

**Minutes of 1188<sup>th</sup> Meeting of the  
Town Planning Board held on 9.11.2018**

**Present**

Permanent Secretary for Development  
(Planning and Lands)  
Ms Bernadette H.H. Linn

Chairperson

Professor S.C. Wong

Vice-Chairperson

Mr H.W. Cheung

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Mr Stephen H.B. Yau

Mr David Y.T. Lui

Dr 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

Dr Lawrence K.C. Li

Mr Stephen L.H. Liu

Professor T.S. Liu

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr Stanley T.S. Choi

Mr L.T. Kwok

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Mr K.W. Leung

Professor John C.Y. Ng

Dr Jeanne C.Y. Ng

Professor Jonathan W.C. Wong

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

Deputy Director of Environmental Protection (1)  
Environmental Protection Department  
Mr Elvis W.K. Au

Director of Lands  
Mr Thomas C.C. Chan

Chief Traffic Engineer/New Territories West  
Transport Department  
Mr Patrick K.H. Ho

Director of Planning  
Mr Raymond K.W. Lee

Deputy Director of Planning/District  
Ms Jacinta K.C. Woo

Secretary

**Absent with Apologies**

Mr Lincoln L.H. Huang

Dr. F.C. Chan

Dr C.H. Hau

Mr Thomas O.S. Ho

Mr Alex T.H. Lai

Miss Winnie W.M. Ng

Mr Ricky W.Y. Yu

**In Attendance**

Assistant Director of Planning/Board

Miss Fiona S.Y. Lung

Chief Town Planner/Town Planning Board

Mr Kepler S.Y. Yuen

Senior Town Planner/Town Planning Board

Ms Christine C.M. Cheung

**Agenda Item 1A**

[Open Meeting]

**Confirmation of Minutes of the 1187<sup>th</sup> Meeting held on 26.10.2018**

[The item was conducted in Cantonese.]

1. The draft minutes of the 1187<sup>th</sup> Meeting were sent to Members on 9.11.2018 and tabled at the meeting. Subject to no proposed amendment by Members on or before 12.11.2018, the minutes would be confirmed without amendment.

[Post-meeting Note : The minutes were confirmed on 12.11.2018 without amendments.]

**Agenda Item 1B**

[Open Meeting]

**Confirmation of Minutes of the 1181<sup>st</sup> Meeting held on 26.10.2018**

[The item was conducted in Cantonese.]

2. The draft minutes of the 1181<sup>st</sup> Meeting were sent to Members on 9.11.2018 and tabled at the meeting. Subject to no proposed amendment by Members on or before 12.11.2018, the minutes would be confirmed without amendment.

[Post-meeting Note : The minutes were confirmed on 12.11.2018 without amendments.]

**Agenda Item 2**

[Open Meeting]

**Matters Arising**

**Approval of the Draft Outline Zoning Plan**

[The item was conducted in Cantonese.]

3. The Secretary reported that on 30.10.2018, the Chief Executive in Council approved the draft Kwun Tong (South) Outline Zoning Plan (OZP) (renumbered as

S/K14S/22) under section 9(1)(a) of the Town Planning Ordinance. The approval of the draft OZP was notified in the Gazette on 9.11.2018.

**Fanling, Sheung Shui & Yuen Long East District**

**Agenda Item 3**

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/YL-KTS/781

Temporary Open Storage of Construction Materials and Machineries for a Period of 3 Years in “Agriculture” Zone, Lot 1595 (Part) in D.D. 113, Ma On Kong, Kam Tin, Yuen Long (TPB Paper No. 10488)

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[The item was conducted in Cantonese.]

**Presentation and Question Sessions**

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

Mr Tom C.K. Yip - District Planning Officer/ Fanling, Sheung Shui & Yuen Long East (DPO/FS&YLE), PlanD

Mr H.W. Fan - Applicant’s Representative

5. The Chairperson extended a welcome and explained the procedure of the review hearing. She then invited DPO/FS&YLE to brief Members on the review application.

6. With the aid of a PowerPoint presentation, Mr Tom C.K. Yip, DPO/ FS&YLE, briefed Members on the background of the review application including the consideration of the application by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board), departmental and public comments, and planning

considerations and assessments as detailed in the TPB Paper No. 10488 (the Paper).

[Ms Sandy H.Y. Wong, Mr Stephen L.H. Liu and Professor John C.Y. Ng arrived to join the meeting during the presentation of DPO/FS&YLE.]

