

**Minutes of 1222<sup>nd</sup> Meeting of the  
Town Planning Board held on 22.5.2020**

**Present**

Permanent Secretary for Development  
(Planning and Lands)

Ms Bernadette H.H. Linn

Chairperson

Mr Lincoln L.H. Huang

Vice-chairperson

Mr Wilson Y.W. Fung

Mr Stephen L.H. Liu

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Mr K.K. Cheung

Dr C.H. Hau

Mr Thomas O.S. Ho

Mr Alex T.H. Lai

Professor T.S. 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

Dr Jeanne C.Y. Ng

Professor Jonathan W.C. Wong

Dr Roger C.K. Chan

Dr Venus Y.H. Lun

Mr C.H. Tse

Mr Conrad T.C. Wong

Chief Traffic Engineer (New Territories East)

Transport Department

Mr Ken K.K. Yip

Chief Engineer (Works), Home Affairs Department

Mr Gavin C.T. Tse

Deputy Director of Environmental Protection (1)

Environmental Protection Department

Mr Elvis W.K. Au (a.m.)

Assistant Director of Environmental Protection (Environmental Assessment)

Environmental Protection Department

Mr Terence S.W. Tsang (p.m.)

Deputy Director (General), Lands Department

Ms Karen P.Y. Chan

Director of Planning

Mr Raymond K.W. Lee

Deputy Director of Planning/District

Miss Fiona S.Y. Lung

Secretary

**Absent with Apologies**

Dr Frankie W.C. Yeung

Dr Lawrence K.C. Li

Mr Ricky W.Y. Yu

Mr. Y.S. Wong

**In Attendance**

Assistant Director of Planning/Board

Ms Lily Y.M. Yam

Chief Town Planner/Town Planning Board

Ms April K.Y. Kun (a.m.)

Ms Caroline T.Y. Tang (p.m.)

Senior Town Planners/Town Planning Board

Ms W.H. Ho (a.m.)

Ms Christine C.M. Cheung (p.m.)

**Agenda Item 1**

[Open Meeting]

1. The Vice-chairperson said that as the Chairperson was engaged in another meeting, he would take up chairmanship of the meeting temporarily.

Confirmation of Minutes of the 1221<sup>st</sup> Meeting held on 8.5.2020

[The item was conducted in Cantonese.]

2. The Secretary reported that the draft minutes were under preparation and would be sent to Members in due course.

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

**Agenda Item 2**

[Open Meeting]

Matters Arising

[The item was conducted in Cantonese.]

(i) New Judicial Review Received

Judicial Review Application Lodged by Agrade Holdings Limited against Decision of the Town Planning Board on s12A Application No. Y/TM/20  
(HCAL 826/2020)

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3. The Secretary reported that the judicial review (JR) application was lodged by Agrade Holdings Limited (the Applicant) against Town Planning Board (the Board)'s decision on a section 12A application for rezoning a site in Tuen Mun (the Site). Ove Arup & Partners Hong Kong Limited (ARUP) was a consultant of the application. The following Members had declared interests on the item:

Mr Thomas O.S. Ho - having current business dealings with Arup

Mr K.K. Cheung - his firm having current business dealings with ARUP

Mr Alex T.H. Lai - his former firm having current business dealings with ARUP

4. As the item was to report the receipt of a new JR application, Members agreed that the above Members who had declared interests on the item could stay in the meeting. Members noted that Mr Alex T.H. Lai had not yet arrived to join the meeting.

5. The Secretary reported that the JR was lodged on 6.5.2020 against the decision of the Rural and New Town Planning Committee (RNTPC) of the Board on 17.1.2020 not to approve the Applicant's section 12A application No. Y/TM/20 (the s.12A application). The Applicant was the sole owner of the Site. The Site was located near Tuen Mun Town Plaza and the Applicant proposed to rezone the Site from mainly "Green Belt" ("GB") to "Residential (Group A)27" ("R(A)27") with a maximum domestic plot ratio (PR) of 6 or non-domestic PR of 9.5 and a maximum building height of 100mPD to facilitate a residential development with social welfare facilities. The s.12A application was rejected by the RNTPC on 17.1.2020 mainly on the grounds of undesirable precedent for similar applications, adverse cumulative impacts caused by approving such similar applications, and the need of adopting a comprehensive planning approach for the Site and the adjoining lots.

