

**Minutes of 1196th Meeting of the
Town Planning Board held on 1.3.2019**

Present

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

Chairperson

Professor S.C. Wong

Vice-Chairperson

Mr Lincoln L.H. Huang

Mr H.W. Cheung

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Mr Stephen H.B. Yau

Dr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Mr K.K. Cheung

Mr Wilson Y.W. Fung

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 L.T. Kwok

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Dr Jeanne C.Y. Ng

Professor Jonathan W.C. Wong

Mr Ricky W.Y. Yu

Assistant Director (Environmental Assessment)

Environmental Protection Department

Mr Terence S.W. Tsang

Director of Lands

Mr Thomas C.C. Chan

Chief Engineer (Works)

Home Affairs Department

Mr Martin W.C. Kwan

Chief Traffic Engineer (New Territories West)

Transport Department

Mr B.K. Chow

Director of Planning

Mr Raymond K.W. Lee

Deputy Director of Planning/District

Secretary

Ms Jacinta K.C. Woo

Absent with Apologies

Dr Frankie W.C. Yeung

Dr Lawrence W.C. Poon

Mr Thomas O.S. Ho

Mr Franklin Yu

Mr Stanley T.S. Choi

Mr K.W. Leung

Professor John C.Y. Ng

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

Mr Eric C.Y. Chiu

Agenda Item 1A

Confirmation of Minutes of the 1195th Meeting held on 15.2.2019

[The item was conducted in Cantonese.]

1. The minutes of the 1195th Meeting held on 15.2.2019 were sent to Members on 1.3.2019 and tabled at the meeting. Subject to no proposed amendments by Members on or before 4.3.2019, the minutes would be confirmed without amendments.

[Post-meeting Note: The minutes were confirmed on 4.3.2019 without amendments.]

Agenda Item 1B

Confirmation of Minutes of the 1193rd Meeting held on 15.2.2019

[The item was conducted in Cantonese.]

2. The minutes of the 1193rd Meeting held on 15.2.2019 were sent to Members on 1.3.2019 and tabled at the meeting. Subject to no proposed amendments by Members on or before 4.3.2019, the minutes would be confirmed without amendments.

[Post-meeting Note: The minutes were confirmed on 4.3.2019 without amendments.]

Agenda Item 2

Matters Arising

[The item was conducted in Cantonese.]

- (i) [Confidential Item] [Closed Meeting]

3. The item was recorded under confidential cover.

- (ii) Disposal of Appeal lodged by Lindenford Limited against the Decision of the Town Planning Board in respect of the Skyway House site on the Draft Mong Kok Outline Zoning Plan No. S/K3/28
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4. The Secretary reported that the judicial review (JR) was lodged by Lindenford Limited (Lindenford) and Townland Consultants Limited (Townland) was Lindenford's representative for submitting representation in respect of the draft Mong Kok Outline Zoning Plan (OZP) No. S/K3/28 and comment in respect of the OZP No. S/K3/31. The following Members had declared interests on the item:

Mr Thomas O.S. Ho - having past business dealings with Townland

Mr Stephen L.H. Liu - co-owning with spouse a flat and his company owning another flat at Harbour Green

Mr Stanley T.S. Choi - his spouse being a director of a company which owned a property in Mong Kok

5. Members noted that Mr Thomas O.S. Ho and Mr Stanley T.S. Choi had tendered apologies for being unable to attend the meeting and agreed that as the item was to report on the Court's consent order on the disposal of the appeal, Mr Stephen L.H. Liu could stay in the meeting.

6. The Secretary reported that Lindenford lodged a JR on 28.7.2011 against the Town Planning Board (the Board)'s decision of not amending the OZP No. S/K3/28 to meet its representation (R8) on 29.4.2011. The Court of First Instance (CFI) dismissed the JR on 5.9.2012 and Lindenford lodged an appeal to the Court of Appeal (CA) on 28.9.2012. Separately, to follow up the Court's rulings on another JR case lodged by the Real Estate Developer Association of Hong Kong, the Board had generally relaxed the building height restrictions (BHRs) in Mong Kok taking into account the Sustainable Building Design Guidelines as shown in the current OZP No. S/K3/31. In respect of the subject site, it had been rezoned from "Other Specified Uses" annotated "(Business)1" ("OU(B)1") to "OU(B)" with the building height restriction revised from 20mPD and 60mPD (or 80mPD for sites with

an area of 400m² or more) to 110mPD. Lindenford had submitted a comment indicating its support to the rezoning of its site and the related BHR relaxation.

