

**Minutes of 1212th Meeting of the
Town Planning Board held on 8.11.2019**

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

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 C.H. Hau

Mr Thomas O.S. Ho

Dr Lawrence K.C. Li

Mr Stephen L.H. Liu

Miss Winnie W.M. Ng

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

Director of Lands

Mr Thomas C.C. Chan

Deputy Director of Environmental Protection (1)

Mr Elvis W.K. Au

Chief Engineer (Works), Home Affairs Department

Mr Paul Y.K. Au

Principal Assistant Secretary for Transport and Housing (Transport) 3,
Transport and Housing Bureau

Mr Andy S.H. Lam

Director of Planning

Mr Raymond K.W. Lee

Deputy Director of Planning/District

Miss Fiona S.Y. Lung

Secretary

Absent with Apologies

Dr F.C. Chan

Mr Alex T.H. Lai

Professor T.S. Liu

Dr Jeanne C.Y. Ng

Professor Jonathan W.C. Wong

Mr Ricky W.Y. Yu

In Attendance

Assistant Director of Planning/Board

Ms Lily Y.M. Yam

Chief Town Planner/Town Planning Board

Mr Kepler S.Y. Yuen

Senior Town Planner/Town Planning Board

Mr Alex C.Y. Kiu

Agenda Item 1

[Open meeting]

Confirmation of Minutes of the 1211th Meeting held on 25.10.2019

[The item was conducted in Cantonese.]

1. The Chairperson said that the draft minutes of the 1211th Meeting held on 25.10.2019 were sent to Members before the meeting and tabled at the meeting. Subject to any proposed amendment by Members on or before 11.11.2019, the minutes would be confirmed.

[Post-meeting Note: The minutes, incorporating amendments to paragraphs 83 and 103 proposed by a Member, were confirmed on 11.11.2019.]

Agenda Item 2

Matters Arising

2. The Secretary reported that there was no matter arising.

Sha Tin, Tai Po & North District

Agenda Item 3

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-TKL/617

Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone,
Lot 265 S.J RP in D.D. 79, Ping Yeung Village, Ta Kwu Ling
(TPB Paper No. 10592)

[The item was conducted in Cantonese.]

Declaration of Interests

3. The Secretary reported that the application site (the Site) was located in Ta Kwu Ling and the following Members had declared interests on the item :

Mr K.K. Cheung - his company having past business dealings with the applicant; and

Mr Alex T.H. Lai - his company having past business dealings with the applicant, and his father owning 2 lots of land in Ping Che.

4. Members noted that Mr Alex T.H. Lai had tendered apologies for not being able to attend the meeting. As Mr K.K. Cheung had no involvement in the application, Members agreed that he should be allowed to stay in the meeting.

Presentation and Question Sessions

5. The following Planning Department (PlanD)'s representative was invited to the meeting :

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

6. The Chairperson extended a welcome and explained the procedure of the review hearing. She said that the applicant had indicated not to attend the review hearing. She then invited DPO/STN, PlanD to brief Members on the review application.

7. With the aid of a PowerPoint presentation, Ms Jessica H.F. Chu, DPO/STN, PlanD 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 TPB Paper No. 10592 (the Paper). She supplemented that after the Paper was issued, two additional similar applications No. A/NE-TKL/627 and 628

were approved by the RNTPC on 1.11.2019 as the application sites were located in the new village cluster within the same “Agriculture” zone to the south of Ping Yeung Village.

8. As the presentation from DPO/STN, PlanD had been completed, the Chairperson invited questions from Members.

9. Members had no question on the 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 PlanD’s representative for attending the meeting, and she left the meeting at this point.

[Ms Sandy H.Y. Wong and Mr Elvis W.K. Au arrived to join the meeting at this point.]

Deliberation Session

10. Members noted that the footprint of the proposed Small House and the application site fell outside the “Village Type Development” zone and the village ‘environs’ of Ping Yeung Village. They generally agreed that there was no strong reason to depart from the RNTPC’s decision.

11. After deliberation, the Board decided to reject the application for the following reasons :

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone in the Ping Che and Ta Kwu Ling area which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) 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 more than 50% of the footprint of the

proposed Small House falls outside the “Village Type Development” (“V”) zone and the village ‘environs’ of Ping Yeung Village; and

- (c) land is still available within the “V” zone of Ping Yeung Village where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services.”

[Mr Lincoln L.H. Huang arrived to join the meeting at this point.]

