as the applicant had addressed the concern of RNTPC.

124. In response to a Member's question, the Chairman said while respecting local residents' views on the application, in considering an application, the Board would also take account of the professional advice provided by relevant departments on different aspects of the application under their purview such as traffic and fire safety. In this particular case, it was noteworthy that the Fire Services Department (FSD) had no adverse comment on the application, and considered the safety aspect of the proposed use acceptable. Furthermore, dangerous goods operation would be monitored by a licensing system under the purview of FSD and that other dangerous goods godown also existed in the same "I(D)" zone.



125. In response to a Member's question on how to monitor the implementation of the proposed traffic improvement measures proposed by the applicant, the Chairman said that with regard to applications that had been approved with conditions, the applicant would have to comply with such conditions to the satisfaction of relevant government departments. If non-compliance was found, relevant departments would take appropriate enforcement action. Where a revocation clause was applicable, the planning permission granted might also be subject to revocation.

126. A Member supported the approval of the review application as the traffic concern had been addressed but asked why the revocation clause only applied to condition (b) on the implementation of the accepted traffic improvement measures but not other approval conditions. In response, Mr Ling said that for those approval conditions which involved the provision or implementation of the required facilities such as drainage network and fire service installations, the condition could be discharged once the facilities were constructed or installed to the satisfaction of relevant departments. For other conditions such as the implementation of the traffic improvement measures which should continue to have effect as long as the proposed use was in operation, a revocation clause was required to ensure that the planning permission could be revoked if the relevant condition was not complied with.

127. The Chairman noted that Members generally had no objection to the review application. As the applicant had proposed reasonable traffic improvement measures to enhance the safety of the proposed site access and had undertaken to implement the proposed measures to the satisfaction of the relevant department, the sole reason for rejecting the s.16 application by the RNTPC had been addressed.

128. After deliberation, the Board decided to approve the review application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 15.4.2020 and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The planning permission and conditions (b) and (e) attached thereto should not lapse when the proposed development was undertaken and should

continue to have effect as long as the completed development or any part of it was in existence and the approval conditions were fully complied with. The permission was subject to the following approval conditions:

- “(a) the submission of the traffic improvement measures prior to commencement of the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the implementation of the accepted traffic improvement measures to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (d) the submission and provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (e) if the above planning condition (b) is not complied with, the approval hereby given would cease to have effect and shall be revoked immediately without further notice.”

129. The Board also agreed to advise the applicant to note the advisory clauses as set out at Annex H of the Paper.

### **Sai Kung & Islands District**

#### **Agenda Item 13**

[Open meeting (Presentation and Question Sessions only)]

Review of Application No. A/TKO/103

Proposed House (Private Garden ancillary to House) in “Green Belt” zone, Government

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Land adjoining Lot 357 in D.D. 224, Hang Hau Road, Tseung Kwan O  
(TPB Paper No. 10095)

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[The meeting was conducted in Cantonese]

130. The Secretary reported that Professor T.S. Liu had declared an interest in the item as he owned a flat and his spouse owned 2 parking lots and they co-owned a flat and a parking lot at Ocean Shores, Tseung Kwan O. As the properties owned by Professor Liu and his spouse did not have direct view on the site, Members agreed that he should be allowed to stay in the meeting.

#### Presentation and Question Sessions

131. The following representative from the Planning Department (PlanD) and the applicants were invited to the meeting at this point :

Ms Donna Y.P. Tam - District Planning Officer/Sai Kung  
& Islands (DPO/SKIs), PlanD

Mr Clancey John Joseph ) Applicants  
Mrs Clancey To Ling Chu, Edith )

132. The Chairman extended a welcome and explained the procedure of the review hearing. He then invited DPO/SKIs to brief Members on the review application.

133. With the aid of a PowerPoint presentation, Ms Donna Y.P. Tam, DPO/SKIs presented the review application and covered the following main points as detailed in the Paper:

- (a) on 17.11.2015, the applicants sought planning permission for a private garden ancillary to the applicants' house (the House) at the site. On 8.1.2016, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the application and the reasons were:

- (i) the proposed development was not in line with the planning intention of the “Green Belt” (“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 within this zone. The applicants failed to provide strong justification in the submission for a departure from the planning intention;
  - (ii) the proposed development did not meet the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” Zone’ (TPB PG-No.10) in that there were no exceptional circumstances to justify the application;
  - (iii) the approval of the application would set an undesirable precedent for other similar applications within the "GB" zone;
- (b) On 3.2.2016, the applicant applied for review of the RNTPC’s decision to reject the application. The applicant’s justifications were summarised in paragraph 3 of the Paper;
- (c) the site and the surrounding area – the site was located on the platform between the House and the adjoining retaining wall within the “GB” zone. It was partly planted with some amenity vegetation and accessible from Hang Hau Road via a staircase leading to the House through which the proposed private garden was reached. The surrounding areas to the immediate east, north and west of the House were low-rise houses which were surrounded by trees. St. Vincent’s Catholic Church was located to its further north and the Tseung Kwan O Hospital Ambulatory Care Block was located to its south;

- (d) no previous nor similar application was involved;
- (e) departmental comments – comments from the relevant government departments were detailed in paragraph 5 of the Paper and summarised below:
  - (i) the Chief Geotechnical Engineer/Slope Maintenance, Slope Maintenance Section, Lands Department (LandsD) advised that the site was outside slope No. 12NW-C/FR234 which was under the maintenance responsibility of LandsD. LandsD did not encourage or support any party to plant and take care of the vegetation on the subject slope. LandsD had carried out regular slope maintenance inspection and works annually to maintain the existing level of stability and prevent deterioration of the slope;
  - (ii) the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD advised that given the nature and scale of the proposal, adverse visual/landscape impact was not envisaged;
  - (iii) other departments had no adverse comment on the review application;

[Mr David Y.T. Lui returned to join the meeting at this point.]

- (f) public comments - two adverse public comments on the review application were received, all objecting on the grounds that there were no exceptional circumstances and approval of the application would set an undesirable precedent;
- (g) PlanD's views - PlanD did not support the review application based on the planning considerations and assessments set out in paragraph 7

of the Paper, which were summarised below:

- (i) conversion of the site into a private garden was not in line with the planning intention of the “GB” zone. There was no strong justification or exceptional circumstance to merit a departure from the planning intention of “GB” zone and TPB PG-No.10;
- (ii) the site was on a piece of unleased government land and formed an integral part of the “GB” zone which could serve as passive recreational outlet for the public; and
- (iii) approval of the application would set an undesirable precedent for other similar applications for private garden use.