7. In view of the above rezoning and related BHR relaxation on the current OZP, Lindenford agreed to wholly dispose of its appeal by consent. On 19.2.2019, CA ordered to dispose of the appeal under the terms jointly proposed by the Board and Lindenford, including that the appeal be allowed and the Board's decision on Lindenford's representation (R8) be quashed.

8. Members noted that pursuant to the terms, the Board would not be required to reconsider representation R8 to the OZP No. S/K3/28 or take any follow-up action.

(iii) Reference Back of Approved Outline Zoning Plans

9. The Secretary reported that on 12.2.2019, the Chief Executive in Council referred the Approved Aberdeen & Ap Lei Chau Outline Zoning Plan (OZP) No. S/H15/33 and the Approved Ma On Shan OZP No. S/MOS/22 to the Town Planning Board for amendment under section 12(1)(b)(ii) of the Town Planning Ordinance. The reference back of the two OZPs were notified in the Gazette on 22.2.2019.

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

Fanling, Sheung Shui & Yuen Long East District

Agenda Item 3

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/YL-KTN/627

Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” Zones, Lots 597A S.I (Part) and 597A S.V (Part) in D.D. 109, Shui Tau Tsuen, Chi Ho Road, Kam Tin, Yuen Long

(TPB Paper No. 10521)

[The item was conducted in Cantonese.]

10. Members noted that a replacement page (p.10) rectifying an editorial error in paragraph 7.3, i.e. the estimated number of Small House sites available within the relevant “Village Type Development” (“V”) zone should be 343, instead of 342, was dispatched to Members prior to the meeting.

Presentation and Question Sessions

11. The representative of the Planning Department (PlanD), Mr Tom C.K. Yip, District Planning Officer/Fanling, Sheung Shui & Yuen Long East (DPO/FSYLE), was invited to the meeting at this point.

12. The Chairperson extended a welcome and informed Members that the applicant had indicated that he would not attend the meeting. She then invited PlanD’s representative to brief Members on the review application.

13. With the aid of a PowerPoint presentation, Mr Tom C.K. Yip, DPO/FSYLE, 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 comments, planning considerations and assessments as detailed in TPB Paper No. 10521 (the Paper).

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

15. As Members had no question on the review application, the Chairperson said that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application. The Chairperson thanked Mr Tom C.K. Yip, DPO/FSYLE, for attending the meeting. Mr Yip left the meeting at this point.

Deliberation Session

16. Members noted that there was no major change in the planning circumstances since the consideration of the subject application by the RNTPC.

17. 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 “Agriculture” zone which is 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) 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 there is no shortage of land in meeting the demand for Small House development in the “V” zone in general, and there is no exceptional circumstances that merit approval of the application. 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.”

Agenda Item 4

Request for Deferment of Review of Application No. A/NE-TK/643

Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” Zones, Lots 1028 S.B ss.5, 1034 S.A ss.2 S.C and 1034 S.B ss.5 in D.D. 23, Po Sam Pai, Tai Po

Agenda Item 5

Request for Deferment of Review of Application No. A/NE-TK/644

Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” Zones, Lots 1028 S.B RP, 1034 S.A ss.2 RP, 1034 S.A RP and 1034 S.B RP in D.D. 23, Po Sam Pai, Tai Po

Agenda Item 6

Request for Deferment of Review of Application No. A/NE-TK/645

Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” Zones, Lot 1034 S.A ss.1 in D.D. 23, Po Sam Pai, Tai Po

Agenda Item 7

Request for Deferment of Review of Application No. A/NE-TK/646

Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” Zones, Lots 1034 S.A ss.2 S.B and 1034 S.B ss.4 in D.D. 23, Po Sam Pai, Tai Po

(TPB Paper No. 10522)

[The items were conducted in Cantonese.]

18. The Chairperson said that as the applications under Agenda Items 4 to 7 were similar in nature and the application sites were located in close proximity to each other involving the same “Agriculture” and “Village Type Development” zones, the four items could be considered together. Members agreed.

19. Members noted that the applicants’ representative requested on 31.1.2019 deferment of the consideration of the review applications for one month so as to allow more time for preparation of further information (FI) in support of the review applications. This was the first time that the applicants requested deferment of the review applications.

