

**Minutes of 1120th Meeting of the
Town Planning Board held on 2.9.2016**

Present

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

Chairman

Professor S.C. Wong

Vice-chairman

Mr H.W. Cheung

Professor K.C. Chau

Mr Sunny L.K. Ho

Ms Janice W.M. Lai

Mr Patrick H.T. Lau

Ms Christina M. Lee

Mr Stephen H.B. Yau

Dr F.C. Chan

Dr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Mr K.K. Cheung

Dr C.H. Hau

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

Chief Traffic Engineer/New Territories East
Transport Department
Mr K.C. Siu

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 Lincoln L.H. Huang

Dr Wilton W.T. Fok

Mr Ivan C.S. Fu

Mr Dominic K.K. Lam

Mr H.F. Leung

Mr David Y.T. Lui

Mr Wilson Y.W. Fung

Mr Thomas O.S. Ho

Mr T.Y. Ip

In Attendance

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

Chief Town Planner/Town Planning Board
Ms Doris S.Y. Ting

Senior Town Planner/Town Planning Board
Ms W.H. Ho

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1119th Meeting held on 19.8.2016

[The item was conducted in Cantonese.]

1. The minutes of the 1119th meeting held on 19.8.2016 were confirmed without amendments.

Agenda Item 2

[Open Meeting]

Matters Arising

[The item was conducted in Cantonese]

(i) New Town Planning Appeal Received

Town Planning Appeal No. 7 of 2016

Temporary Shop and Services (Environmental Consultancy and Landscaping Services) for a Period of 3 years in “Village Type Development” Zone, Lots 4981 RP (Part), 4892 RP (Part), 4893 (Part) and 4894 in D.D. 116 and Adjoining Government Land, Tai Tong Road, Yuen Long

(Application No. A/YL-TT/357)

2. The Secretary reported that a Notice of Appeal was received by the Appeal Board Panel (Town Planning) on 10.8.2016 against the decision of the Town Planning Board (the Board) on 3.6.2016 to reject on review an application (No. A/YL-TT/357) for a temporary shop and services (Environmental Consultancy and Landscaping Services) for a period of 3 years at a site zoned “Village Type Development” (“V”) on the approved Tai Tong Outline Zoning Plan No. S/YL-TT/16.

3. The application was rejected by the Board for the following reasons:

- (a) the applicant failed to demonstrate that the development would not cause adverse traffic, landscape and drainage impacts on the surrounding area; and

- (b) previous planning permissions granted to the applicant were revoked due to non-compliance of the approval conditions. Approval of the application with repeated non-compliances with approval conditions would set an undesirable precedent for other similar applications, thus nullifying the statutory planning control mechanism.

4. The hearing date of the appeal was yet to be fixed. Members noted the appeal and agreed that the Secretary would act on behalf of the Board in dealing with the appeal in the usual manner.

(ii) Appeal Statistics

5. The Secretary reported that as at 30.8.2016, 14 cases were yet to be heard by Town Planning Appeal Board. Details of the appeal statistics were as follows:

Allowed	:	35
Dismissed	:	145
Abandoned/Withdrawn/Invalid	:	193
Yet to be Heard	:	14
Decision Outstanding	:	1
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Total	:	388

(iii) Approval of Draft Plan

6. The Secretary reported that on 16.8.2016, the Chief Executive in Council approved the draft Wong Nai Chung Outline Zoning Plan (OZP) No. S/H7/18 under section 9(1)(a) of the Town Planning Ordinance. Upon approval, the OZP was renumbered as S/H7/19 and the approval was notified in the Gazette on 26.8.2016.

(iv) Reference Back of Approved Plan

7. The Secretary reported that on 16.8.2016, the Chief Executive in Council referred the approved Kwu Tung South Outline Zoning Plan (OZP) No. S/NE-KTS/14 to the Town Planning Board (the Board) for amendment under section 12(1)(b)(ii) of the Town Planning Ordinance. The reference back of the OZP was notified in the Gazette on 26.8.2016.