134. The Chairman then invited the applicants to elaborate on the review application. With the aid of a PowerPoint presentation, Mr Clancey John Joseph made the following main points:

- (a) the subject “GB” area was not a naturally green area but an old Hang Hau village area. When they first moved into the House in 1986, there were stone/wooden cottages to its south. After the demolition of the cottages, a lot of rubble was left behind the House. Beyond the site, which was a flat area, the rubble formed a slope going down to the pedestrian path. As weeds and vines grew on top of the rubble, the area was a breeding ground for mosquitoes and rats;
- (b) since the Government never cut the weeds and vines on the site nor the slope, they built a staircase behind the House to gain easier and safer access to the site and the slope to cut the weeds and vines. The Government subsequently removed the rubble, covered the slope with cement and built three steps of planters. However, the Government

never cut the weeds in the planters;

[Mr Patrick H.T. Lau arrived to join the meeting at this point.]

- (c) although the site was on government land, it was in effect cut off from public access. At present, the only access to the site was via the staircase behind the House or by climbing up the drain on the stabilized slope, which was extremely inconvenient and dangerous;
- (d) they made a small compost pile behind the House to recycle kitchen waste and the soil of the site was improved by adding organic compost materials. They planned to use most of the garden to grow vegetables and flowers and proposed a “win-win” garden area with the following advantages:
  - (i) their regular cutting of weeds and vines would help prevent mosquitoes;
  - (ii) the soil would be improved when the land was returned to the Government at the end of the rental period;
  - (iii) they could grow their own vegetables and thus lessen their dependence on the market;
  - (iv) they would add leaves from the pedestrian sidewalk and fish residues from the local market to the compost in their garden and hence reduced waste materials to the dumping areas;
  - (v) they helped to maintain government land on a voluntary basis, which would make the “GB” area a more healthy “green” area. The flowers in their garden would provide a pleasant sight for people walking by;

- (vi) they would pay rent to the Government;
  
- (e) as there were not many areas with similar situation in the vicinity, the precedent effect was insignificant. Besides, the public would not be deprived of using the site as it could not be accessed by the public; and
  
- (f) if the application was approved by the Board, they would apply for relevant permission from LandsD which could be subject to a three-year effective period to facilitate further review by the Government.

135. As the presentation of the applicants was completed, the Chairman invited questions from Members.

136. Two Members asked (a) why the application was not in line with the planning intention of the “GB” zone, and (b) whether there would be any difference if the site was not fenced off. In response, Ms Donna Y.P. Tam, DPO/SKIs, said that the planning intention of the “GB” zone 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 within the “GB” zone. The applicants’ proposal to fence off the site for private garden use was not in line with the planning intention of the “GB” zone. The crux of the issue was not on whether the garden was fenced off or for farming purpose, but turning a piece of government land to a private garden ancillary to a house. Permission from LandsD was also required for such private garden use on government land. Mrs Clancey To Ling Chu, Edith supplemented that they fenced off the site at the very beginning only to prevent people from taking things from the garden. When they were told by government official that it was improper to fence off the site, they stopped further action of adding nets on the fence. They had no intention to privatize the site for garden use.

137. A Member asked whether the applicants would consider opening the site for



public visit. In response, Mr Clancey said that they welcomed members of the public to visit their garden despite there was no proper access to the site except the staircase behind the House. The Chairman noted that the applicants had indicated that they would rent the land from LandsD if the subject application was approved by the Board.

138. In response to a Member's questions on the zoning history of the site on Tseung Kwan O Outline Zoning Plan (OZP), Ms Tam said that the OZP was prepared in 1992 to facilitate the development of Tseung Kwan O New Town. Most of the fringe areas were designated as "GB" zone with the planning intention to define the limits of urban and sub-urban development areas by natural features. As the houses in the vicinity of the site were in existence when the OZP was prepared, they were regarded as existing use and no action was required to make the existing use of any land or building conform with the "GB" zoning of the OZP until there was a material change of use or the building was redeveloped. In response to a Member's question on the boundary of the subject "GB" zone, Ms Tam explained that it covered slopes with a number of houses to the north-east of Tseung Kwan O Hospital. The "GB" zone also extended further to the north-west of the St. Vincent's Catholic Church.

139. In response to some Members' questions, Ms Tam confirmed that the site fell outside the slope being maintained by LandsD, which was located to the south of the site. The site and the areas to its south were all constructed in the form of stepped slopes. The footpath to the south of the slopes was accessible via staircases from Hang Hau Road. However, there was no proper access to the site except through climbing the drainage channel on the stepped slopes. With respect to the farming activities on the slopes, Ms Tam said that LandsD did not encourage or support any party to plant and take care of the vegetation on the slope under their maintenance.

140. In response to a Member's question on the difference between "GB" and "Open Space" ("O") zones, Ms Tam said that areas zoned "O" was primarily for the provision of outdoor open-air public space for active and/or passive recreational uses such as children play area serving the needs of local residents and the general public while the "GB" zone mainly covered sloping areas or areas with natural vegetation. If dangerous slopes were involved, relevant government departments would carry out slope upgrading

works with greening and plantations on top of the slopes, as well as regular slope maintenance inspection and works.

141. As there was no further question from Members, the Chairman informed the applicants that the hearing procedure for the review application had been completed. The Board would deliberate on the review application in their absence and inform them of the Board's decision in due course. The Chairman thanked the applicants and DPO/SKIs for attending the meeting. They left the meeting at this point.

### Deliberation Session

142. In response to some Members' queries on the maintenance responsibility of the slopes, Ms Bernadette H.H. Linn, Director of Lands, said that LandsD in general would carry out regular slope maintenance inspection and works on government slopes under their ambit to ensure slope safety. However, given that the site on unallocated government land adjoining the LandsD-maintained slope was inaccessible and small in size, LandsD would not normally provide regular inspection and maintenance services such as clearance of overgrown vegetation and mosquito control. LandsD would normally inspect the area when complaints were received. In response to a Member's question, Ms Linn confirmed that LandsD had not taken any enforcement action against occupation of the site for gardening purpose at this stage.

143. The Vice-chairman said that despite farming was always permitted within the "GB" zone, the subject application was applying for private garden use ancillary to the applicant's house. There was no guarantee that once planning permission was granted, it would be used for the same purpose in particular when the ownership of the house was changed in future. The Board had all along adopted a cautious approach in considering applications in the "GB" zone as there was a general presumption against development in the "GB" zone. The applicants had not demonstrated that there would be planning merit or gain in the subject application. Besides, approving the subject application would set an undesirable precedent for other similar applications within the "GB" zone. As such, he agreed with PlanD's recommendation of rejecting the application. Two Members concurred with the Vice-chairman's view that the approval of the subject application

would have an undesirable precedent effect. One of them considered that given there were many potential similar applications in the “GB” zone in the New Territories, it would be difficult for the Board to differentiate the subject application from those applications. Another Member added that the applicants’ argument that the Government had not provided good maintenance for the site, which was an implementation and management issue, could not be considered as a justification for a departure from the planning intention of the “GB” zone.