Agenda Item 4

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-KLH/557

Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” Zones, Lot 32 S.A in D.D. 7, Tai Hang, Tai Po (TPB Paper No. 10594)

[The item was conducted in Cantonese.]

Presentation and Question Sessions

12. The following Planning Department (PlanD)’s representative was invited to the meeting :

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

13. The Chairperson extended a welcome and explained the procedure of the review hearing. She said that the applicant had indicated not to attend the review hearing. She then invited DPO/STN, PlanD to brief Members on the review application.

14. With the aid of a PowerPoint presentation, Ms Jessica H.F. Chu, DPO/STN, PlanD 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 TPB Paper No. 10594 (the Paper). She supplemented that after the Paper was issued, one additional similar application No. A/NE-KLH/567 was rejected by the RNTPC on 1.11.2019 for reasons similar to those of the subject application.

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

15. As the presentation from DPO/STN, PlanD had been completed, the Chairperson invited questions from Members.

16. Noting that the application site (the Site) boundary was curved on one side and straddling the “Village Type Development” (“V”) and “Agriculture” (“AGR”) zones, a Member enquired whether the applicant had provided any explanation in that regard, and whether it was possible to develop the proposed Small House within the “V” zone only. Another Member asked whether PlanD’s assessment of the application would be different if the footprint of the proposed Small House were shifted southwards towards the “V” zone.

17. In response, Ms Jessica H.F. Chu, DPO/STN, PlanD said that most land lots in the New Territories were irregular in shape. The boundary of the Site followed the applicant’s lot boundary, and the footprint of the proposed Small House within the lot was a matter of the applicant’s preference. As only about 39% of the footprint of the proposed Small House fell within the “V” zone and the Site was entirely outside the village ‘environs’ (‘VE’) of Tai Hang, the application did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories (Interim Criteria). Owing to the irregular shape of the Site, it was not possible to fit a Small House of standard size into the “V” portion of the lot. Even if the footprint of the proposed Small House were shifted southwards, the application could not comply with the Interim Criteria as there was no general shortage of land within the “V” zone for Small House development.

18. A Member noted that the Water Supplies Department (WSD) did not support the application despite that the applicant had agreed to connect the proposed Small House to the public sewer. The Member asked whether WSD had raised similar queries to other approved similar applications within the subject “AGR” zone.

19. Ms Jessica H.F. Chu, DPO/STN, PlanD responded that since the Site was located within the upper indirect Water Gathering Ground (WGG), WSD had adopted a more cautious approach for applications with more than 50% of the proposed Small House footprint falling outside both the ‘VE’ and “V” zone, and required the applicant to demonstrate that the proposed Small House would not adversely affect the water quality in the area.

20. In response to the Chairperson’s enquiry, Ms Jessica H.F. Chu, DPO/STN, PlanD confirmed that the major reason for not supporting the application was its non-compliance with the Interim Criteria. In particular, the District Lands Officer/Tai Po objected to the application as the Site fell entirely outside the ‘VE’ of Tai Hang village, and there was sufficient land in the “V” zone to meet both the outstanding Small House applications and the 10-year Small House demand forecast. Small House applications not complying with the Interim Criteria would only be approved under very special circumstances. WSD’s objection on water quality was not a primary concern.

21. As Members had no further question on the 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 PlanD’s representative for attending the meeting, and she left the meeting at this point.

Deliberation Session

22. In response to a Member’s enquiry on the zigzag zoning boundary between the “V” and “AGR” zones, Mr Raymond K.W. Lee, Director of Planning (DoP), said that whilst he had no information in hand regarding the delineation of the zoning boundary, PlanD would generally take into consideration the Small House demand of the subject village, the ‘VE’ boundary, the topography, and any landscape/natural features etc. in drawing up “V” zone boundaries.

23. While not supporting the application, a Member was concerned about WSD's comments regarding water quality which should be a technical consideration on whether the Site could be connected to public sewer, rather than its location within or outside the "V" zone.

24. Mr Raymond K.W. Lee, DoP, responded that the applicant originally proposed to use septic tank at the s.16 stage but amended the scheme to propose a public sewer connection at the s.17 stage. WSD considered that there was insufficient information in the applicant's submission to demonstrate that the proposed development would not cause adverse impact on the water quality in the area. A Member was of the view that water quality concern should not be a major reason for rejecting the application.

25. The Board generally considered that the proposed Small House did not comply with the planning intention of the "AGR" zone and the Interim Criteria. In the circumstances, while noting the fact that the applicant had failed to demonstrate that the proposed development would not cause adverse impact on the water quality in the area, the Board considered that it would be difficult to justify approval of the application even if the applicant could eventually address WSD's water quality concern.