7. The Chairperson then invited the applicant's representative to elaborate on the review application. Mr H.W. Fan made the following main points:

- (a) the application site (the Site) had never been used for agricultural purpose. It had no potential for agricultural rehabilitation and there was no agricultural activity in the vicinity. Since the completion of Ho Pui Reservoir and Tai Lam Chung Reservoir, the water resource of the area had been cut off and redirected to the reservoir and no water supply could be found in the vicinity to support agricultural activity. It was not practical to use the Site for greenhouse cultivation or plant nursery as advised by the Agriculture, Fisheries and Conservation Department (AFCD), as it might take a long time to seek permissions from relevant government departments;
- (b) the Site was located in the fringe area of Ma On Kong Village and Ho Pui Village, hence no environmental nuisance to the villagers would be caused by the applied use. The residential structures and dwellings found in the vicinity of the Site were mostly unauthorised building structures;
- (c) there were two ingress/egress points located next to the Tai Lam Tunnel where he suspected that large-scale residential development might be under planning;
- (d) the applied use would not affect the "Conservation Area" ("CA") zone as the "CA" zone was located at some distance from the Site. There was a piece of unused land with graves separating the Site and the vegetated area;
- (e) the applied use was supported by the local residents including village

representatives and the Rural Committee. The objecting comments were mainly from green groups/organizations, but not from the local residents, as they did not understand the situation and condition of the Site;

- (f) regarding the concern on setting an undesirable precedent, the Board would consider each application on individual merits; and
- (g) the applicant applied to use his own land for temporary open storage of construction materials and machineries for his own company. It was difficult and expensive to find a sizeable piece of land for such use in Hong Kong. The applicant might need to close his business if the application was rejected.

[Mr Franklin Yu arrived to join the meeting during the applicant's presentation.]

8. As the presentation from DPO/FS&YLE and the applicant's representative had been completed, the Chairperson invited questions from Members.

9. The Chairperson and some Members raised the following questions:

- (a) the location and condition of the streamcourse as mentioned by AFCD;
- (b) whether the access road leading from Kam Ho Road to the Site was managed and maintained by any government departments;
- (c) the current use of the open storage/storage yards in the vicinity of the Site;
- (d) whether there were any similar planning applications for the open storage/storage yards in the area and the current condition of those sites;
- (e) whether a farm in the vicinity of the Site was actively in use, and the distance of the Site from the nearest residential structure;

- (f) the sources of water for irrigation in the area;
- (g) whether the area was planned for any large-scale residential development as mentioned by the applicant;
- (h) the size and type of construction materials and machineries to be stored in the Site and how these materials and machineries were transported to the Site;
- (i) whether the applicant had attempted to rehabilitate the Site for agricultural use; and
- (j) the relationship between the applicant and the operator of the Site.

10. Mr Tom C.K. Yip, DPO/FS&YLE, made the following responses:

- (a) the streamcourse was located to the west of the Site flowing downhill from the south. The width of the streamcourse was about 2m to 3m;
- (b) the Site was connected to the public road network via a section of a local access road which was not managed and maintained by any government departments;
- (c) most of the open storage/storage yards in the vicinity of the Site were suspected unauthorised developments subject to enforcement action by the Planning Authority. Some of them had ceased operation in response to the planning enforcement action. The Site was currently subject to enforcement action involving storage use. Enforcement Notice had been issued to the responsible person under the Town Planning Ordinance (the Ordinance). According to PlanD's records, the Site was the only open storage that was still in operation;
- (d) the farm in the vicinity of the Site was in use for cultivation, and the nearest residential dwelling was about 40m away from the Site;



- (e) there could be a number of irrigation sources for agricultural use including connections to wells, natural streams and the adjacent Ho Pui Reservoir. Ho Pui Reservoir, which was built in 1961 for mainly irrigation purpose, supplied irrigation water to farmlands around Ho Pui;
- (f) there was no known project for large-scale residential development in the area; and
- (g) as shown in Plan R-1, there were three similar applications (No. A/YL-KTS/529, 710 and 732) within the same “AGR” zone. They were rejected by RNTPC on 15.4.2011 and 30.9.2016 (applications No. A/YL-KTS/529 and 710 respectively) and by the Board upon review on 15.12.2017 (application No. A/YL-KTS/732) on similar grounds as the subject application. It was noticed that the sites of applications No. A/YL-KTS/529 and 710 were occupied by some structures. For the site of application No. A/YL-KTS/732, the owner had proven that the open storage use was an existing use and therefore the use was tolerated under the Ordinance.

11. Mr H.W. Fan, the applicant’s representative, made the following responses:

- (a) the Site would be used for open storage of mobile cranes, excavators and reinforcing steel, which would not be too large in size and could be easily transported to the Site. There was currently a vehicular access leading from Kam Ho Road through the “Village Type Development” (“V”) zone of Ma On Kong Village to the Site;
- (b) the applicant had no intention to rehabilitate the Site for agricultural use; and
- (c) the applicant was the lot owner of the Site and the current operator was the applicant’s son.

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

### Deliberation Session

13. Members generally considered that no strong justification had been put up by the applicant, and that there was no major change in the planning circumstances since the rejection of the application by RNTPC on 18.5.2018.

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

- “(a) the development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is to retain and safeguard good quality agricultural land for agricultural purposes. This zone is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. 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 Guideline No. 13E in that no previous approval has been granted at the application site and there are adverse departmental comments on the application;
- (c) the applicant fails to demonstrate that the development would not generate environmental nuisance and adverse landscape impacts on the surrounding area; and
- (d) the approval of the application, even on a temporary basis, would set an

undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.”

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

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

#### **Agenda Item 4**

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-LT/626

Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Government Land in D.D. 19, Chuen Shui Tseng Village, Lam Tsuen, Tai Po (TPB Paper No. 10489)

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[The item was conducted in Cantonese.]