Tuen Mun & Yuen Long West District

Agenda Item 3

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/YL-TT/377

Proposed Temporary Public Vehicle Park (Private Cars and Van-type Light Goods Vehicles) for a Period of 3 Years in "Residential (Group D)" and "Village Type Development" zones, Lots 3338, 3339 S.H ss. 1 to ss. 4, 3339 S.H. ss. 5 (Part), 3339 S.H RP (Part), 3339 S.I ss. 1 to ss. 4, 3339 S.I ss. 5 (Part), 3339 S.I ss. 6 to ss. 9, 3339 S.I ss. 10 (Part), 3339 S.I RP (Part), 3339 S.J ss. 1 to ss. 8, 3339 S.J ss. 9 (Part), 3339 S.J RP (Part), 3339 S.K ss. 1 to ss. 2, 3339 S.K ss. 3 (Part), 3339 S.K ss. 4, 3339 S.K ss. 5 (Part), 3339 S.K ss. 6 to ss. 11, 3339 S.K RP (Part), 3339 S.L ss. 3 to ss. 8 and 3339 S.L RP (Part) in D.D. 116, Nga Yiu Tau, Yuen Long, New Territories
(TPB Paper No. 10164)

[The item was conducted in Cantonese.]

Presentation and Question Sessions

8. The following representative from the Planning Department (PlanD), the applicant 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 (DPO/TM&YLV), PlanD
Mr Yuen Hon Wah	-	Applicant
Mr Wong Yuk Tong]	Applicant's representatives
Mr Fung Kwok Cheong]	
Ms Lee Yee Ha]	

9. The Chairman extended a welcome and explained the procedure of the review hearing. He then invited DPO/TM&YLV to brief Members on the review application.

[Miss Winnie W.M. Ng, Ms Janice W.M Lai and Ms Christina M. Lee arrived to join the meeting at this point.]

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

- (a) on 21.3.2016, the applicant sought planning permission to use the application site (the Site) for temporary public vehicle park (private cars and van-type light goods vehicles) for a period of 3 years. The Site fell largely within an area zoned “Residential (Group D)” (“R(D)”) with a minor portion straddling the “Village Type Development” (“V”) zone on the approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/16;
- (b) on 13.5.2016, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) approved the application with conditions on a temporary basis for a period of 3 years until 13.5.2019;
- (c) on 16.6.2016, the applicant applied for a review of the RNTPC’s decision to impose approval condition (a), which stipulated that ‘no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period’. In the review application, the applicant requested that the vehicle park be allowed to operate daily on a 24-hour basis to cater for the needs of the villagers/local residents. The applicant’s justifications in support of the review application were summarised in paragraph 3 of the Paper and would be elaborated by the applicant;
- (d) the Site and its surroundings – the Site, which was formed and partly hard paved, was accessible from Tai Shu Ha Road East to its west via a local track road. The western portion of the Site was currently vacant and fenced off, while the remaining areas were occupied for the applied use granted under the subject application. The surrounding areas comprised mainly rural residential dwellings/structures intermixed with fallow/cultivated agricultural land, vacant land/structures, sites under

construction, workshop and vehicle parks. Residential dwellings of Nga Yiu Tau were located to the east and south of the Site within the “V” zone. There were also some scattered residential structures within the “R(D)” zone. The other vehicle parks and workshop in the vicinity were mostly suspected unauthorized developments subject to enforcement action taken by the Planning Authority;

- (e) departmental comments – the Director of Environmental Protection (DEP) had no objection to the application and advised the applicant to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary uses and Open Storages Sites”. No environmental complaint concerning the Site was received in the past 3 years. The other government departments had no further view/comments on the review application;
- (f) public comments – two public comments on the review application were received from two Yuen Long District Council Members. One commenter indicated no comment on the application, while the other commenter raised objection to the application on traffic and sewerage grounds;
- (g) PlanD’s views – PlanD had no objection to the review application based on the planning considerations and assessments set out in paragraph 7 of the Paper, which were summarised below:
 - (i) approval condition (a) was imposed to restrict operation hours as proposed by the applicant at the time of s.16 application;
 - (ii) the applicant considered that the restriction on operation hours would affect the daily living of the local residents/villagers and proposed that the vehicle park be allowed to operate daily on a 24-hour basis. Relevant government departments consulted including DEP had no adverse comment on the review application. No environmental complaint related to the Site was received in the past 3 years; and

- (iii) given that similar applications for vehicle park use in the vicinity of the Site with no restriction on operation hours had been approved, approval of the subject review application was in line with RNTPC's previous decisions. Should the review application be approved, the applicant would be advised to follow the "Code of Practice on Handling the Environmental Aspects of Temporary uses and Open Storages Sites" to mitigate any potential environmental nuisance generated.