6. Members noted that the major grounds of the JR application were:

- (a) the rejection reason that "the cumulative effect of approving such similar applications would result in adverse impacts on the surrounding areas" was unsupported by any evidence, had taken into irrelevant consideration, and was irrational/unreasonable. The Board failed to give reasons for such rejection reason and there was insufficient inquiry into the matter;
- (b) the rejection reason of "adopting a comprehensive planning approach for the Site and the adjoining lots was required" had taken into account irrelevant consideration. It was irrational/unreasonable, oppressive and a fettering of

discretion, and it also violated the principle of proportionality with insufficient inquiry into the matter; and

- (c) the rejection reason in relation to setting “an undesirable precedent” had failed to take into account relevant considerations such as the government policy, the planning context of Tuen Mun Town Centre and the previous approvals in the surrounding area. It was arbitrary and irrational/unreasonable and the Board had also failed to give adequate justifications for treating the application differently.

7. Members noted that the Court had not yet granted leave to the JR application and the Secretary would represent the Board in all matters relating to the JR application in the usual manner.

[Mr Alex T.H. Lai arrived to join the meeting at this point.]

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

#### **Agenda Item 3**

[Open meeting (Presentation and Question Sessions only)]

Review of Application No. A/I-MWF/31

Proposed Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” and “Village Type Development” Zones, Lots 1040 S.B and 1040 S.C in D.D.1 MW, Tai Tei Tong Village, Mui Wo, Lantau  
(TPB Paper No. 10630)

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[The item was conducted in Cantonese.]

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

8. The following representative of the Planning Department (PlanD) and representatives of the applicants were invited to the meeting:

***PlanD***

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

***Applicant***

Mr Lam Ka Ho - One of the Applicants and the Applicant's Representative

Ms Ho Yim King ] Applicants' Representatives

Mr Lui Tak Chun ]

9. The Vice-chairperson extended a welcome and explained the procedure of the review hearing. He then invited PlanD's representative to brief Members on the review application.

10. With the aid of a PowerPoint presentation, Ms Donna Y.P. Tam, DPO/SKIs, briefed Members on the background of the review application including the consideration of the application by the Rural and New Town Planning Committee (RNTPC), departmental and public comments, and planning considerations and assessments as detailed in the Town Planning Board (TPB) Paper No. 10630 (the Paper).

[Mr L.T. Kwok arrived to join the meeting during PlanD's presentation.]

11. The Vice-chairperson then invited the applicants' representatives to elaborate on the review application.

12. With the aid of the visualizer, Mr Lam Ka Ho, one of the applicants and the applicant's representative, and Mr Lui Tak Chun, the applicants' representative, made the following main points:

- (a) it was not easy for the applicants to acquire land for Small House development. When the land was acquired, they were not aware that majority of the application site (the Site) fell outside the village 'environ' ('VE') and only part of the Site fell within the "Village Type Development" ("V") zone such that planning approval from the Town Planning Board (the

Board) was required for Small House development;

- (b) as part of the Site fell within “Agriculture” (“AGR”) zone, the Small Houses were proposed to be located in the eastern part of Lot 1040 as close to the ‘VE’ as possible, retaining the western part of the Lot (also owned by the applicants) for agricultural use. The proposed footprint of the Small Houses on the “AGR” zone had been minimised so that less than 50% of the proposed Small House footprints fell within agricultural land (i.e. more than 50% of the Small House footprints fell within the “V” zone). The applicants supported the existing farming activities by providing electricity and water connections and maintenance of fences. Such arrangements were acceptable to the nearby farmers. The proposed Small Houses could co-exist harmoniously with the existing farming activities at and around the Site;
- (c) approval of the subject application would not set an undesirable precedent to other similar applications as the Tai Tei Tong Village was mainly bounded by existing roads/footpaths and there might not be any other sites similar to the Site which would have more than 50% of the proposed Small House footprints falling within the “V” zone. Given a Small House development straddling the “V” and “AGR” zones to the north-east of the Site had been approved, the subject application should not be considered as a precedent case;
- (d) as the proposed developments would block an existing footpath to the structures to the north of the Site, the applicants proposed footpath realignments at the west and south of the Site so as to minimise the impact of the proposed developments on the local community. The applicants also proposed to improve the existing footpaths and street lights in accordance with Home Affairs Department (HAD)’s requirement; and
- (e) the proposed Small Houses could be connected to the public sewer to the south of the Site so as to minimise any possible adverse impact caused by septic tank on agricultural land.