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

15. The following representative of the Planning Department (PlanD) and the applicant were invited to the meeting at this point:

Ms Jessica H.F. Chu - District Planning Officer/ Sha Tin, Tai Po & North (DPO/STN), PlanD

Mr Y.H. Chung - Applicant

16. The Chairperson extended a welcome and explained the procedure of the review hearing. She then invited DPO/STN to brief Members on the review application.

17. With the aid of a PowerPoint presentation, Ms Jessica H.F. Chu, DPO/STN, briefed Members on the background of the review application including the consideration

of the application by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board), departmental and public comments, and planning considerations and assessments as detailed in the TPB Paper No. 10489 (the Paper).

[Mr David Y.T. Lui arrived to join the meeting during the presentation of DPO/STN.]

18. The Chairperson then invited the applicant to elaborate on the review application. Mr Y.H. Chung made the following main points:

- (a) the history of Chuen Shui Tseng Village could be traced back to early 18th century. The Chung's villagers moved there from Chai Kek, but moved out in early 20th century due to Fung Shui reason. Subsequently, the land was resumed by the Government and zoned "Agriculture" ("AGR"). He doubted why the only ancestral house of Chuen Shui Tseng Village was not included in the "Village Type Development" ("V") zone;
- (b) the application site (the Site) was mainly occupied by weeds and shrubs with no active agricultural activities during the site inspections in December 2017, May 2018 and August 2018, but strange enough, part of it was currently under active cultivation. Noting the site history, the rejection reason of retaining fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes could not be established;
- (c) there were 12 Small Houses within the "V" zone of Chuen Shui Tseng, which belonged to villagers of other recognised villages within Pak Tin Kong. He had reservation on the latest 10-year Small House demand forecast provided by the Indigenous Inhabitant Representative (IIR) of Lung A Pai. The village matters of Chuen Shui Tseng were mainly dealt with by the village representative of Chai Kek as the Chung's villagers were moved out from there. The Small House demand might have been underestimated and the land within the "V" zone of the concerned villages could not meet the demand for Small House

development; and

- (d) relevant government departments, except Agriculture, Fisheries & Conservation Department (AFCD) and PlanD, had no objection to the application. As the application involved development of a Small House only, impact on the surrounding environment was considered acceptable.

19. As the presentation from DPO/STN and the applicant had been completed, the Chairperson invited questions from Members.

20. The Chairperson and some Members raised the following questions regarding the designation of the “V” zone of Chuen Shui Tseng:

- (a) the reasons for not including the ancestral house within the “V” zone of Chuen Shui Tseng; and
- (b) the factors that were taken into consideration in designating the “V” zone and whether there was any consultation process.

21. Ms Jessica H.F. Chu, DPO/STN, made the following responses:

- (a) as shown in an aerial photo taken on 31.8.1990, the designation of the “V” of Chuen Shui Tseng had covered the major village cluster at that time. The ancestral house had been in existence immediately before the first publication in the Gazette of the notice of the interim development permission area plan in 1990. As such, though the ancestral house was outside the “V” zone, it could be regarded as an existing use under the Town Planning Ordinance; and
- (b) the boundaries of the “V” zone had been drawn up around the existing village clusters taking into account a number of factors including the existing settlement pattern and site characteristics, etc. All new plans or amendments to plans would be published in the Gazette and the

statutory consultation process would be followed.

22. The Chairperson and some Members raised the following questions regarding the land available within the “V” zone of Chuen Shui Tseng:

- (a) why the applicant said that there were 12 Small Houses belonged to Pak Tin Kong villagers within the “V” zone of Chuen Shui Tseng, noting that Pak Tin Kong was not a recognised village;
- (b) whether the applicant had applied to use the government land available within the “V” zone for the proposed Small House development;
- (c) whether there was land available within the “V” zone to meet the demand of the villagers of Chuen Shui Tseng;
- (d) whether the indigenous villagers of Chuen Shui Tseng could raise objection to the cross-village Small House applications in the “V” zone; and
- (e) the land status of the land available within the “V” zone.

23. Mr Y.H. Chung, the applicant, made the following responses:

- (a) Pak Tin Kong was a place name. Those 12 Small Houses did not belong to the indigenous villagers of Chuen Shui Tseng; and
- (b) he had not applied to use the available government land within the “V” zone for the Small House development.

24. Ms Jessica H.F. Chu, DPO/STN, made the following responses to other questions:

- (a) based on the latest estimate by PlanD, about 0.84 ha (or equivalent to about 33 Small House sites) of land was available within the

concerned “V” zone, which was capable to meet the 11 outstanding Small House applications. Also, it was estimated that the land available in areas falling within both the “V” zone and the village ‘environs’ (‘VE’) of Chuen Shui Tseng could accommodate about 20 Small Houses. According to the record of the Lands Department, only three of the outstanding Small House applications were submitted by indigenous villagers of Chuen Shui Tseng;

- (b) under the prevailing application procedures of the New Territories Small House Policy, persons who raised objections to “cross-village” applications should be the indigenous villagers of the village where the Small House was proposed to be located. Therefore, the indigenous villagers of Chuen Shui Tseng could raise objection against the “cross-village” Small House application in the concerned “V” zone; and
- (c) about 19% of the land available within the “V” zone was government land and 81% was private land.