[Dr C.H. Hau arrived to join the meeting at this point.]

11. The Chairman then invited the applicant to elaborate on the review application. Mr Yuen Hon Wah made the following main points:

- (a) there was no major public transport facilities serving the area except a bus route No. 73 to Yuen Long town centre. As the bus stop was located at a distance of about 0.5km from Nga Yiu Tau Tsuen, most of the villagers/local residents relied on private cars as a means of transport. Given that most of the daily commuting trips of the local residents would commence before 7:00 a.m. and some residents might require the usage of private cars beyond 11:00 p.m., restricting the operation hours of the vehicle park would seriously affect the daily living of the residents;
- (b) if restriction on operation hours was imposed to the vehicle park, taxi would need to be used for emergency services outside the operation hours, which would increase traffic flow and cause noise nuisance to the local residents; and
- (c) the vehicle park would only be rented to the villagers/local residents on a monthly basis to cater for their parking needs. The round-the-clock operation of the vehicle park could better serve the need of the local residents, in particular at times of emergency.

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

13. Noted that the operation hours of the vehicle park was proposed by the applicant at the time of s.16 application, the Chairman asked the reasons for the proposed changes. Mr Yuen Hon Wah said that it was mainly due to a communication problem at the s.16 application stage. After reviewing the actual situation, as there was a genuine need for the villagers/local residents to use the vehicle park beyond the original proposed operation hours, he therefore applied for a review of the condition of the application to allow the vehicle park to operate daily on a 24-hour basis.

14. As Members had no further question, the Chairman informed the applicant and his representatives that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application in their absence and inform the applicant of the Board's decision in due course.

15. The Chairman thanked the applicant and his representatives, and PlanD's representative for attending the meeting. They left the meeting at this point.

Deliberation Session

16. A Member observed that the circumstances that there were approved applications for public vehicle parks operating on a 24-hour basis in the vicinity should not be taken as the sole reason supporting the application. The Member added that the approved applications were located at a site near Tai Shu Ha Road East, and the Site could only be accessible from Tai Shu Ha Road East via a local track road with a distance of about 300m and a number of residential dwellings were located along the road. Given that only private cars and van-type light goods vehicles were allowed at the Site and no environmental complaint concerning the Site was received in the past 3 years, the Member agreed with PlanD's recommendation to approve the application. The Chairman noted that each application would be considered by the Board based on its individual merits and planning circumstances.

17. After deliberation, the Board decided to approve the application on review to delete approval condition (a) to allow 24-hour operation at the Site on a daily basis as proposed

by the applicant. The permission should be valid on a temporary basis for a period of 3 years until 13.5.2019 as originally approved by the RNTPC on 13.5.2016. The permission was subject to the following approval conditions:

- “(a) only private cars and van-type light goods vehicles not exceeding 1.9 tonnes permitted gross vehicle weight as defined in the Road Traffic Ordinance and its subsidiary regulations, as proposed by the applicant, are allowed to enter/be parked on the site at all times during the planning approval period;
- (b) a notice should be posted at a prominent location of the site at all times to indicate that only private cars and van-type light goods vehicles not exceeding 1.9 tonnes permitted gross vehicle weight as defined in the Road Traffic Ordinance and its subsidiary regulations are allowed to enter/be parked on the site during the planning approval period;
- (c) no vehicle without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations is allowed to be parked/stored on the site at any time during the planning approval period;
- (d) no vehicle repairing, dismantling, car beauty or other workshop activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (e) no open storage activity, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) the provision of boundary fence on the site, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 13.11.2016;

- (h) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 13.11.2016;
- (i) in relation to (h) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 13.2.2017;
- (j) the submission of a revised drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 13.11.2016;
- (k) in relation to (j) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 13.2.2017;
- (l) in relation to (k) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (l) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (g), (h), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;
and
- (o) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.”