[Dr C.H. Hau, Ms Sandy H.Y. Wong, Mr Daniel K.S. Lau and Mr Conrad T.C. Wong arrived to join the meeting during the presentation of the applicant and the applicants' representative.]

13. As the presentations from the representatives of PlanD and the applicants had been completed, the Vice-chairperson invited questions from Members.

*Small House Development and Agricultural Land*

14. Some Members raised the following questions:

- (a) percentage of the Site falling within "V", "AGR" and 'VE';
- (b) whether the assessment of the proposed Small House developments would be different if the percentages of the Small House footprints falling within or the Site encroaching on "AGR" zone were reduced;
- (c) whether there was similar application for Small House development within the same "AGR" zone;
- (d) whether the existing Small House straddling the "V" and "AGR" zones to the north-east of the Site was a precedent case;
- (e) when the Site was acquired and when the applicants realized that planning permission from the Board was required for Small House developments at the Site; and
- (f) the agreement between the applicants and those currently undertaking farming activities on the use of that remaining part of Lot 1040 concerning their future usage.

15. In response, Ms Donna Y.P. Tam, DPO/SKIs, made the following main points with the aid of some PowerPoint slides:

- (a) the boundary of the "V" zone was drawn up having regard to the existing

‘VE’, demand for Small Houses, topography and site constraints. In the subject application, 62% and 38% of the Site fell within the “AGR” and “V” zones respectively. Only a very small portion of the Site encroached onto the boundary of ‘VE’ while the two proposed Small House footprints fell entirely outside ‘VE’;

- (b) according to the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories (the Interim Criteria), the percentage of the proposed Small House footprints/the Site falling within the “AGR” zone was only one of the planning considerations. In the subject application, although less than 50% of the proposed Small House footprints fell within the “AGR” zone, majority of the Site (62%) including the proposed septic tanks fell within the “AGR” zone. The Agriculture, Fisheries and Conservation Department did not support the application as the Site was actively used for farming activities and possessed potential for agricultural rehabilitation. Besides, the proposed Small House footprints fell outside ‘VE’ and land was still available within the “V” zone of Tai Tei Tong Village to meet the outstanding Small House applications. As such, the proposed Small House developments did not comply with the Interim Criteria;
- (c) the Small House straddling the “V” and “AGR” zones to the north-east of the Site was developed before the preparation of the Mui Wo Fringe Outline Zoning Plan (OZP) and was an existing use. The concerned Small House was not approved by the Board and could not be considered as a precedent case; and
- (d) there was no similar application for Small House development within the same “AGR” zone. As there were other agricultural lots along the “AGR” zoning boundary, approval of the subject application would set an undesirable precedent to encourage similar applications involving active agricultural land and the cumulative effect would result in a loss of suitable land for agricultural purposes in the area.

16. In response, Mr Lam Ka Ho, one of the applicants and the applicant's representative, and Mr Lui Tak Chun, the applicants' representative, made the following main points with the aid of the visualizer:

- (a) the land was acquired about four years ago. Two years after the land was acquired, the applicants submitted Small House applications to Lands Department (LandsD) and were informed after one year that planning permission under the planning regime was required for the proposed Small House developments; and
- (b) not all of the land owned by the applicants would be used for Small House developments. As only the eastern part of the land owned by the applicants was included in the Site, the western part of the land would be retained for agricultural use. The site used for Small House developments had been reduced as far as possible. While about 62% of the Site fell within "AGR" zone, less than 50% of the proposed Small House footprints fell within the "AGR" zone. Currently, the farming activities at and around the Site were undertaken by an elderly of more than 80 years old, who had already been informed that the existing agricultural activities to the west of the Site would not be affected by the proposed Small House developments.