26. After deliberation, the Board decided to reject the application for the following reasons :

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. 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;
- (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 more than 50% of the footprint of the proposed Small House falls outside the “Village Type Development” (“V”) zone and the village ‘environs’ of Tai Hang; and there is no general shortage of

land in meeting the demand for Small House development in the “V” zone of Tai Hang; and

- (c) land is still available within the “V” zone of Tai Hang 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 a more orderly development pattern, efficient use of land and provision of infrastructures and services.”

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

Tuen Mun & Yuen Long West District

Agenda Item 5

[Open Meeting (Presentation and Question Sessions only)]

Further Consideration of Review of Application No. A/YL-HTF/1092

Proposed Temporary Warehouse of Electric Spare Parts for a Period of 2 Years in “Agriculture” Zone, Lot 384 RP in D.D. 128, Deep Bay Road, Lau Fau Shan, Yuen Long (TPB Paper No. 10590)

[The item was conducted in Cantonese.]

Declaration of Interests

27. The Secretary reported that Messr K.K. Cheung and Alex T.H. Lai had declared interests on the item for their company had past business dealings with the applicant’s representatives. Members noted that Mr Alex T.H. Lai had tendered apologies for not being able to attend the meeting. As Mr K.K. Cheung had no involvement in the application, Members agreed that he should be allowed to stay in the meeting.

Presentation and Question Sessions

28. The following Government's and the applicant's representatives were invited to the meeting :

Planning Department (PlanD)'s Representatives

Mr David Y.M. Ng - District Planning Officer/Tuen Mun and Yuen Long West (DPO/TMYLW)

Mr Ronald C.H. Chan - Assistant Town Planner/Tuen Mun 3 (ATP/TM3)

Applicant's representatives

Jiin Yeeh Ding (H.K.) Enterprises Limited - Applicant

Mr George Mak] Applicant's representatives

Mr K.F. Tam]

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

30. With the aid of a PowerPoint presentation, Mr David Y.M. Ng, DPO/TMYLW, PlanD, 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), the deferment of the decision of the review application by the Board at its meeting on 9.8.2019, justifications provided by the applicant, departmental and public comments, and planning considerations and assessments as detailed in TPB Paper No. 10590 (the Paper).

31. The Chairperson then invited the applicant's representatives to elaborate on the review application.

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

32. With the aid of a PowerPoint presentation, Mr George Mak and Mr K.F. Tam, the applicant's representatives, made the following main points in support of the review application :

- (a) the applicant was thankful for the Board to allow a second review of the application;
- (b) the applicant had conducted a 2-day traffic survey and submitted a traffic impact assessment (TIA) with revised traffic arrangements for the proposed use at the Board's meeting on 9.8.2019. Consideration of the application was deferred, and the Transport Department (TD) no longer had any adverse comment on the application after examining the TIA;
- (c) most concerned government departments, except PlanD and the Agriculture, Fisheries and Conservation Department (AFCD), had no adverse comment on the application;
- (d) the proposed warehouse was temporary in nature, and since there was provision in the covering Notes of the Outline Zoning Plan (OZP) for temporary uses on application to the Board, the proposed warehouse was not in conflict with the planning intention;
- (e) there was no active agricultural activity at or near the application site (the Site), and the potential of the area for agricultural rehabilitation was low. Over 50% of the subject "AGR" zone had been developed, and there were also temporary warehouses and open storage yards in the vicinity of the Site;
- (f) the proposed warehouse was for the applicant's own use, and no environmental impact would be generated. Boundary wall would be constructed, existing trees and vegetation within the Site would be preserved, and additional trees would be planted to mitigate any landscape impact;

- (g) approval of the proposed warehouse, without any permanent structure, on a temporary basis for a period of two years would not set an undesirable precedent since numerous approvals had been granted, some fairly recently, for temporary warehouse/open storage uses in the “AGR” zones; and
- (h) as shown in the Lands Department (LandsD)’s aerial photo, the Site had already been put into non-agricultural use since 1987. A huge warehouse was subsequently erected on the Site by the previous landowner. There were enforcement actions from both PlanD and LandsD, and the Site was sold to the applicant in 2017. The applicant demolished the illegal warehouse in 2018, and the Site had been left vacant since then. It was the applicant’s intention to maximize the utilization of the Site through proper means, including submission of planning application. The applicant would strictly comply with any approval conditions that the Board might impose. The Board could revoke the planning approval if any non-compliance with approval conditions was detected.