[Mr Ivan C.S. Fu returned to join the meeting at this point.]

144. A Member said that he did not support private garden use at the site as areas zoned “GB” should be for public use. However, by rejecting the application, it might result in a loss in the society as the site could be better maintained by the applicants. The Member considered that it would be better if the applicant was requested to open the site for public use.

145. Another Member said that despite the proposal for private garden use at the site might not be appropriate, the good intention of the applicants to improve the condition of the site was noted. Given that many areas in the New Territories were poorly maintained by the Government and the situation would be improved if the private individuals were allowed to take care of the areas in their neighbourhood, the Member asked how that could be catered for. The Chairman said that in the case of private garden applications, if the application site fell within zones designated for residential use on the OZP, the applicant might apply directly to LandsD for a short term tenancy (STT) for the proposed use. If the application site fell within “GB” zone, where there was a general presumption against development, planning permission would normally be required and the application could only be approved with strong planning justifications.

[Mr Lincoln L.H. Huang and Mr Philip S.L. Kan left the meeting at this point.]

146. A Member said that although there was concern on precedent effect, it was noted that each application should be considered by the Board on an individual basis. For the subject application, given the site would not be maintained by the Government,

rejecting the application would result in an unsatisfactory situation not only for the applicants, but also for the society as a whole. Since the House where the applicants lived was an existing use before the designation of “GB” zone on the OZP, the Member asked whether that could be a favourable consideration for LandsD to grant STT subject to the applicants’ guarantee to maintain the site in good condition. Ms Linn said that if the planning application was rejected by the Board, LandsD would not be in a position to approve an STT application permitting the rejected use. In general, where the private garden use was allowed under the land use zoning, the relevant application for STT would also need to comply with LandsD’s requirements that (i) the application site was adjoining the applicant’s private lot, (ii) the site was not separately alienable in that no one in the market except the applicant would have interest on the site, (iii) the Government had no plan to use the site for other purpose, and (iv) the applicant was willing to pay market rental price. In response to two Members’ further questions, Ms Linn said that the applicant for STT should be the owner of the connected property. If there was change in the ownership of the concerned property, the STT would become invalid. Besides, the STT could also be terminated by the Government at any time subject to the giving of the requisite notice. Ms Linn further explained that if a proposed use conformed with the OZP, the applicant could apply directly to LandsD for the STT.

147. A Member said that apart from defining the limits of urban and sub-urban development areas and to contain urban sprawl, “GB” zone also had the function of a green backdrop to avoid visual intrusion from the landscape perspective. A “GB” site could be rezoned for other purposes if it lost that function. For the subject case, the “GB” zone might not be appropriate as houses were in existence before the designation of the “GB” zone. With respect to planning gain, there were examples in the other countries such as the High Line Park in New York City that volunteer groups or non-government organizations were encouraged to maintain and manage government land by agreements. Under such circumstances, land could be better managed as the volunteer groups usually cared more about the condition of the land. For the subject case, the Member asked (a) whether the applicant could be allowed to maintain government land by an agreement, and (b) whether the planning intention for the site could be realized through imposing relevant conditions on the agreement/STT such as keeping the area green or planting a certain number of the specified plant species. Should that arrangement be possible, the area

would be better managed. In response, the Chairman said that the Member's suggestions would involve land administration issues and could be forwarded to relevant bureau/department for consideration should the Board consider it necessary.

148. Some Members asked whether the applicants' intention to grow vegetables at the site could be considered as column 1 use such as 'Agricultural Use' which was always permitted in the "GB" zone. The Chairman said that in respect of a proposed use which was always permitted in the "GB" zone, the applicant could seek approval from LandsD direct for the STT. It would however be for the applicant to decide how best to proceed with the making of an application. For the subject application, the applicants had chosen to apply for private garden use ancillary to the House, which was regarded as 'House' use. The Board would process the application accordingly.

149. Members generally agreed that the applicants had not provided strong grounds to justify a departure from the planning intention of the "GB" zone. Besides, approval of the application would set an undesirable precedent for other similar applications in the "GB" zone. After deliberation, the Board decided to reject the application on review based on the following reasons:

- “(a) the proposed residential development is not in line with the planning intention of the “Green Belt” (“GB”) zone which is 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 is a general presumption against development within this zone. The applicants fail to provide strong justification in the submission for a departure from the planning intention;
- (b) the proposed residential development does not meet the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” Zone’ in that there are no exceptional circumstances to justify the application; and

- (c) the approval of the application would set an undesirable precedent for other similar applications within the “GB” zone. The cumulative effect of approving such similar applications will result in a general degradation of the natural environment and bring about adverse landscape impact on the area.”

[Mr Alex T.H. Lai left the meeting at this point.]

### **Sha Tin, Tai Po & North District**

#### **Agenda Item 14**

[Open meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-LT/552

Proposed House (New Territories Exempted House – Small House) in “Agriculture” Zone,  
Lots 1257 RP and 1258 in D.D. 19, Lam Tsuen San Tsuen, Tai Po  
(TPB Paper No. 10075)

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[The meeting was conducted in Cantonese]

150. Professor T.S. Liu declared that he knew Mr Chan Cho Leung, one of the applicant’s representatives who was also a Tai Po District Council Member (for Lam Tsuen Valley) and a Tai Po Rural Committee Member, when he cooperated with the Tai Po District Council to publish a book a few years ago. As the interest of Professor Liu was remote, Members agreed that he should be allowed to stay in the meeting.

#### **Presentation and Question Sessions**

151. The following representative from the Planning Department (PlanD) and the applicant’s representatives were invited to the meeting at this point:

Mr C. K. Soh

- District Planning Officer/  
Sha Tin, Tai Po and North

(DPO/STN), PlanD

Mr Chan Cho Leung	)	Applicant's Representatives
Mr Tsang Ka Kau	)	
Mr Yip Chak Yu	)	
Mr Chan Tim Loi	)	

152. The Chairman extended a welcome and explained the procedure of the review hearing. He then invited DPO/STN to brief Members on the review application.