*Realignment of Footpaths*

17. Some Members raised the following questions:

- (a) how the existing footpath to be blocked by the proposed Small House developments would be re-provisioned;
- (b) details of the proposed footpath realignments as shown on Plan R-2a of the Paper;
- (c) whether the proposed footpath realignments as shown on Plan R-2a involved land owned by the Applicants; and

- (d) implementation of footpath realignment within private land.

18. In response, Mr Lam Ka Ho and Mr Lui Tak Chun, made the following main points with the aid of the visualizer:

- (a) although the proposed Small House developments would block an existing footpath, a new footpath within the northern part of the Site would be provided by the applicants to serve the family living in the structure to the north of the Site. The footpath would be reprovisioned free of charge and the proposal was accepted by the concerned family. The existing footpath to the south of the Site would not be affected by the proposed Small House developments; and
- (b) regarding the proposed footpath realignments shown on Plan R-2a of the Paper, the applicants had discussed with HAD several times and it was noted that the works would be carried out subject to funding approval in new financial year. However, the applicants had all along been proactive in liaising with HAD and CLP with respect to footpath improvement works and installation of street lights/electric box for the benefit of the local residents.

19. In response, Ms Donna Y.P. Tam, DPO/SKIs, made the following main points with the aid of some PowerPoint slides:

- (a) as the proposed Small House developments would block an existing footpath, footpath realignments as shown on Plan R-2a of the Paper were proposed by the applicants. While the proposed footpath to the west of the Site fell within the land owned by the applicants, the part to the south of the Site involved private land owned by others; and

- (b) it was not uncommon that footpaths in the rural area fell within private land. In general, if a footpath was affected by a proposed development, it would be realigned subject to liaison between the project proponent and the relevant stakeholders.

[Mr Wilson Y.W. Fung and Mr Franklin Yu arrived to join the meeting and Miss Winnie W.M. Ng left the meeting temporarily during the question and answer session.]

20. As Members had no further question, the Vice-chairperson said that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application in the absence of the applicant and the applicants' representatives and inform the applicants of the Board's decision in due course. The Vice-chairperson thanked the applicant and representatives of the applicants and PlanD for attending the meeting. They left the meeting at this point.

#### Deliberation Session

21. The Vice-chairperson invited the Secretary to explain the relationship between 'VE' and "V" zone. The Secretary said that 'VE' was the administrative boundary used by the LandsD for consideration of Small House applications. In general, 'VE' referred to the area within a 300-foot radius from the edge of the last village type house built in the recognised village before the introduction of the Small House Policy in 1972. Eligible indigenous villagers might submit applications to LandsD for Small House developments within the 'VE'. "V" zone was a land use zoning under the OZP and its boundary was drawn up taking into account a series of planning factors including the 'VE' of the recognised villages, the estimate of Small House demand, the local topography, the existing settlement pattern, site characteristics and environmental constraints, etc. Generally speaking, the planning intention of the "V" zone was to designate the boundaries of both existing recognised villages and areas of land considered suitable for village expansion.

22. Some Members said that the Site was occupied by active farmland and the proposed Small House developments were considered not in line with the planning intention of the "AGR" zone. Besides, it was noted that there was active agricultural land along the "AGR" zoning

boundary, approval of the application would set an undesirable precedent to encourage similar applications which would result in a loss of active agricultural land within the “AGR” zone.

23. A Member said that in considering whether there was a general shortage of land in meeting the demand for Small House development in the “V” zone, the Board had adopted a more cautious approach in recent years and more weighting had been put on the number of outstanding Small House applications being processed by LandsD. As the land within the “V” zone of Tai Tei Tong Village was sufficient to meet the outstanding Small House applications, a consistent approach should be adopted to reject the application.

24. The Vice-chairperson said that the Interim Criteria had provided a framework for Members to consider Small House applications. In considering whether there was a general shortage of land in meeting the demand for Small House development in the “V” zone, the outstanding Small House applications, 10-year Small House demand forecast, as well as land available within the concerned “V” zone were all factors that should be taken into account. In the past, the Small House demand was worked out based on the number of outstanding Small House applications being processed by LandsD and the number of 10-year Small House demand forecast provided by the indigenous inhabitant representative (IIR) to LandsD. However, it was later noted that the figure of the 10-year Small House demand forecast was in doubt as it was often inflated and could not be verified. Hence, more weighting had been put on the outstanding Small House applications.