20. After deliberation, the Board agreed to defer decisions on the review applications, as requested by the applicants, pending the submission of FI by the applicants. The Board also agreed that the review applications would be submitted to the Board for consideration within three months upon receipt of FI from the applicants. If the FI submitted by the applicants was not substantial and could be processed within a shorter time, the review applications could be submitted to an earlier meeting for the Board's consideration. The Board also agreed to advise the applicants 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.

[Miss Winnie W.M. Ng arrived to join the meeting at this point.]

General

Agenda Item 8

[Open Meeting]

Revised Application Forms and Guidance Notes for Applications submitted under sections 12A and 16 of the Town Planning Ordinance

(TPB Paper No. 10523)

[The item was conducted in Cantonese.]

21. The following representatives of the Planning Department (PlanD) were invited to the meeting:

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

Mr Stephen K.S. Lee - Senior Town Planner/Town Planning Board (STP/TPB)

22. The Chairperson extended a welcome and invited PlanD's representatives to brief Members on the Paper. With the aid of a PowerPoint presentation, Mr Kevin C.P. Ng,

CTP/TPB, briefed Members on the background, proposed revisions to the application forms and Guidance Notes under sections 16 and 12A of the Town Planning Ordinance (the Ordinance), as well as the corresponding amendments to the Town Planning Board Guidelines No. 34B on 'Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development'.

23. As the presentation of PlanD's representatives was completed, the Chairperson invited questions and comments from Members.

24. In response to the Chairperson's enquiry, Mr Kevin C.P. Ng, CTP/TPB, said that the Planning Sub-committee (PSC) of the Land and Development Advisory Committee (LDAC), which comprised representatives from the relevant professional bodies and development sector, had been consulted on the revisions on 15.10.2018. All major comments of PSC had been incorporated as appropriate.

25. A Member enquired on the main objectives for revising the application forms and whether it would facilitate the general public to submit applications by themselves without seeking assistance from professionals/consultants. Mr Kevin C.P. Ng replied that the revisions to the forms primarily aimed to improve clarity and user-friendliness, so that it would be easier for applicants, many of them were laymen, to provide the required information when the applications were submitted, so as to reduce the need for subsequent clarification or submission of further information. The workload and time required for vetting the application forms by the Town Planning Board Secretariat could also be reduced. In response to the same Member's follow-up question on whether the revisions to the forms would facilitate the processing of planning applications by artificial intelligence (AI), Mr Raymond K.W. Lee, Director of Planning, said that the revisions would facilitate retrieval/digitisation of data by the computer systems and this would form the basis for exploring the use of AI in processing of planning applications in the future.

26. A Member noted that the application forms provided on the Board's website were in PDF format and applicants would need to print out the forms and sign before they could submit the applications. Other suitable measures should be considered to facilitate submission of applications by electronic means. He suggested that hyperlinks to relevant Guidance Notes be provided for easy reference. In this regard, Mr Kevin C.P. Ng said that

currently applicants could make electronic submissions through the Board's website if they so wished. After filling in the electronic form, they could sign the documents electronically using e-Cert issued by the Hongkong Post. The e-Cert can be obtained by any person or company upon application to the Hongkong Post. The Chairperson remarked that the current revisions to the application forms were mainly enhancements to promote user-friendliness and facilitate information retrieval. While the Secretariat would continue to promote electronic submission of planning applications, it would not be practical at this stage to phase out submission of application by hard copy. It was important to take into account the needs and preference of different users when adopting enhancement measures.

27. After deliberation, the Board agreed:

- (a) to the draft revised sections 12A and 16 application forms at Annexes 1 to 4 and the draft revised guidance notes at Annexes 5 and 6 of the Paper;
- (b) that corresponding amendments would be made to the Town Planning Board Guidelines No. 34B;
- (c) that a press release would be made to announce the changes in the revised application forms, guidance notes and Town Planning Board Guidelines as well as the date of launching of the revised application forms; and
- (d) that a grace period of six months would be allowed for applicants using the existing application forms upon launching of the revised application forms as a transitional measure.

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

Procedural Matters

Agenda Item 9

[Closed Meeting]

29. The item was recorded under confidential cover.

Agenda Item 10

[Open Meeting]

Any Other Business

[The item was conducted in Cantonese]

30. In response to a Member's enquiry, the Secretary said that a visit to the Guangdong-Hong Kong-Macao Greater Bay Area, tentatively scheduled for May, was being arranged. Members would be notified of the arrangement in due course.

31. There being no other business, the meeting was closed at 9:40 a.m..