25. In response to a Member’s enquiry on the relationship among Lung A Pai, Chuen Shui Tseng and Chai Kek, Mr Y.H. Chung, the applicant, indicated that, the village matters of Chuen Shui Tseng were mainly dealt with by the village representative of Chai Kek as the Chung’s villagers were branched off from Chai Kek to Chuen Shui Tseng. Regarding Lung A Pai, as shown in the Existing Village Map for Village Representative Election published by the Home Affairs Department (HAD), Chuen Shui Tseng fell within the area of existing village of Lung A Pai delineated for election of Resident Representative.

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

Deliberation Session

27. Members in general agreed that there was land available within the “V” zone to meet the outstanding Small House demand and the approval of the application would set an undesirable precedent for other similar applications in the “AGR” zone.

28. In response to a Member’s concern on the absence of Indigenous Inhabitant Representative of Chuen Shui Tseng, the Chairperson expressed that the issue could be relayed to HAD which was responsible for the coordination of village matters for consideration. A Member was of the view that the designation of “V” zone should have taken into account the need of Chuen Shui Tseng. As shown in the aerial photo taken in 1990, the “V” zone had covered the major village cluster falling within the ‘VE’ of Chuen Shui Tseng at that time.

29. 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 “Agricultural” (“AGR”) zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended 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; and
- (b) land is still available within the “Village Type Development” (“V”) zone of Chuen Shui Tseng 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.”

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



**Agenda Item 5**

[Open Meeting]

Request for Deferment of Review of Application No. A/NE-FTA/184

Proposed Temporary Public Vehicle Park for a Period of 3 Years in “Agriculture” Zone, Lots 558 RP (Part), 559 RP (Part), 561 RP (Part), 562 S.F (Part), 563 (Part) and 564 S.B (Part) in D.D. 89, Sha Ling, Sheung Shui (TPB Paper No. 10490)

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[The item was conducted in Cantonese.]

30. The Board noted that the applicant requested on 18.10.2018 deferment of the consideration of the review application for one month so as to allow sufficient time for preparation of further information (FI) to address the comments from relevant departments. This was the first request for deferment of the review application.

31. After deliberation, the Board agreed to defer a decision on the review application, as requested by the applicant, pending the submission of FI by the applicant. The Board also agreed that the review application would be submitted to the Board for consideration within three months upon receipt of further submission from the applicant. If the FI submitted by the applicant was not substantial and could be processed within a shorter time, the review application could be submitted to an earlier meeting for the Board’s consideration. The Board also agreed to advise the applicant that the Board had allowed one month for preparation of submission of FI, and no further deferment would be granted unless under very special circumstances.

**Agenda Item 6**

[Closed Meeting]

32. The item was recorded under confidential cover.

[Dr Lawrence K.C. Li, Mr Elvis W.K. Au and Mr K.K. Cheung left the meeting during Agenda Item 6. Dr Lawrence W.C. Poon and Mr Stephen H.B. Yau left the meeting after Agenda Item 6.]

**Agenda Item 7**

[Open meeting]

Proposed Revisions to the Town Planning Board Guidelines No. 29A on Submission and Publication of Representations, Comments on Representations and Further Representations (TPB Paper No. 10486)

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[The item was conducted in Cantonese.]

33. The following representatives of the Planning Department (PlanD) were invited to the meeting at this point:

Mr Kevin C.P. Ng	-	Chief Town Planner /Town Planning Board (CTP/TPB)
Mr L.K. Wong	-	Senior Town Planner/Town Planning Board

34. The Chairperson extended a welcome and invited the representatives of PlanD to brief Members on the proposed amendments to the Town Planning Board Guidelines No. 29A (TPB PG-No. 29A).

35. With the aid of a PowerPoint presentation, Mr Kevin C.P. Ng, CTP/TPB, briefed Members on the background of review and proposed amendments to TPB PG-No.29A, consultation and effective date of the revised guidelines as detailed in TPB Paper No. 10486 (the Paper).

36. As the presentation of PlanD's representative was completed, the Chairperson invited questions from Members.

**Identity Verification**

37. In response to a Member's question on the current practice and workflow in handling representations/comments/further representations by the Secretariat of the Town Planning Board (the Board), Mr Kevin C.P. Ng, CTP/TPB, explained that any person who wished to submit representation/comment/further representation was recommended to use the submission forms which were available at the Secretariat or the Planning Enquiry

Counters of PlanD and could be downloaded from the Board's website, or make use of the e-submission online. Upon receipt of representations/comments/further representations, the Secretariat would assign a number for them and categorise them in terms of supporting/objecting views and by amendment items. An information note reporting the total number of valid and invalid representations/comments/further representations received together with the proposed hearing arrangement would then be submitted to the Board for consideration. Generally, the Secretariat would inform the representers/commenters/further representers about the tentative hearing date in about 4 to 6 weeks before the hearing/further hearing meeting and they would be requested to confirm their attendance within about 2 weeks from the date of the letter. Additional hearing sessions would be arranged if a large attendance was expected. Not less than one week before the scheduled hearing date, the relevant TPB paper would be uploaded to the Board's website for viewing/downloading and a notice would be sent to the representers/commenters/further representers informing them the date and venue of the hearing/further hearing. On the date of hearing/further hearing, the representers/commenters/further representers were requested to register their attendance with the Secretariat before the meeting, and if needed, authorised representative and representers would be asked to show the authorisation letter or proof of identity respectively.