153. With the aid of a PowerPoint presentation, Mr C.K. Soh, DPO/STN, presented the review application and covered the following main points as detailed in the Paper:

- (a) on 4.9.2015, the applicant sought planning permission to build a house (New Territories Exempted House (NTEH) - Small House) at the site. On 23.10.2015, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the application and the reasons were:
  - (i) the proposed development was not in line with the planning intention of the "Agriculture" ("AGR") zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the submission for a departure from the planning intention;
  - (ii) the proposed development did not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in the New Territories (the Interim Criteria) in that there was no general shortage of land in meeting the demand for Small House development in the "Village Type Development" ("V") zone of Lam Tsuen San

Tsuen; and

- (iii) land was still available within the “V” zone of Lam Tsuen San Tsuen which was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development within “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services;
- (b) on 23.11.2015, the applicant applied for review of the RNTPC’s decision to reject the application. The applicant’s justifications were summarised in paragraph 3 of the Paper;
- (c) the site and the surrounding area – the site was a piece of vacant land covered with weeds. It was located at the southern fringe of Lam Tsuen San Tsuen and was traversed by a footpath. The surrounding areas were predominantly rural in character with a mix of village houses and fallow agricultural land;
- (d) previous and similar applications – the site was not involve in any previous application. There were nine similar applications approved with conditions between 2005 and 2013 mainly for reasons that more than 50% of the footprint of the Small House was located within the village ‘environs’ (‘VE’); there was a general shortage of land to meet the demand for Small House development; the proposed development was able to be connected to the planned sewerage system in the area; and the sites had obtained previous planning permissions or more than 50% of the footprint of the proposed house fell within the “V” zone and/or considered as an infill development. Nine similar applications were rejected between 2009 and 2016 on one or more of the grounds including not in line with the planning intention of “AGR” zone; there was no general shortage of land in meeting the demand for Small House development in the “V” zone; unable to be connected to the existing or planned sewerage system; adverse impact



on the water quality in the area; and more than 50% of the footprint of the proposed Small House fell outside the “V” zone and the ‘VE’ of San Tong/Lam Tsuen San Tsuen;

(e) departmental comments – comments from the relevant government departments were detailed in paragraph 5 of the Paper and summarised below:

(i) the Director of Agriculture, Fisheries & Conservation (DAFC) did not support the application as there were active agricultural activities in the vicinity and the site had high potential for rehabilitation of agricultural activities;

(ii) the Commissioner for Transport (C for T) had reservation on the application as such type of development would set an undesirable precedent and the resulting cumulative adverse traffic impact could be substantial;

(iii) other departments had no objection or adverse comment on the review application;

(f) public comments - four adverse public comments on the review application were received, all objecting on the grounds of being not in line with the planning intention of “AGR” zone and the Interim Criteria, losing agricultural land and having adverse ecological impacts;

(g) PlanD’s views - PlanD did not support the review application based on the planning considerations and assessments set out in paragraph 7 of the Paper, which were summarised below:

(i) the proposed Small House development was not in line with the planning intention of the “AGR” zone. DAFC did not

support the review application as there were active agricultural activities in the vicinity and the site itself had high potential for rehabilitation of agricultural activities;

- (ii) land was still available within the “V” zone (about 2.73 ha or equivalent to about 109 Small House sites) for Small House development to meet the total number of outstanding Small House applications and the 10-year Small House demand forecast (about 2.73 ha or equivalent to about 109 Small House). It was considered more appropriate to concentrate the proposed Small House development within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructure and services; and
- (iii) five similar applications to the north, south and southeast of the site were rejected by the RNTPC in 2014 and 2016 mainly on similar grounds as the current application.

154. The Chairman then invited the applicant’s representatives to elaborate on the review application.

155. With the aid of a document tabled at the meeting and a PowerPoint presentation, Mr Tsang Ka Kau and Mr Chan Cho Leung made the following main points:

- (a) they did not agree with PlanD’s assessment that about 2.73 ha of land (or equivalent to about 109 Small House sites) was still available within the “V” zone of Lam Tsuen San Tsuen for Small House development. Most of the land within the “V” zone had already been occupied by existing developments, car parks, access roads, woodland etc. In particular, the village representatives of five nearby villages had reached a consensus that Small House development should not be allowed in the fung shui area (i.e. an area around a 300 feet radius) of Tai Wong Yair Shrine (大皇爺社壇) so as to preserve that area of

historical and traditional significance. For the remaining areas, the land available for Small House development was very limited since some of the sites had Small House applications being processed, some had unforeseeable land ownership problems, and some were not able to be connected to the public sewerage system in the near future;

- (b) given the limited land available within the “V” zone for Small House development, the villagers could only apply to the Board for Small House development in areas outside the “V” zone but within the ‘VE’. It was noted that areas at the periphery of the “V” zone but within the ‘VE’ was suitable for Small House development. It was also in line with the Government’s intention to confine Small House developments within ‘VE’ for an orderly development pattern, efficient use of land and provision of infrastructure and services;
- (c) the argument that Small House development was not in line with the planning intention of the “AGR” zone was in doubt. The site fell entirely within the ‘VE’ of Lam Tsuen San Tsuen where priority should be given to Small House development. Besides, the planning application system had provided a mechanism for the Board to approve Small House applications with approval conditions; and
- (d) as the site would be able to be connected to the planned public sewerage system, it would be more appropriate to use the site for Small House development rather than agricultural activities.

156. As the presentation of the applicant’s representatives was completed, the Chairman invited questions from Members.

157. The Vice-chairman asked why there were a number of Small House applications being processed by the Lands Department (LandsD) located within the fung shui area of Tai Wong Yair Shrine despite the claim of the applicant’s representatives that there was a consensus among the five villages to prohibit Small House development in that

area. In response, Mr Tsang Ka Kau said that the Small House applications were submitted by individuals amid the strong objection from the villagers to preserve the fung shui area. Mr Chan Cho Leung supplemented that Small House applications within the fung shui area were received as some of the villagers wished to develop Small Houses on their own private land. However, it should be noted that LandsD had not approved any application within the Fung Shui area since 1996. Mr C.K. Soh, DPO/STN, supplemented that according to the information provided by LandsD, some Small House applications being processed by LandsD were located within the fung shui area. He was not aware of the consensus among the villagers that Small House developments should not be allowed in the fung shui area until just now.

158. A Member asked if car park was a necessary supporting facility in the “V” zone. In response, Mr Soh said that the specification of Small House did not include the provision of car parking space despite some areas within the “V” zone were currently used as car parks. In response to the Chairman’s question, Mr Soh said that the existing car parking area had been included in PlanD’s assessment of available land within the “V” zone for Small House development.

159. The same Member asked if priority should be given to Small House development within the boundary of the ‘VE’ as claimed by the applicant’s representative was correct. In response, Mr Soh said that the ‘VE’, which was delineated by a 300-foot radius from the edge of the last village type house built before the introduction of the Small House Policy in 1972, was an administrative boundary managed by LandsD for processing Small House applications. PlanD had made reference to the ‘VE’ in the drawing up of “V” zone and the land which was considered suitable for Small House development was designated as “V” zone on the OZP. There was no intention to encourage Small House development in areas outside “V” zone but within ‘VE’. Nevertheless, in considering Small House applications, sympathetic consideration might be given if among others, not less than 50% of the proposed Small House footprint fell within the ‘VE’ of a recognized village.