18. The Board also agreed that the applicant should be asked to take note of the advisory clauses as set out at Annex G of the Paper.

Sha Tin, Tai Po & North District

Agenda Item 4

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-TK/577

Proposed House (New Territories Exempted House - Small House) in "Green Belt" zone, Lots No. 593 S.D and 596 S.A in D.D. 28, Tai Mei Tuk Village, Tai Po
(TPB Paper No. 10165)

[The item was conducted in Cantonese.]

Presentation and Question Sessions

19. The following representative from the Planning Department (PlanD) was invited to the meeting at this point:

Mr C.K. Soh - District Planning Officer/Shan Tin, Tai Po and North
(DPO/STN), PlanD

20. The Chairman extended a welcome and explained the procedure of the review hearing. He said that the applicant had indicated not to attend the hearing and then invited DPO/STN to brief Members on the review application.

21. 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 9.3.2016, the applicant sought planning permission to build a New Territories Exempted House (NTEH) (Small House) on the application site (the Site), which fell entirely within "Green Belt" ("GB") zone on the approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/19;

- (b) on 22.4.2016, 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 “GB” zoning for the area 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) the proposed development did not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ (TPB PG-No.10) in that the proposed development would affect the existing natural landscape and adversely affect slope stability in the area;
 - (iii) the proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories (Interim Criteria) in that the proposed development would cause adverse landscape and geotechnical impacts on the surrounding areas; and
 - (iv) land was still available within the “Village Type Development” (“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;

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

- (c) on 3.6.2016, the applicant applied for a review of the RNTPC's decision to reject the application. The applicant had not made any written submission in support of the review application;
- (d) the Site and its surroundings – the Site was covered with grass and weeds and situated partly on a slope (Feature No. 3SE – D/DT7) at the north-eastern fringe of Wong Chuk Tsuen. There was no vehicular access to the Site. The surrounding areas were predominantly rural in character. An organic farm and a dense woodland containing mature trees and undergrowth forming a natural backdrop of the area were located to the east of the Site. There were existing and approved Small Houses in the vicinity of the Site;
- (e) previous application - part of the Site was the subject of a previous application No. A/NE-TK/401 for two proposed NTEHs – Small Houses, which was rejected by the RNTPC on 21.9.2012 mainly for the reasons of not complying with the Interim Criteria in that the proposed development would cause adverse landscape and geotechnical impacts on the surrounding areas; and not complying with the TPB PG-No. 10 in that the proposed development would affect the existing natural landscape and adversely affect slope stability in the area;
- (f) similar applications – a total of 45 applications were approved mainly on consideration of compliance with the Interim Criteria in that the proposed Small Houses fell mostly within the village 'environs' ('VE'), there was a general shortage of land within the "V" zone for Small House development and the proposed developments would have no significant adverse impact on the surrounding areas. A total of 27 applications were rejected by the RNTPC/the Board on review mainly for reasons of being not in line with the planning intention of "GB" zone; not complying with the Interim Criteria and TPB PG-No. 10 in that 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/or land was still available within the “V” zone for Small House development. Five of those were also rejected for the reason that the footprint of the proposed Small House fell outside both the “V” zone and the ‘VE’;

- (g) comments from relevant government departments were detailed in paragraph 4 of the Paper and summarised below:
 - (i) Chief Town Planner/Urban Design and Landscape, PlanD had reservation on the application as the Site was situated on a man-made slope covered with grasses and groundcovers. Two young trees were found along the eastern boundary of the Site. The proposed Small House was in conflict with the existing trees and tree felling was very likely. Site formation would be necessary for construction of Small House. However, the applicant failed to demonstrate whether the adverse landscape impact could be mitigated. The Site was also located adjacent to the edge of the existing dense woodland. Should the application be approved, similar applications would be encouraged and the cumulative effects of those developments would result in further degradation of landscape quality, and inevitably alter the landscape character from woodland to semi-rural with village houses;
 - (ii) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) advised that slope cutting works at the Site and the surrounding government/private land were observed in mid-2013. The Site might be affected by the newly-formed cut slopes and the stability of the slope feature No. 3SE-D/DT7 was still unknown. It was necessary to conduct an investigation to delineate the scale and extent of the slope works and to implement necessary remedial works to ensure that the proposed development would not affect or be affected by the adjacent man-made slopes; and