38. In response to the Chairperson's question, Mr Raymond K.W. Lee, Director of Planning, said that under the current practice, representation/comment/further representation with an alias or even fake name would still be treated as valid submission. However, making the logistic arrangements for handling the representations/ comments/ further representations without knowing the basic information such as the identity of the representers/commenters/further representers was unsatisfactory. The proposed refinement to the guidelines was aimed to improve the current practice to enable the Board to discharge its statutory plan-making functions in a more effective and efficient manner. The rights for any person to make representation/comment/further representation would not be affected. The requirement for the representers/commenters/further representers to provide their full name and Hong Kong Identity Card (HKID)/passport number (only the first four alphanumeric characters) was mainly to ensure that the person making oral submission in the hearing/further hearing was the one making the representation/comment/further representation, or his authorised

representative.

39. The Chairperson and some Members raised the following questions on the proposed arrangements:

- (a) given that some people might have hesitation in making representations/comments/further representations if full name and HKID/passport number were required, whether such information could be exempted from public inspection;
- (b) if a person claimed to be the representative for a number of representers/commenters/further representers, how such case would be handled;
- (c) whether the rights of a person to make representation/comment/further representation under the Town Planning Ordinance (the Ordinance) would be affected;
- (d) how the identity of the representer/commenter/further representer would be verified; and
- (e) whether the Privacy Commissioner for Personal Data had been consulted on the requirement of providing the first four alphanumeric characters of the HKID/passport of the representer/commenter/further representer.

40. Mr Kevin C.P. Ng, CTP/TPB responded as follows:

- (a) under the current practice, a copy of the valid representations/comments/further representations, including the full name of the representers/commenters/further representers but excluding the personal information would be made available for public inspection and included in the TPB paper. The proposed practice would follow the current practice on this aspect and the HKID /passport number would be blacked out in the TPB paper and publication as it was personal information;

- (b) if a person was authorised by a number of representers/commenters/further representers, he/she should have original authorisation letter signed by the representer/commenter/further representer. The authorised person should also provide his/her full name and the first four alphanumeric characters of the HKID/passport number;
- (c) according to the legal advice, the requirement for the provision of full name and the first four alphanumeric characters of the HKID/passport number would not affect the rights of a person to make representation/comment/further representation under the Ordinance;
- (d) while the proposed practice could not guarantee that fake name/ID numbers would not be submitted, such possibility should be much lower than the current practice. In attending the hearing/further hearing, the person would be required to provide sufficient information to prove that he/she was the representer/commenter/further representer or their representative, such as the letter he/she received from the Secretariat, and only in case there was doubt on his/her identity, the Secretariat would check their HKID; and
- (e) the Privacy Commissioner for Personal Data had been consulted and the proposed arrangements were considered acceptable.

41. A Member asked if the representation/comment/further representation was made by an organization, how the identity of the organization could be verified. In response, the Secretary said that while an organization such as a concern group might not be a registered body, there was usually a contact person for the organization and the identity of the contact person could be verified. Mr Raymond K.W. Lee, Director of Planning, supplemented that if the representation/comment/further representation was submitted by a concern group, the contact person would be required to provide his/her full name and the first four alphanumeric characters of the HKID/passport number.

42. Noting that there was no major problem in the current practice, a Member

suggested to continue the current submission requirements without provision of HKID /passport number. The Chairperson said that the proposed arrangement was already very lenient as the identity provided by the representers/commenters/further representers would not normally be verified upon receipt of their submission, only that they might not be able to attend the hearing/further hearing if their identity could not be verified.

43. In response to the Chairperson's question, the Secretary said that upon receipt of the representations/comments/further representations after the publication period, an information note would be prepared to report the number of valid and invalid representations/comments/further representations received as well as seeking the Board's agreement on the hearing arrangements. Same as the current practice, the invalid representations/comments/further representations would not be included in the paper for the consideration of the representations/comments/further representations.

44. After discussion, Members generally supported the proposed arrangements to request the representers/commenters/further representers to provide further information regarding their identity for the following reasons:

- (a) the public consultation in the statutory plan-making process had been abused in the past by some frivolous representations/comments/further representations, which could affect the credibility and efficiency of the plan making process and had significantly increased the time and staff resources needed for the Secretariat to handle these submissions;
- (b) making representations/comments/further representations was a way to provide the citizen's views on public affairs and should be taken seriously. It was reasonable to request the representers/commenters/further representers to provide genuine information including their full name and the first four alphanumeric characters of the HKID /passport number; and
- (c) while the effect of the refined requirements might reduce the number of valid representations/comments/further representations, it was all along the approach adopted by the Board to put more weighting on the

substance rather than the quantity of the representations/comments/  
further representations received in considering the relevant issues during  
the plan-making process.