160. As there was no further question from Members, the Chairman informed the applicant’s representatives that the hearing procedure for the review application had been

completed. The Board would deliberate on the review application in their absence and inform them of the Board's decision in due course. The Chairman thanked the applicant's representatives and DPO/STN for attending the meeting. They left the meeting at this point.

### Deliberation Session

161. A Member said that Small House development should not be allowed in the fung shui area of Tai Wong Yair Shrine as claimed by the applicant's representatives was not convincing. Even if a consensus might have been reached by the representatives of five villages to stop Small House development in the fung shui area, it was noted that there were a number of Small House applications being processed by LandsD in the concerned area. The Member did not aware there was similar fung shui area restricted for Small House development in other villages. Should there be a need to preserve the area from Small House development, the appropriate way was to amend the OZP to exclude the area from the "V" zone. Besides, car park was not an ancillary facility for Small House development. PlanD had already adopted a lenient approach in assessing the number of Small Houses that could be built on the land available within the "V" zone by assuming 40 houses per hectare, which represented a site area of about 250m<sup>2</sup> per house. That was much larger than the footprint of about 65m<sup>2</sup> for a typical Small House and had taken into account the need for access road and circulation space. In view of the above, the applicant had not provided sufficient justifications to address the rejection reason that land was still available within the "V" zone for Small House development.

162. Members agreed that the applicant had not demonstrated that there was a general shortage of land in meeting the demand for Small House development in the "V" zone of Lam Tsuen San Tsuen, nor provided sufficient justifications for departing from the planning intention of the "AGR" zone.

163. After deliberation, the Board decided to reject the application on review based on the following reasons:

“(a) the proposed development is not in line with the planning intention of

the “Agriculture” (“AGR”) zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention;

- (b) the proposed development does not comply with the Interim Criteria for consideration of application for New Territories Exempted House /Small House in the New Territories in that there is no general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of Lam Tsuen San Tsuen; and
- (c) land is still available within the “V” zone of Lam Tsuen San Tsuen which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

[Mr Stephen H.B. Yau and Ms Janice W.M. Lai left the meeting at this point.]

### **Agenda Items 15 and 16**

[Open meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-TK/570

Proposed House (New Territories Exempted House - Small House) in “Green Belt” and “Village Type Development” zones, Lot 454 S.A in D.D. 28, Tai Mei Tuk Village,

Ting Kok Road, Tai Po

(TPB Paper No. 10105)

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Review of Application No. A/NE-TK/571

Proposed House (New Territories Exempted House - Small House) in “Green Belt” and “Village Type Development” zones, Lot 454 S.B in D.D. 28, Tai Mei Tuk Village, Ting Kok Road, Tai Po  
(TPB Paper No. 10106)

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[The meeting was conducted in Cantonese]

164. Members agreed that application Nos. A/NE-TK/570 and A/NE-TK/571 could be considered together as they were similar in nature and the sites were located in close proximity to one another and within the same “Green Belt” (“GB”) and “Village Type Development Area” (“V”) zones.

#### Presentation and Question Sessions

165. The following representative from the Planning Department (PlanD), the applicant and the applicant’s representatives were invited to the meeting at this point:

Mr C. K. Soh	- District Planning Officer/ Sha Tin, Tai Po and North (DPO/STN), PlanD
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#### *Review Application No. A/NE-TK/570*

Mr Li Chi Yan, Mark	- Applicant
Ms Wong Miu Yuk	- Applicant’s Representative

#### *Review Application No. A/NE-TK/571*

Mr Li Yuen Sing	- Applicant’s Representative
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166. The Chairman extended a welcome and explained the procedure of the review hearing. He then invited DPO/STN to brief Members on the review application.

167. With the aid of a PowerPoint presentation, Mr C.K. Soh, DPO/STN, presented the review applications and covered the following main points as detailed in the Papers:

- (a) On 30.10.2015, the applicants sought planning permission to build a house (New Territories Exempted House (NTEH) - Small House) on each of the sites. On 18.12.2015, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject each of the s.16 applications and the reasons were:
- (i) the proposed development was not in line with the planning intention of the “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 within this zone;
  - (ii) land was still available within the “V” zone of Lung Mei, Tai Mei Tuk and Wong Chuk Tsuen which was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development within “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services;
  - (iii) the proposed development would have adverse impacts on the existing landscape of the area including the Banyan tree near the site;
- (b) on 29.1.2016, the applicants applied for review of the RNTPC’s decisions to reject the applications. The applicants’ justifications were summarised in paragraph 3 of the Papers;
- (c) the sites and the surrounding area – the sites were located on vacant flat land at the northern fringe of Wong Chuk Tsuen and accessible by local track from Ting Kok Road. The surrounding area was mainly rural in character with village houses located to the northwest, south and southeast. Some burial urns were found to the northwest and to



the east of the sites. Area to the further north was mainly covered by mature trees and dense vegetation. An existing mature Banyan tree was located outside the northern boundary of the sites whilst another Banyan tree was felled after a storm in 2015;

- (d) previous and similar applications – the sites were not involved in any previous application. Out of the 68 similar applications, 43 were approved with conditions mainly on the considerations that the proposed Small Houses fell mostly within the village ‘environs’ (‘VE’), there was a general shortage of land to meet the demand for Small House development in the “V” zone and there was no significant adverse impact on the surrounding areas. For one approved similar application (i.e. No. A/NE-TK/204), sympathetic consideration was given as planning permission for Small Houses had previously been granted by the Board in 2000 before the first promulgation of the Interim Criteria for consideration of application for NTEH/Small House in the New Territories (the Interim Criteria) and the related Small House applications had been approved by LandsD in 2001. Another approved similar application (i.e. No. A/NE-TK/432) was the subject of an appeal case (No. 5/2014) allowed by the Town Planning Appeal Board (TPAB) on 22.10.2015 mainly on considerations of the unique characteristics of the appeal site. A total of 25 applications were rejected on one or more of the grounds including not in line with the planning intention of “GB” zone; the applicants failed to demonstrate that the proposed Small House would not cause adverse landscape, sewerage, water quality and/or geotechnical impacts on the surrounding areas; and the footprint of the proposed Small House fell outside both the “V” zone and the ‘VE’;
- (e) departmental comments – comments from the relevant government departments were detailed in paragraph 5 of the Papers and summarised below:

- (i) the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD had reservation on the applications as a mature tree (*Ficus microcarpa*) in fair condition was located along the northern boundary outside the sites. The construction of the Small Houses would likely disturb the roots and tree crown of the mature tree. Since there seemed to be no available space within the sites to shift the Small House footprint away from the tree, adverse impact on the existing landscape resources could not be avoided;
  - (ii) other departments had no objection to or adverse comment on the review applications;
- (f) public comments - two public comments were received for each of the review applications, all objecting on the grounds that the proposed development was not in line with the planning intention of “GB” zone; land was still available within the “V” zone of Tai Mei Tuk; the proposed development would have adverse impacts on the existing landscape including the Banyan tree near the sites; and no impact assessment had been conducted for environment, landscape, traffic, drainage and sewerage;
- (g) PlanD’s views - PlanD did not support the review applications based on the planning considerations and assessments set out in paragraph 7 of the Papers, which were summarised below:
  - (i) the three new Small Houses to the northwest of the sites were approved by the RNTPC in 2006 and 2007 mainly on the grounds of compliance with the Interim Criteria and having no adverse impact on the surrounding areas. The same consideration was not applicable to the subject applications in view of their adverse impact on the existing landscape of the area including the Banyan tree near the sites;

- (ii) whilst the applicants had mentioned a Banyan tree felled after a storm in 2015, it was not the one concerned, which still existed near the sites. The construction of the Small House would likely disturb the roots and tree crown of the Banyan tree and there was no available space within the sites to shift the Small House footprint away from the tree. The applicants had not provided any information on landscape/tree preservation proposal to address the issue; and
- (iii) about 3.13 ha (or equivalent to about 125 Small House sites) of land were still available within the “V” zone for Small House development. Although land available was insufficient to fully meet the total future Small House demand (about 6.88 ha of land or 275 Small House sites), land was still available within the “V” zone to meet 64 outstanding Small House applications.

168. The Chairman then invited the applicant and the applicant’s representatives to elaborate on the review applications.

169. With the aid of a PowerPoint presentation, Mr Li Yuen Sing made the following main points in respect of the application No. A/NE-TK/571:

- (a) the applicant, who was living in England, wished to move back to Hong Kong and build a Small House at his own land. The Site was the only piece of land owned by the applicant for Small House development;
- (b) the applicants of applications No. A/NE-TK/570 and A/NE-TK/571 were indigenous villagers of Lung Mei Village and Tai Mei Tuk Village respectively. The current proposal of building Small Houses on the sites would help resolve the conflicts of the two villages;

- (c) he could not understand why the site, which was a piece of formed land, was zoned “GB” on the OZP. Besides, it was noted that three Small Houses to the north-west of the site had been approved and built; and
- (d) part of the existing Banyan tree located adjacent to the site fell and crushed on a car in July 2015. As the tree might fall again at any time, the Government should check if it was still healthy.

170. Ms Wong Miu Yuk and Mr Li Chi Yan, Mark made the following main points in respect of the application No. A/NE-TK/570:

- (a) the site was the only piece of land available for the applicant to build his Small House. Given that about 70% of the application site fell within “V” zone, relaxing about 30% of the site area within the “GB” zone for Small House development would not have significant impact on the surrounding environment;
- (b) the site was located at the fringe of the village and was surrounded by Small Houses to the south and north-west. Besides, the site could be connected to the public sewerage system;
- (c) the applicant had agreed to build Small House with the applicant of application No. A/NE-TK/571 on the sites, which would help resolve the conflicts between Lung Mei Village and Tai Mei Tuk Village; and
- (d) Small House development at the site would not affect the Banyan tree which was located adjacent to the site. However, the Banyan tree might fall again as the core of the tree trunk was decaying.

171. As the presentation of the applicant and the applicant’s representatives was completed, the Chairman invited questions from Members.

172. Making reference to Plan R-1a of the Papers, a Member asked why some similar applications to the further west of the sites were rejected (e.g. applications No. A/NE-TK/426, 486-493, 524, 555 and 558) while others to the west were firstly rejected but subsequently approved (e.g. applications No. A/NE-TK/327, 328, 344, 392 and 393), and why application No. A/NE-TK/432 was allowed by the TPAB. In response, Mr C.K. Soh, DPO/STN, said that in the cluster of Small House applications to the further west of the sites, some applications (e.g. No. A/NE-TK/140, 192, 259, 260, 261 and 262) were approved in early years mainly due to the reasons that the application sites were located in relatively flat areas and the proposed development would not cause adverse landscape impact. Some applications (e.g. No. A/NE-TK/426, 486-493, 524, 555 and 558) were rejected mainly for reasons of not complying with the Interim Criteria and the Town Planning Board Guidelines No. 10 for 'Application for Development within "GB" Zone' (TPB PG-No.10) in that the proposed development would involve extensive clearance of existing natural vegetation and/or cause adverse landscape, sewerage and/or water quality impacts on the surrounding areas. With respect to those applications which were firstly rejected but subsequently approved (e.g. applications No. A/NE-TK/327, 328, 344, 392 and 393), there were changes in the site conditions and the landscape character of the area such that the original concern of the Board no longer relevant. For application No. A/NE-TK/432, it was allowed by the TPAB mainly on considerations of the unique characteristics of the appeal site which included, inter alia, located on agricultural land not covered by dense vegetation, well separated from the edge of the Pak Sin Leng Country Park, close to adjacent Small House developments and being able to be connected to public sewer. Besides, some applications (e.g. No. A/NE-TK/372, 443, 444, 519 and 520) were also rejected for the reason that the footprint of the proposed Small House fell outside both the "V" zone and the 'VE'. As shown on the aerial photo, it was noted that areas covered by vegetations in the "GB" zone to the north of the sites had diminished due to the development of Small Houses. For the subject applications, the adverse impact on the Banyan tree adjacent to the sites was one of the main rejection reasons.

173. In response to the Chairman's question, Mr Soh said that based on his recent visit to the sites, the health condition of the Banyan tree was average. However, signs of human interference were noted and there was a hammer hanging on the tree.

174. In response to a Member's question, Mr Soh said that the Small Houses to the north-west of the sites had been completed. Noting from the aerial photo that an area to the east of the newly completed Small Houses and to the north of the sites had involved vegetation clearance, another Member asked what the reason was. In response, Mr Soh said that the area in concern had been formed and the vegetations cleared with two containers placed upon. The matter had been referred to the Central Enforcement and Prosecution Section of PlanD to examine if follow-up action was necessary.

175. Mr Li Chi Yan, Mark said that he was not responsible for nor aware of a hammer being hanged on the Banyan tree. Besides, as the sites were a piece of flat land, he considered that they were suitable for Small House development.