- (iii) other departments had no objection to/adverse comment on the review application;

- (h) public comments – three public comments were received, all objecting to the application mainly on the grounds of being not in line with the planning intention of “GB” zone; having adverse impacts on the existing natural landscape and the slope stability; land was still available within the “V” zone of Tai Mei Tuk; and no impact assessments had been submitted;

- (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 Site fell entirely within “GB” zone and was situated on a man-made hillsides covered with grasses and weeds at the edge of the existing dense woodland. The proposal would likely involve site formation, slope stabilization and other associated works that necessitate clearance of natural vegetation and tree felling. The cumulative effect of approving such developments would result in degradation of landscape quality, and inevitably alter the landscape character of the surrounding areas;

 - (ii) the Site had encroached onto a slope feature No. 3SE-D/DT7. H(GEO) of CEDD advised that slope filling/cutting works at the Site and the surrounding government/private land were observed in mid-2013 and the stability condition of the slope feature was unknown. It was necessary to conduct an investigation on the stability of the slope and to implement necessary remedial works identified therein. The applicant failed to demonstrate that the proposed development would not adversely affect slope stability in the area;

- (iii) in view of the adverse landscape and geotechnical impacts, the proposed development was considered not complying with the Interim Criteria and TPB PG-No. 10;
- (iv) land (about 3.13 ha or equivalent to about 125 Small House sites) was still available within the “V” zone and capable to meet the 64 outstanding Small House applications. 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; and
- (v) there had been no major change in planning circumstance of the Site and its surrounding areas since the rejection of the subject application. There was no strong planning justification to warrant a departure from RNTPC’s rejection of the application.

22. As the presentation of PlanD’s representative had been completed, the Chairman invited questions from Members.

23. Noting that the site boundary of the subject application was very close to the platform of an adjacent house, a Member asked whether the development of the proposed Small House would affect the future maintenance of the adjacent platform. In response, Mr C.K. Soh, DPO/STN said that sufficient space should be reserved between two Small Houses to facilitate future maintenance and the issue would be considered under the existing mechanism before the construction of the Small House.

24. In response to two Members’ questions on the existing and proposed Small Houses near the Site, Mr Soh, with the aid of Plan R-2a, said that the existing Small Houses to the north of the “V” zone and to the west of the Site were the subject of an application which was approved by the Board in 2006 and the Small Houses fell mostly within the ‘VE’. The four sites to the immediate north of the Site were the subject of Small House grant being processed by Lands Department. Among them, two proposed Small Houses to the west had obtained planning permission from the Board in 2012 and 2016, while the site to the east and partly overlapped with the Site under the current application was the subject of a previous

application which was rejected by the Board in 2012 for similar reasons as the current application, including adverse landscape and geotechnical impacts on the surrounding areas.

25. As Members had no further question, the Chairman said that the Board would deliberate on the review application in the absence of the government representative and would inform the applicant of the Board's decision in due course. The Chairman thanked DPO/STN for attending the meeting. DPO/STN left the meeting at this point.

Deliberation Session

26. A Member said that as the Site was situated on a slope and the proposed development would affect the existing natural landscape and adversely affect slope stability in the area, PlanD's recommendation to reject the application was agreeable. Another Member concurred that the application should be rejected particularly due to the concern of slope stability.

27. Members generally agreed with the RNTPC's decision that the proposed development was not in line with the planning intention of the "GB" zone, the proposed development did not comply with the Interim Criteria and TPB PG-No.10 in that adverse landscape and geotechnical impacts would be caused. Besides, as land was still available within the "V" zone, it was 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. Moreover, as the applicant had not submitted any written submission to support the review application and there was no change in planning circumstances since the rejection of the application, there was no strong justification to warrant a departure from the RNTPC's previous decision.

28. 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 “Green Belt” zoning for the area 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) the proposed development does not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “Green Belt” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would affect the existing natural landscape and adversely affect slope stability in the area;
- (c) the proposed development does 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 and geotechnical impacts on the surrounding areas; and
- (d) 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.”