#### Communication Issues

45. The Chairperson and some Members raised the following questions and comments:
- (a) how the representations/comments/further representations would be handled if the correspondence or email addresses were incorrect;
  - (b) under what situation in the current practice the Secretariat would contact the representer/commenter/further representers by telephone; and
  - (c) whether the address of a post office (PO) box would be accepted.
46. In response, Mr Kevin C.P. Ng, CTP/TPB, made the following responses:
- (a) the provision of the correspondence or email address was mainly to facilitate the Secretariat to inform the representers/commenters/further representers regarding details of the hearing/further hearing and make arrangements for their attendance. If the correspondence or email address was incorrect, the Secretariat could not inform them in writing. However, as the information regarding the hearing arrangement was available to the public on the Board's website, the representers/commenters/further representers could still contact the Secretariat of the Board if they wished to attend the hearing and make oral submission;
  - (b) under the current practice, for those representers/commenters/further representers that had only provided telephone number for contact purpose, the Secretariat would call the representers/commenters/further representers to request for the correspondence or email address for future

correspondence in writing. A lot of time and staff resources had been engaged to contact the representers/commenters/further representers by telephone but to no avail. In the proposed arrangements, it was recommended that representers/commenters/further representers should provide their correspondence and address for contact purpose. Otherwise, they would need to check the information regarding the hearing/further hearing, including the hearing date and venue, and relevant TPB paper on the Board's website. They might contact the Secretariat before the hearing to make arrangement for their attendance at the hearing; and

- (c) a PO box address would be acceptable if the letter sent to it was traceable.

47. A Member said that "WhatsApp", a communication application for smartphone, had become one of the most commonly used means of communication nowadays, and the name of the representers/commenters/further representers could be verified in "WhatsApp", hence, its reliability was similar to that of email. If the representers/commenters/further representers had provided telephone number but not correspondence or email address, there was no obvious reason for not informing them of the hearing arrangement in writing via "WhatsApp".

48. Mr Raymond K.W. Lee, Director of Planning, said that according to the past experience, the Secretariat might not be able to contact the representers/commenters/further representers if only telephone number was provided. While there were a number of means for communication, telephone might not be an effective means as very often, no one answered the phone. A Member said that substantial effort would be involved for communication especially when a large number of representations/comments/further representations were received and telephone numbers were the only means of communication that they had provided for contact purpose. If the representers/commenters/further representers wished to make oral submission in the hearing/further hearing, they should provide a formal correspondence or email address to facilitate communication.



49. A Member said that different smartphone communication applications were popular in different countries, there was no obvious reason to favour one communication application over another. Another Member shared the view and said that the advantage of using correspondence or email address was that it was easier to maintain traceable records for the correspondences between the Secretariat and the representers/commenters/further representers.

50. The Chairperson concluded that the representers/commenters/further representers should provide their correspondence and email address for communicating with them on the hearing arrangement in writing. Otherwise, the representers/commenters/further representers would have to obtain such information on the Board's website. Their right to access the relevant information and to attend the hearing would not be deprived.

#### Comments on Planning Applications

51. A Member asked if the proposed arrangements were applicable to the public comments received on planning applications. In response, Mr Kevin C.P. Ng, CTP/TPB, said that as TPB PG-No. 29A was aimed to provide guidance to representers/commenters/further representers in relation to the plan-making procedures, the proposed arrangements were not applicable to the submission of comments on planning applications submitted under s.16, s.17 or s.12A of the Ordinance.

52. The Member was of the view that similar arrangements should be applicable to the submission of comments on planning applications. Mr Raymond K.W. Lee, Director of Planning, explained that there was no provision under the Ordinance for the public submitting comments on planning applications under sections 12A, 16 and 17 to attend the Board's meeting and make oral submission. All of the comments received on planning applications would be included in the TPB paper for the Board's consideration. The Board would consider the substance of the public comments.

### Notification of the Board's Decision

53. In response to a Member's question on paragraph 7 in Attachment I of the Paper, the Secretary said that representers/commenters/further representers might seek verbal advice on the Board's decision from the Secretary to the Board after the meeting on the same date. Formal notification of the decision of the Board would only be issued after confirmation of minutes.

54. After discussion, Members agreed that paragraphs 7.1 and 7.2 at Attachment I of the Paper (i.e. draft TPB PG-No.29B) should be clarified by amendments as follows:

“7.1 After ~~the hearing/further hearing~~ confirmation of the minutes of the Board's deliberation, the Secretary to the Board will notify the representers/commenters/further representers of the Board's decision in writing. ~~The notification will be made after confirmation of the minutes.~~ The confirmed minutes will also be available at the Board's website.

7.2 After ~~the hearing/further hearing~~ the Board has made a decision, a representer/commenter/further representer may seek verbal advice on the Board's decision from the Secretary to the Board. A Gist of Decision will also be uploaded to the Board's website shortly after the meeting on the same day.”