176. As there was no further question from Members, the Chairman informed the applicant and the applicant's representatives that the hearing procedure for the review application had been completed. The Board would deliberate on the review application in their absence and inform them of the Board's decision in due course. The Chairman thanked the applicant and applicant's representatives and DPO/STN for attending the meeting. They left the meeting at this point.

[The meeting was adjourned for a 5 minutes break.]

### Deliberation Session

177. A Member asked why application No. A/NE-TK/570 had been rejected despite the fact that about 70% of the application site fell within the "V" zone. In response, Mr K.K. Ling, Director of Planning, said that whether part of the site fell within the "V" zone was only one of the factors in considering the applications. For the subject applications, the number of outstanding Small House applications for Lung Mei/Wong Chuk Tsuen and Tai Mei Tuk was 64 while the 10-year Small House demand forecast was 211. Based on the estimate by PlanD, about 3.13 ha (or equivalent to about 125 Small House sites) of land were available within the "V" zone of the concerned villages for Small House development. As such, land was more than sufficient within the "V" zone to meet the 64 outstanding Small House applications. Besides, the construction of the proposed Small

Houses would likely disturb the roots and tree crown of the Banyan tree and cause adverse impact on the existing landscape resources. In view of the above, the RNTPC decided to reject the applications.

178. Another Member asked whether the applications would still be rejected if there was no tree adjacent to the sites. A Member said that generally speaking, if there was no tree adjacent to the sites, favourable consideration could be given if not less than 50% of the proposed Small House footprint fell within the “V” zone. The possibility of approving the applications would be higher if there was a general shortage of land in meeting the demand for Small House development in the “V” zone and the other criteria in the Interim Criteria could be satisfied. The subject applications were rejected mainly due to the adverse impacts on the Banyan tree and land was still available within the “V” zone for Small House development. It should be noted that approving the Small House developments might lead to a significant change in the amenity of the surrounding areas due to the corresponding site formation works and construction of access road. The Secretary added that according to the minutes of the RNTPC meeting on 18.12.2015, the existing Banyan tree was one of the main concerns and Members noted at that time that the health condition of the tree was average.

179. With a view to preserving the Banyan tree which was outside the application sites, a Member asked if it was possible to approve the application by imposing relevant tree preservation clause in the land lease. In response, Ms Bernadette H.H. Linn, Director of Lands, said that in some land sale sites, the Government might request the developer to take up the tree preservation or maintenance responsibilities for areas outside the sale sites. However, for Small House developments involving small footprints, it might not be practical to impose such a requirement. The Chairman supplemented that such requirement should be proportionate with the scale of the proposed development.

180. In response to a Member’s question, Mr Ling said that the Small Houses to the north-west of the sites were approved in early years, when the Board considered that there was a general shortage of land in meeting the demand for Small House development if the number of outstanding Small House applications plus the 10-year Small House demand forecast was larger than the estimated number of Small Houses that could be developed in

the land available within the “V” zone. However, the RNTPC had adopted a more cautious approach since 2013/14 and more weighting had been put on the number of outstanding Small House applications. For the subject applications, the land available within the “V” zone for Small House development was equivalent to 125 Small House sites, which was much higher than the 64 outstanding Small House applications.

181. A Member said that a more cautious approach was adopted by putting more weighting on the number of outstanding Small House applications since the 10-year Small House demand forecast was in general more uncertain. If land was still available within the “V” zone, proliferation of Small House developments outside the “V” zone should be avoided.

182. A Member said that the subject applications were rejected mainly on the grounds that there was adverse impact on the Banyan tree and land was still available within the “V” zone. The applicants’ argument that approvals had been granted for Small House development in the vicinity of the sites had not addressed the concerns of the RNTPC. Given the landscape characteristics of the surrounding areas had changed significantly with the proliferation of Small House developments outside the “V” zone, the applications should not be approved in order to confine Small House developments within the “V” zone at this stage.

183. The Vice-chairman said that during the discussion of the subject applications in the RNTPC meeting, Members noted that application No. A/NE-TK/432 had been allowed by the TPAB mainly on the considerations of the unique characteristics of the appeal site and that the RNTPC should not be bounded by the decision of the TPAB. For the subject applications, Members of the RNTPC agreed that the adverse impact on the existing Banyan tree should be a specific rejection reason which could distinguish them from the appeal case. Referring to the three rejection reasons of the RNTPC, he considered that there was no change in the planning circumstances of the sites, and the applicants had not provided further justifications to address the concerns of the RNTPC. As such, there was no strong ground to warrant a departure from the RNTPC’s decision.



184. In response to a Member's question, the Chairman said that if the footprint of the Small House fell entirely within the "V" zone and only a very minor portion of the site fell outside the "V" zone, no planning permission from the Board would be required and the applicant could apply for a Small House grant from LandsD direct.

185. Members agreed the applicants had not provided sufficient justifications to address the concerns of the RNTPC and there was no major change in planning circumstance of the sites and their surrounding areas since the rejection of the subject applications. There was thus no strong justification to warrant a departure from the RNTPC's rejection of the applications.

186. After deliberation, the Board decided to reject the applications on review based on the following reasons:

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” zone which is 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 is a general presumption against development within this zone;
- (b) land is still available within the “Village Type Development” (“V”) zone of Lung Mei, Tai Mei Tuk and Wong Chuk Tsuen which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services; and
- (c) the proposed development will have adverse impacts on the existing landscape of the area including the Banyan tree near the site.”

[Mr Dominic K.K. Lam left the meeting at this point.]

**Agenda Items 10 and 11**

[Open meeting (Presentation and Question Sessions only)]

Request for Deferment of Review of Application No. A/YL-NSW/239

Renewal of Planning Permission for Temporary “Container Tractors/Trailers Park” for a Period of 1 Year in “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” zone, Lots 1212 S.A ss.2 and 1212 S.A ss.3(Part) in D.D. 115 and Adjoining Government Land, Chung Yip Road, Nam Sang Wai, Yuen Long (TPB Paper No. 10102)

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Request for Deferment of Review of Application No. A/YL-NSW/240

Renewal of Planning Permission for Temporary “Private Car Park” for a Period of 1 Year in “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” zone, Lot 1212 S.A ss.3 (Part) in D.D. 115, Chung Yip Road, Nam Sang Wai, Yuen Long (TPB Paper No. 10103)

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[The meeting was conducted in Cantonese]

187. Members agreed that applications No. A/YL-NSW/239 and A/YL-NSW/240 could be considered together as they were similar in nature and the sites were located in close proximity to one another and within the same “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” zone.

188. The Secretary reported that the following Members had declared interests in the items:

- |                     |   |  |
|---------------------|---|--|
| Mr Patrick H.T. Lau | - | having current business dealing with Lanbase Surveyors Ltd, which was the applicant’s representative |
| Mr Dominic K.K. Lam | - | had past business dealing with Lanbase Surveyors Ltd.  |

189. Members noted that Mr Dominic K.K. Lam had left the meeting. As Mr Patrick H.T. Lau had no involvement in the application, Members agreed that he should be allowed to stay in the meeting.