[Mr Franklin Yu arrived to join the meeting at this point.]

Agenda Item 5

[Open meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-KLH/501

Proposed House (New Territories Exempted House - Small House) in "Agriculture" zone, Lot 1065 S.A in D.D. 7 & Adjoining Government Land, Wai Tau, Tai Po, New Territories (TPB Paper No. 10166)

[The item was conducted in Cantonese.]

Presentation and Question Sessions

29. The following representative from the Planning Department (PlanD) was invited to the meeting at this point:

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

30. The Chairman extended a welcome and explained the procedure of the review hearing. He said that the applicant had indicated not to attend the hearing and then invited DPO/STN to brief Members on the review application.

31. 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 4.1.2016, the applicant sought planning permission to build a New Territories Exempted House (NTEH) (Small House) on the application site (the Site), which fell entirely within “Agriculture” (“AGR”) zone on the approved Kau Lung Hang Outline Zoning Plan (OZP) No. S/NE-KLH/11;
- (b) on 13.5.2016, 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 did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (Interim Criteria) in that the proposed development would cause adverse landscape impact on the surrounding areas; and
 - (ii) land was still available within the “Village Type Development” (“V”) zone of Wai Tau Tsuen which was primarily intended for Small House development. It was considered more appropriate to

concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services;

- (c) on 15.6.2016, the applicant applied for a review of the RNTPC’s decision to reject the application. The applicant had not submitted any written representation in support of the review application;
- (d) the Site and its surroundings – the Site was vacant, mostly hard paved and fenced off. It was situated to the southern fringe of Wai Tau Tsuen, abutting a local track leading to Tai Wo Service Road West to the east and within the upper indirect water gathering ground. The surrounding areas were predominantly rural in character occupied by village houses, temporary domestic structures and tree groups. Wai Tau Tsuen village proper was located on the other side of the local track to the north and a woodland was situated to the immediate west adjoining the Site;
- (e) previous application - the Site was the subject of a previous application (No. A/NE-KLH/453) submitted by the same applicant for same development which was rejected on 19.7.2013 mainly on grounds of not complying with the Interim Criteria in that the proposed development would involve tree felling and cause adverse landscape impact on the surrounding area; and the applicant failed to demonstrate that the proposed development would not have adverse impact on the existing landscape resources within the application site as well as the woodland in the vicinity. Compared with the previous application, the footprint of the proposed Small House was the same whilst there was a minor increase in site area by 2.48m² (about 2.66%);

[Dr Frankie W.C. Yeung arrived to join the meeting at this point.]

- (f) similar applications – four applications within the same “AGR” zone in the vicinity of the Site and in the “AGR” zone to the north of Wai Tau Tsuen were approved mainly on the considerations that more than 50% of

the footprints of the proposed Small Houses fell within the village 'environs' ('VE'), there was a general shortage of land in the "V" zone for Small House development at that time and being able to be connected to the planned sewerage system in the area. Planning application (No. A/NE-KLH/381) for eight Small Houses to the south of the Site was approved with conditions on 22.5.2009 but the planning permission lapsed on 22.5.2013. Three applications were rejected by the RNTPC/the Board on review mainly for reasons of being not in line with the planning intention of the "AGR" zone; not in compliance with the Interim Criteria in that the application sites were mostly outside either the 'VE' and the "V" zone; being unable to be connected to the existing or planned public sewerage system in the area; and/or failure to address the water quality, traffic and landscape aspects;

- (g) comments from the relevant government departments were detailed in paragraph 4 of the Paper and summarised below:
 - (i) Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD had reservation on the application. A large tree stump was found on the Site, which was a mature tree (*Litchi chinensis*) in good condition according to a site inspection undertaken regarding the previous application No. A/NE-KLH/453 in 2013. It was reported that the tree was dead and removed by the Lands Department in 2014 upon a referral by the 1823 Call Centre. Half of the Site was now hard paved and the rest was covered with groundcovers. An existing tree (*Celtis sinensis*) in fair condition was found near the northwest corner of the Site. It was very likely that the construction of the Small House would unavoidably affect the roots of the tree and significant adverse impact on the landscape resources was anticipated. However, no mitigation measure was proposed in the application. As the proposed application boundary was less than 1m away from the woodland edge, the proposed development would disturb the adjacent woodland. Approval of the application would encourage more village house developments

within the “AGR” zone, resulting in further extension of village development beyond the existing “V” zone boundary and irreversibly altering the landscape character of the “AGR” zone;