33. The Chairperson clarified that there was no provision for any ‘second review’ of planning applications by the Board under s.17 of the Town Planning Ordinance (the Ordinance). No decision had been made on the review application at the last meeting on 9.8.2019. The making of a decision was deferred so as to allow time for the relevant government departments to assess the supplementary TIA which was only tabled by the applicant at the last meeting. The subject hearing was a continuation of the adjourned discussion on the same review application. The Chairperson also drew the applicant’s attention to paragraph 74 of the minutes of the Board’s meeting on 9.8.2019 (Attachment B of the Paper). As recorded in the minutes, Members also raised other concerns such as land use compatibility of the applied use in the area.

34. As the presentations from DPO/TMYLW, PlanD and the applicant’s representatives had been completed, the Chairperson invited questions from Members.

35. The Chairperson and some Members had the following questions :

- (a) whether the acquisition of the Site by the applicant in 2017 was a relevant consideration on whether planning permission should be granted;
- (b) any planning approvals for temporary warehouse/open storage use in the subject “AGR” zone; and
- (c) planning enforcement actions against unauthorized warehouse/open storage uses in the vicinity of the Site.

36. In response, Mr David Y.M. Ng, DPO/TMYLW said that land ownership/transaction of the Site in 2017 was not a relevant consideration on whether planning permission should be granted for the application. He advised that there had been 13 planning applications for temporary warehouse/open storage/workshop uses in the subject “AGR” zone, all of which were rejected by the RNTPC or the Board upon review. The approved applications in the “AGR” zones of Kam Tin and Pat Heung cited by the applicant’s representatives were under different planning contexts. The warehouse and open storage yard to the immediate west of the Site were ‘existing uses’ (EUs) tolerated under the Ordinance i.e. uses which existed before the publication in the Gazette of the relevant Interim Development Permission Area (IDPA) Plan in 1990. All other warehouses, open storage yards and vehicle parks in the vicinity of the Site were unauthorized developments subject to active planning enforcement actions. Some sites had recently been cleared after planning enforcement actions were taken.

37. In response, Mr George Mak, the applicant’s representative claimed that the Site was occupied by structures for non-agricultural use before the gazette of the IDPA Plan in 1990. In that regard, the Chairperson enquired and Mr David Y.M. Ng, DPO/TMYLW, with the aid of a series of aerial photographs from 1989 to 2018, advised that the Site was occupied by structures for pigsty, which was regarded as an agricultural use, when the IDPA Plan was published in 1990. The EU status of a site should make reference to the use/operation of the structure that was in existence immediately before the publication in the Gazette of the IDPA Plan. For the present case, if warehouse were to be regarded as an EU, the structures should have been used as a warehouse before the gazette of the IDPA Plan and continue to be so used since then. In fact, there were two rounds of planning enforcement actions against the

previous unauthorized warehouse use at the Site in 2013 and 2016. The previous unauthorized warehouse was subsequently demolished, and the Site was currently vacant.

38. A Member asked whether the previous EU status of the Site would affect the assessment of the current application for warehouse use. In response, Mr David Y.M. Ng, DPO/TMYLW said that generally speaking, any material change of use at a site would need planning approval from the Board if the use was not a Column 1 use, and the application would be considered in accordance with the prevailing planning circumstances, such as planning intention of the current zoning.

39. As Members had no further question on the 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 PlanD's and the applicant's representatives for attending the meeting, and they left the meeting at this point.

Deliberation Session

40. Noting that warehouse use at the Site was not an EU to be tolerated and warehouses/open storage yards in the vicinity of the Site were either EU tolerated under the Ordinance or subject to active planning enforcement actions, two Members considered that there was no ground to approve the application. A Member noted that traffic impact, adverse or otherwise, was not the major consideration of the review application.

41. The Chairperson pointed out that the proposed development was located in an "AGR" zone in close proximity to an environmentally sensitive area zoned "Coastal Protection Area" in Ngau Hom Sha and Ngau Hom Shek. The land use compatibility issue was also a major concern in the application, and the rejection reason should be revised to reflect this concern. Any alternative use(s) in the area would also need to take into account that special planning circumstance. Members agreed.