190. The Secretary reported that on 23.3.2016, the applicant's representatives wrote to the Secretary of the Town Planning Board (the Board) and requested the Board to defer making a decision on the review application for another two months to allow more time for preparing additional technical information to address the government departments' concerns and public comments. It was the second request from the applicants for deferment of the review application.

191. Members noted that since the first deferment on 27.11.2015, the applicants had submitted further information (FI) on 26.1.2016 to provide justifications in support of the review applications. 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 made under the Town Planning Ordinance (TPB PG-No.33) in that the applicants needed more time to prepare FI in response to departmental comments, the deferment period was not indefinite and the deferment would not affect the interests of other relevant parties.

192. After deliberation, the Board agreed to defer a decision on the review applications as requested by the applicants pending the submission of FI by the applicants. The Board also agreed that the review applications should be submitted to the Board for its consideration within three months upon receipt of the further submission from the applicants. If the FI submitted by the applicants was not substantial and could be processed within a shorter time, the applications could be submitted to an earlier meeting for the Board's consideration. Since that was the second deferment of the review applications, the Board also agreed to advise the applicants that the Board had allowed a total of four months for the preparation of the submission of FI, and no further deferment would be granted unless under very special circumstances.

## **Procedural Matters**

### **Agenda Item 17**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments on the Draft Yi O Outline Zoning Plan No. S/I-YO/1  
(TPB Paper No. 10107)

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[The meeting was conducted in Cantonese.]

193. The Secretary reported that on 13.11.2015, the draft Yi O Outline Zoning Plan (OZP) No. S/I-YO/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 20 representations and 1,402 comments were received.

194. Amongst the 20 representations, one raised both support and objection, two indicated support and nine indicated objection. The remaining eight provided views without indicating support or objection. Of the 1,402 comments, 1,383 comments were mainly in similar standard forms. Since C1402 did not specify which representation its comment was related to and the content was not related to the OZP, it was recommended that the comment should be regarded as invalid.

195. It was recommended that the representations and comments should be considered by the full Board. The hearing could take place in the Board's regular meeting and a separate hearing session would not be necessary. As the representations and comments were interrelated and related to the development and conservation of Yi O area, it was suggested to consider them collectively in one group.

196. In view of the large number of comments received and to ensure efficiency of the hearing, it was recommended to allot a maximum of 10 minutes presentation time to each representer/commenter in the hearing session. Consideration of the valid representations and comments by the full Board was tentatively scheduled on 3.6.2016.

197. After deliberation, the Board agreed that:
- (a) C1402 was considered invalid;
  - (b) the valid representations and comments should be considered by the Board itself; and
  - (c) the Chairman would, in liaison with the Secretary, decide on the need to impose a 10-minute presentation time for each representer and commenter, taking into account the number of representers and commenters who would attend the hearing.

### **Agenda Item 18**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Further Representations on Proposed Amendments to the Draft Po Toi Islands Outline Zoning Plan No. S/I-PTI/1 (TPB Paper No. 10108)

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[The meeting was conducted in Cantonese.]

198. The Secretary reported that on 27.2.2015, the draft Po Toi Islands Outline Zoning Plan (OZP) No. S/I-PTI/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 813 representations and 1,462 comments were received. After consideration of the representations and comments on 5.11.2015, the Board decided to partially uphold some of the representations by reducing the area of the “Residential (Group D)” (“R(D)”) zone. The proposed amendments to the draft OZP to reduce the area of the “R(D)” zone and rezone it to “Coastal Protection Area” (“CPA”) and “Green Belt” (“GB”) were exhibited for public inspection on 22.1.2016. Upon expiry of the three-week exhibition period, a total of 172 further representations (FRs) were received.

### The FRs

199. Majority of the FRs (F1 to F170) supported the proposed amendments but expressed concerns on excluding a mature tree within the “R(D)” zone from the conservation zonings. F171 opposed the proposed amendments as the rezoning would affect the livelihood and Small House development for indigenous villagers. F172 opposed the draft OZP and proposed to rezone his lots from “Conservation Area” (“CA”) to “GB” or “R(D)”. F135 to F153 and F156 to F158 were representers or commenters that had made representations/comments relating to the proposed amendments. F172 was not related to the proposed amendments. It was recommended that the abovementioned 23 FRs should be considered invalid and be treated as not having been made. The remaining 149 FRs, i.e. F1 to F134, F154, F155 and F159 to F171 would be submitted to the Board for consideration. Members agreed.

### Meeting Arrangement

200. As the representations were previously considered by the full Board on 5.11.2015, it was considered more appropriate for the full Board to hear the FRs. The hearing could be accommodated in the Board’s regular meeting and a separate hearing session would not be necessary. The arrangement would not delay the completion of the representation consideration process.

201. As the subject of FRs was related to the proposed amendments regarding the rezoning of the land from “R(D)” to “CPA” and “GB”, it was suggested to consider the FRs collectively in one group. Consideration of the FRs by the full Board under section 6F of the Ordinance was tentatively scheduled for 20.5.2016. The original representers and commenters who had made representations/comments on which the proposed amendments had been made and the further representers F1 to F134, F154, F155 and F159 to F171 would be invited to the hearing.

202. In view of the large number of the original representers/comments and the further representers and to ensure efficiency of the hearing, it was recommended to allot a maximum of 10 minutes presentation time to each original representer/commenter as well

as further representers in the hearing session.

203. After deliberation, the Board agreed that:

- (a) F135 to F153, F156 to F158 and F172 were considered invalid;
- (b) the valid FRs should be considered by the Board itself; and
- (c) the Chairman would, in liaison with the Secretary, decide on the need to impose a 10-minute presentation time for each representer, commenter and further representer, taking into account the number of representers, commenters and further representers who would attend the hearing.

### **Agenda Item 19**

[Open Meeting]

#### **Any Other Business**

[The item was conducted in Cantonese.]

#### **Invitation to a Public Forum Received**

204. The Secretary reported that an email from 守護「加園」聯盟 was received on 14.4.2016 requesting the Secretariat to pass an invitation to Members for attending a public forum on the Kennedy Town & Mount Davis Outline Zoning Plan. After discussion, it was agreed that the invitation from 守護「加園」聯盟 would be distributed to Members for information.

205. The discussion was recorded under confidential cover.

[Post-meeting Note: The email from 守護「加園」聯盟 was forwarded to Members on 19.4.2016.]

206. There being no other business, the meeting was closed at 6:10 p.m.