- (ii) the Director of Agriculture, Fisheries & Conservation (DAFC) had no strong view against the application as the Site had low potential for rehabilitation of agricultural activities. Nevertheless, should the application be approved, the applicant should be advised to avoid impact to the woodland to the west of the Site; and
 - (iii) other government departments had no objection to/adverse comment on the review application;
- (h) public comments – three public comments were received. Tai Po Rural Committee supported the application. Two individuals objected to the application mainly for reasons of having adverse impact on the landscape, adjoining Fung Shui Woodland, sewage, public road access and road safety of the area; and land was still available within the “V” zone of Wai Tau Tsuen;
- (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 Site was vacant and adjoining a woodland to the west and there was a mature tree (*Celtis sinensis*) in fair condition near the northwest corner of the Site. CTP/UD&L, PlanD had reservation on the application as it was very likely that the construction of the Small House would unavoidably disturb the adjacent woodland and affect the roots of the mature tree nearby. Significant adverse impact on the landscape resources was anticipated. DAFC also had concern on the impact of the proposed Small House on the adjacent woodland;

- (ii) land (about 3.26 ha or equivalent to about 130 Small House sites) was still available within the “V” zone which was sufficient to meet the 30 outstanding Small House applications. It was considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructures and services; and
- (iii) as there had been no major change in planning circumstances of the Site and its surrounding areas since the rejection of the subject application, there was no strong justification to warrant a departure from the RNTPC’s rejection of the application.

32. As the presentation of PlanD’s representative had been completed, the Chairman invited questions from Members.

33. As Members had no question, the Chairman said that the Board would deliberate on the review application in the absence of the government representative and would inform the applicant of the Board’s decision in due course. The Chairman thanked DPO/STN for attending the meeting. DPO/STN left the meeting at this point.

[Dr Lawrence W.C. Poon arrived to join the meeting at this point.]

Deliberation Session

34. A Member supported PlanD’s recommendation to reject the review application given that the applicant had not submitted any new information to support the review application and the rejection reasons as recommended were considered reasonable and adequate.

35. Noted that a mature tree within the Site was dead after the rejection of the previous application No. A/NE-KLH/453, and the current application was recommended to be rejected based on the considerations that the proposed development would cause adverse landscape impact on the existing trees and adjacent woodland and that there was no change in

planning circumstances of the Site and its surrounding since the rejection of the application, a Member was worried that such rejection grounds might encourage the applicant to adopt a ‘destroy first, build later’ approach which might result in further loss of vegetation thus leading to a major change in the planning circumstances.

36. The Chairman noted that in considering a review application, the Board would consider whether there were major changes in planning circumstances of the Site and its surrounding areas since the rejection of the s.16 application, and different planning considerations might be adopted by the Board should there be major changes. In principle, the Board could decide not to favourably consider a review application if malicious destruction of the existing vegetation within the Site and its surrounding was substantiated. However, each case would have to be assessed based on its specific facts and circumstances. The Vice-chairman added that given that there had been no major change in planning circumstances of the Site and its surrounding areas since the rejection of the subject application, the two rejection reasons for the subject application at the s.16 stage were still applicable to the review application.

37. Members generally agreed that the proposed development would cause adverse landscape impact on the surrounding areas and land was still available within the “V” zone of Wai Tau Tsuen for Small House development. The applicant had not submitted any written submission to support the review application and there was no strong justification to warrant a departure from the RNTPC’s rejection of the application.

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

- “(a) the proposed development does not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that the proposed development would cause adverse landscape impact on the surrounding areas; and
- (b) land is still available within the “Village Type Development” (“V”) zone of Wai Tau Tsuen which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House

development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

Procedural Matters

Agenda Item 6

[Open Meeting]

Submission of the Draft Central District Outline Zoning Plan No. S/H4/15A under Section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval (TPB Paper No. 10167)

[The item was conducted in Cantonese.]