### Effective Date

55. In response to the Chairperson's question, Mr Kevin C.P. Ng, CTP/TPB, said that the revised guidelines, i.e. TPB PG-No.29B would take effect in early 2019. The public would be informed of the revised arrangements to be promulgated in TPB PG-No. 29B and the exact effective date of the revised guidelines by the issuance of a press release. TPB PG-29B would also be uploaded to the Board's website when promulgated.

56. After deliberation, Members agreed to the TPB PG-No. 29B on Submission and Publication of Representations, Comments on Representations and Further

Representations under the Town Planning Ordinance at Attachment I of the Paper, subject to revisions in paragraph 84 above.

57. Members noted that, as a general practice, the Secretariat would undertake detailed checking and refinement of the proposed amendments before their publication. Any major revision would be submitted for the Board's consideration.

58. The Chairperson thanked PlanD's representatives for attending the meeting. They left the meeting at this point.

[Mr Stephen L.H. Liu, Mr Stanley T.S. Choi, Dr. Jeanne C.Y. Ng and Professor Jonathan W.C. Wong left the meeting during the question-and-answer session.]

### **Procedural Matters**

#### **Agenda Item 8**

[Open Meeting]

Submission of Draft Ma Tau Kok Outline Zoning Plan No. S/K10/23A under Section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval  
(TPB Paper No. 10491)

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[The item was conducted in Cantonese.]

59. The Secretary reported that the following Members had declared interests on the item for being associated/having business dealings with Hong Kong Housing Authority (HKHA)/Housing Department (HD), Ms Mary Mulvihill (R2/C142), Mr Chris Yu Wing Fai, a representative of R1/C2, and owning property in Ma Tau Kok area:

Mr Raymond K.W. Lee - being a member of the Strategic Planning  
(*as Director of Planning*) Committee (SPC) and Building Committee of  
HKHA

Mr Thomas C.C. Chan being a member of HKHA

*(as Director of Lands)*

- Mr Martin W.C. Kwan  
*(as Chief Engineer (Works),  
Home Affairs Department)* - being a representative of the Director of Home Affairs who was a member of SPC and Subsidized Housing Committee of HKHA
- Mr K.K. Cheung ] their firm having current business dealings with  
Mr Alex T.H. Lai ] HKHA, and hiring Mary Mulvihill on a contract basis from time to time
- Dr C.H. Hau - his institution having current business dealings with HKHA
- Mr Thomas O.S. Ho - having current business dealings with HKHA
- Mr Ivan C.S. Fu ]  
Mr Stephen L.H. Liu ] having past business dealings with HKHA  
Mr Franklin Yu ]
- Dr Lawrence W.C. Poon - his spouse being a civil servant of HD but not involved in planning work
- Miss Winnie W.M. Ng - her company owning two shops at Nam Kok Road, Kowloon
- Ms Sandy H.Y. Wong - personally knowing Mr Chris Yu Wing Fai
- Mr Daniel K.S. Lau - being ex-Director (Development & Marketing) of the Hong Kong Housing Society, which was currently in discussion with HD on housing development issues

60. Members noted that Mr Alex T.H. Lai, Mr Thomas O.S. Ho, Miss Winnie W.M. Ng and Dr C.H. Hau had tendered apologies for being not able to attend the

meeting and Mr Franklin Yu, Mr Stephen L.H. Liu, Mr K.K. Cheung and Dr Lawrence W.C. Poon had already left the meeting. As the item was procedural in nature, the meeting agreed that Members who had declared interests could stay in the meeting.

61. The Secretary briefly introduced the TPB Paper No. 10491 (the Paper). On 9.3.2018, the draft Ma Tau Kok Outline Zoning Plan (OZP) No. S/K10/23 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of six valid representations and 142 valid comments on the representations were received. After giving consideration to the representations and comments under section 6B(1) of the Ordinance on 28.9.2018, the Town Planning Board (the Board) decided not to propose any amendment to the draft OZP to meet the representations under section 6B(8) of the Ordinance. Since the representation consideration process had been completed, the draft OZP together with its Notes and updated Explanatory Statement (ES) was now ready for submission to the Chief Executive in Council (CE in C) for approval.

62. After deliberation, the Board:

- (a) agreed that the draft Ma Tau Kok OZP No. S/K10/23A and its Notes at Annexes I and II of the Paper respectively were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) endorsed the updated ES for the draft Ma Tau Kok OZP No. S/K10/23A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and to be issued under the name of the Board; and
- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

**Agenda Item 9**

[Open Meeting]

Submission of Draft Tuen Mun Outline Zoning Plan No. S/TM/34A under Section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval (TPB Paper No. 10495)

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[The item was conducted in Cantonese.]