42. After deliberation, the Board decided to reject the application on review for the following reason :

- “ (a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. In particular, the “AGR” zone in question is in close proximity to an environmentally sensitive area zoned “Coastal Protection Area” and approval of non-agricultural uses would jeopardise land use compatibility. There is no strong justification in the submission to merit a departure from such planning intention, even on a temporary basis;
- (b) the applicant fails to demonstrate that the proposed development would not generate adverse landscape impact on the surrounding areas; and
- (c) approval of the application will set an undesirable precedent for similar applications for other developments within the “AGR” zone, the cumulative effect of which will result in a general degradation of the environment of the “AGR” zone.”

Procedural Matters

Agenda Item 6

[Open Meeting]

Submission of the Draft Fanling/Sheung Shui Outline Zoning Plan No. S/FSS/23A under Section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval (TPB Paper No. 10591)

[The item was conducted in Cantonese.]

Declaration of Interests

43. The Secretary reported that four of the proposed amendment items to the approved Fanling/Sheung Shui Outline Zoning Plan (OZP) were to facilitate proposed public/subsidised housing developments by the Hong Kong Housing Authority (HKHA) and the Hong Kong Housing Society (HKHS). The consultants for the proposed amendments were Ove Arup & Partners Hong Kong Limited (Arup) and AECOM Asia Company Limited (AECOM) in association with Dennis Lau & Ng Chun Man Architects & Engineers (Hong Kong) Limited (DLN) and WSP (Asia) Limited (WSP). Mass Transit Railway Corporation Limited (MTRCL), Hong Kong & China Gas Co. Ltd. (Towngas) (a subsidiary of Henderson Land Development Co. Ltd. (HLD)), HKHS and Ms Mary Mulvihill had also submitted representations/comments. The following Members had declared interests on the item :

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| Mr Raymond K.W. Lee
(as Director of Planning) | - being an ex-officio member of the Supervisory Board of the HKHS; |
| Mr Paul Y.K. Au
(as Chief Engineer (Works),
Home Affairs Department) | - being a representative of the Director of Home Affairs who was a member of the Strategic Planning Committee and Subsidised Housing Committee of HKHA; |
| Professor S.C. Wong
(Vice-chairperson) | - having current business dealings with AECOM and Arup, being employee of the University of Hong Kong (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 with Arup, AECOM, MTRCL and HLD; and past business dealings with HKHA; |

- 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 received a donation from an Executive Director of HLD before;
- Dr Lawrence W.C. Poon - being an ex-employee of HKHS, and his spouse being an employee of the Housing Department (HD) but not involved in planning work;
- Mr K.K. Cheung] their firm having current business dealings with
Mr Alex T.H. Lai] HKHA, HKHS, Arup, WSP, MTRCL, Towngas/HLD and past business dealings with AECOM and hiring Ms Mary Mulvihill on a contract basis from time to time;
- Dr C.H. Hau - having current business dealings with AECOM; and being employee of HKU which had received a donation from a family member of the Chairman of HLD;
- Mr Thomas O.S. Ho - having current business dealings with HKHA, Arup, AECOM and MTRCL and past business dealings with HKHS and DLN;
- Dr Lawrence K.C. Li - being a member of Special Committee on Elderly Housing of HKHS and being the Deputy Chairman of the Council of Hong Kong Polytechnic University which had obtained sponsorship from HLD before;
- Mr Stephen L.H. Liu - having past business dealings with HKHA, HKHS, DLN, MTRCL and HLD;

Mr Franklin Yu - being a member of Building Committee of HKHA, and having past business dealings with Arup, WSP, AECOM, MTRCL and HLD; and

Mr Daniel K.S. Lau - being an ex-employee of HKHS.

44. Members noted that Mr Alex T.H. Lai had tendered apologies for not being able to attend the meeting. As the item was procedural in nature, the above Members were allowed to stay in the meeting.

45. The Secretary briefly introduced the TPB Paper No. 10591 (the Paper). On 29.3.2019, the draft Fanling/Sheung Shui OZP No. S/FSS/23 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 124 valid representations and two valid comments on the representations were received. After giving consideration to the representations and comments under section 6B(1) of the Ordinance on 25.10.2019, 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 was now ready for submission to the Chief Executive in Council (CE in C) for approval.

46. After deliberation, the Board :

- (a) agreed that the draft Fanling/Sheung Shui OZP No. S/FSS/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 Explanatory Statement (ES) for the draft Fanling/Sheung Shui OZP No. S/FSS/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 Fanling/Sheung Shui 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 Fanling/Sheung Shui OZP.

Agenda Item 7

[Open Meeting]

Any Other Business

47. There being no other business, the meeting was closed at 10:20 a.m.