39. The Secretary reported that the proposed amendments to the Draft Central District Outline Zoning Plan (OZP) were mainly related to the rezoning of the Murray Road Multi-storey Car Park (MRMCP) site and the Queensway Plaza (QP) site for commercial use. The Transport Department appointed MVA Hong Kong Limited (MVA) to conduct a Traffic Impact Assessment for the proposed development at MRMCP. The Planning Department (PlanD) appointed Ove Arup & Partners Hong Kong Limited (ARUP) to undertake the Planning and Design Study on the Redevelopment of Queensway Plaza, Admiralty – Feasibility Study. The QP was operated by the Wheelock Properties (HK) Limited (Wheelock). Pacific Place Holdings Ltd. (R4) was a subsidiary of Swire Properties Limited (Swire). MasterPlan Limited (MasterPlan) was the consultant of a representer (R3). The following Members had declared interests in the item for having business dealings or affiliation with Wheelock, MVA, ARUP, MasterPlan, Swire or representers or having office in Admiralty:

Mr Ivan C.S. Fu - having current business dealings with Wheelock, MVA, ARUP and MasterPlan

Mr Patrick H.T. Lau - having current business dealings with Wheelock, MVA and ARUP, and past business dealings with Swire

- Mr Alex T.H. Lai - involving in a legal case with Wheelock and his firm having current business dealings with ARUP and representer R9, past business dealings with representer R10, having acted in matters involving the names of representer R4 and representatives of representer R3
- Mr Stephen L.H. Liu - having current business dealings with Wheelock and Swire
- Mr Franklin Yu - having past business dealings with ARUP and being a member of Hong Kong Institute of Urban Design (R68)
- Mr Thomas O.S. Ho - having current business dealings with MVA, Wheelock and Swire
- Mr Dominic K.K. Lam - having past business dealings with ARUP and MVA
- Professor S.C. Wong
(Vice-chairman) - being an engineering consultant of ARUP and the Chair Professor and Head of Department of Civil Engineering of the University of Hong Kong where ARUP had sponsored some activities of the Department before
- Dr C.H. Hau - being the vice-chairman of The Conservancy Association which received donation from Wheelock before
- Ms Janice W.M. Lai - her firm was a tenant of the properties of Swire

- Mr K.K. Cheung - his firm having current business dealings with ARUP, Wheelock and representer R9, past business dealings with representer R10, and having acted in matters involving the names of representer R4 and representatives of representer R3; and his office locating in a building in the vicinity of QP
- Mr H.F. Leung - his office locating in a building in the vicinity of QP
- Mr K.K. Ling (Director of Planning) - being honorary advisor of Hong Kong Institute of Urban Design (R68)

40. As the item was procedural in nature and no discussion was required, the Meeting agreed that the above Members should be allowed to stay in the meeting. The Meeting also noted that Mr Ivan C.S. Fu, Mr Thomas O.S. Ho, Mr Dominic K.K. Lam and Mr H.F. Leung had tendered apologies for not being able to attend the meeting.

41. The Secretary reported that the draft Central District OZP No. S/H4/15 was exhibited for public inspection under section 5 of the Town Planning Ordinance on 11.12.2015. A total of 72 representations and 14 comments were received. After giving consideration to the representations and comments on 17.6.2016, the Town Planning Board (the Board) decided not to uphold the representations and that no amendment should be made to the draft OZP to meet the representations. Since the representation consideration process had been completed, the draft OZP was now ready for submission to the Chief Executive in Council (CE in C) for approval.

42. After deliberation, the Board agreed:

- (a) that the draft Central District OZP No. S/H4/15A and its Notes were suitable for submission under section 8 of the Ordinance to the CE in C for approval;

- (b) to endorse the updated Explanatory Statement (ES) for the draft Central District OZP No. S/H4/15A as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board; and
- (c) that the updated ES was suitable for submission to the CE in C together with the draft OZP.

Agenda Item 7

[Open Meeting]

Any Other Business

[The item was conducted in Cantonese.]

43. There being no other business, the meeting was closed at 9:45 a.m.