63. The Secretary reported that the following Members had declared interests on the item for being associated/having business dealings with Hong Kong Housing Authority (HKHA)/Housing Department (HD), AECOM Asia Company Limited (AECOM) (i.e. consultant of the ‘Preliminary Development Review for Housing Sites at Tuen Mun Central-Feasibility Study’ (the Study) supporting the proposed public housing developments conducted by the Civil Engineering and Development Department (CEDD)), Sun Hung Kai Property Limited (SHK), CLP Power Hong Kong Limited (R1149), a subsidiary of CLP Holdings Limited (CLP), Hong Kong and China Gas Co Ltd (HKCG) (R4373), a subsidiary of Henderson Land Development Co. Ltd. (HLD), Senworld Investment Limited (R4360), a subsidiary of Kerry Properties Limited (Kerry), Mass Transit Railway Corporation Limited (MTRCL) (R4374), Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) (R1141) and/or Ms Mary Mulvihill (R124/C2860):

Mr Raymond K.W. Lee - being a member of the Strategic Planning  
(*as Director of Planning*) Committee and Building Committee of HKHA

Mr Thomas C.C. Chan being a member of HKHA  
(*as Director of Lands*)

Mr Martin W.C. Kwan - being a representative of the Director of Home  
(*as Chief Engineer (Works), Home Affairs Department*) Affairs who was a member of the Strategic Planning Committee and the Subsidised Housing Committee of HKHA

Professor S.C. Wong - having current business dealings with AECOM,

- (Vice-chairperson) being the traffic consultant /engineering consultant of AECOM and being the Chair Professor of Department of Civil Engineering of the HKU which had obtained sponsorship from SHK on some activities of the Department before, being employee of HKU which had received a donation from a family member of the Chairman of HLD before, and being a member of the Advisory Committee for Accredited Programme of MTR Academy
- Mr Ivan C.S. Fu - having current business dealings with AECOM, SHK, HLD and MTRCL, and past business dealings with HKHA
- Dr C.H. Hau - having current business dealings with AECOM and the institute he served having current business dealings with HKHA and being an employee of HKU which had received a donation from a family member of the Chairman of HLD before
- Mr Thomas O.S. Ho - having current business dealings with HKHA, SHK, AECOM and MTRCL
- Mr K.K. Cheung ] their firm having current business dealings with  
Mr Alex T.H. Lai ] HKHA, SHK, Kerry, CLP, HKCG, AECOM and MTRCL, and hiring Mary Mulvihill on a contract basis from time to time
- Dr Lawrence W.C. Poon - his spouse being an ex-employee of Kerry and an current employee of HD but not involved in planning work
- Mr Stephen L.H. Liu - having past business dealings with HKHA, SHK,

HLD, CLP and MTRCL

- |                     |   |
|---------------------|---|
| Mr Franklin Yu      | - having past business dealings with HKHA, AECOM, SHK, HLD and MTRCL, and his spouse is an employee of SHK  |
| Mr Daniel K.S. Lau  | - being ex-Director (Development and Marketing) of Hong Kong Housing Society which was currently in discussion with HD on housing development issues  |
| Miss Winnie W.M. Ng | - being a Director of the Kowloon Motor Bus Co. (1933) Ltd. and SHK was one of the shareholders   |
| Dr Jeanne C.Y. Ng   | - being the Director of Group Sustainability of CLP   |
| Mr Peter K.T. Yuen  | - being a Member of the Board of Governors of the Arts Centre, which had collaborated with the MTRCL on a number of arts projects, and had received a donation from an Executive Director of HLD before |
| Dr Lawrence K.C. Li | - being the Treasurer of the Hong Kong Polytechnic University which had obtained sponsorship from HLD before; and his relative being a member of DAB  |

64. Members noted that Mr Alex T.H. Lai, Mr Thomas O.S. Ho, Miss Winnie W.M. Ng and Dr C.H. Hau had tendered apologies for being not able to attend the meeting and Mr Franklin Yu, Mr Stephen L.H. Liu, Mr K.K. Cheung, Dr Lawrence K.C. Li and Dr Lawrence W.C. Poon had already left the meeting. As the item was procedural in nature, the meeting agreed that Members who had declared interests could stay in the meeting.



65. The Secretary briefly introduced the TPB Paper No. 10495 (the Paper). On 3.11.2017, the draft Tuen Mun Outline Zoning Plan (OZP) No. S/TM/34 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 4,409 valid representations and 2,859 valid comments on the representations were received. After giving consideration to the representations and comments under section 6B(1) of the Ordinance on 2.8.2018, 6.8.2018, 7.8.2018, 8.8.2018 and 26.10.2018, the Board decided not to propose any amendment to the draft OZP to meet the representations under section 6B(8) of the Ordinance. Since the representation consideration process had been completed, the draft OZP together with its Notes and updated Explanatory Statement (ES) was now ready for submission to the Chief Executive in Council (CE in C) for approval.

66. After deliberation, the Board:

- (a) agreed that the draft Tuen Mun OZP No. S/TM/34A and its Notes at Annexes I and II of the Paper respectively were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) endorsed the updated ES for the draft Tuen Mun OZP No. S/TM/34A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and to be issued under the name of the Board; and
- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

### **Agenda Item 10**

[Closed Meeting]

67. The item was recorded under confidential cover.

**Agenda Item 11**

Any Other Business

[The item was conducted in Cantonese]

68.           There being no other business, the meeting was closed at 2:10 p.m.