25. A Member asked if there was a need to revise the Interim Criteria to clearly spell out how the “general shortage” of land should be interpreted. The Secretary said that the matter had previously been discussed by the Board, which considered that the same principles in considering “general shortage” still applied and different criteria would have different weightings to suit different circumstances. The Board agreed that there was no need to amend the Interim Criteria. The Vice-chairperson said that the cautious approach had gradually been established as principle adopted and consistently applied by the Board in the decision making process. This cautious approach had been adopted by the Board for several years and indigenous villagers were aware of the Board’s latest practice when submitting Small House applications.

26. A Member asked if the restrictions in the land use zoning on the OZP were easily accessible by members of the public at the time when the villagers acquired the land for Small House development. Another Member said that while the property agency or solicitors would provide relevant information to the purchaser, it might be helpful if PlanD could provide more information in the form of frequently asked questions. The Secretary remarked that all OZPs were accessible in the public domain and the public could get relevant information from the planning enquiry counters of PlanD. The Vice-chairperson said that the indigenous villages would normally consult the IIR before acquiring land for Small House development. Notwithstanding that, PlanD could consider providing more information through the website. A Member, however, said that the Government had already provided publicity materials to remind the general public of the issues to pay attention to in land/property transactions. It was the applicants' responsibility to consult the relevant professionals to facilitate their decision making process in land/property transaction rather than relying on information provided in the Government's website.

27. Members generally agreed that the subject application should not be approved as the proposed Small House developments were not in line with the planning intention of the "AGR" zone and the applicants had not provided strong justification for a departure from the planning intention. Land was still available within the "V" zone of Tai Tei Tong Village and it was considered more appropriate to concentrate Small House developments within the zone. Besides, approval of the application would set an undesirable precedent to encourage similar applications involving active agricultural land within the "AGR" zone.

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone in the Mui Wo Fringe 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 such planning intention;

- (b) land is still available within the “Village Type Development” zone of Tai Tei Tong 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; and
- (c) approval of the application would set an undesirable precedent to encourage similar applications involving active agricultural land within the “AGR” zone. The cumulative effect of approving such applications will result in loss of suitable land for agricultural purposes in the area.”

#### **Agenda Item 4**

[Open Meeting]

Request for Deferment of Review of Application No. A/SK-CWBN/49

Proposed House and the associated Excavation of Land in “Green Belt” Zone and an area shown as ‘Road’, Lots 330, 331 RP (Part), 332 S.B and 333 S.B in D.D. 225, Pak To Avenue, Clear Water Bay, Sai Kung

(TPB Paper No. 10654)

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[The item was conducted in Cantonese.]

29. The Secretary reported that on 6.5.2020, the applicants’ representative wrote to the Secretary of the Town Planning Board (the Board) and requested the Board to defer making a decision on the review application for another two months to allow more time to consult relevant departments and for preparation of further information (FI) to address departmental comments on traffic and landscape impacts. It was the third request for deferment of the review application.

30. Members noted that the justifications for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33) in that the applicants needed more time to address the comments from relevant government departments, the deferment period was not indefinite and the deferment would not affect the interests of other relevant parties.



31. After deliberation, the Board agreed to defer a decision on the review application for two months as requested by the applicants, and the review application would be submitted to the Board for consideration within three months upon receipt of further submission from the applicants. If the FI submitted by the applicants was not substantial and could be processed within a shorter time, the application 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 a total of six months for preparation of submission of FI, and no further deferment would be granted unless under very special circumstances.

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

#### **Agenda Item 5**

[Open meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-KLH/562

Proposed House (New Territories Exempted House - Small House) in "Green Belt" and "Village Type Development" Zones, Lot 981 S.D in D.D. 9, Nam Wa Po, Tai Po (TPB Paper No. 10632)

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[The item was conducted in Cantonese.]

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

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

#### ***PlanD***

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| Ms Jessica H.F. Chu | - District Planning Officer/Shu Tin, Tai Po and North (DPO/STN) |
| Mr Tony Y.C. Wu     | - Senior Town Planner/Country Park Enclaves (STP/CPE)           |

***Applicant***

*Euro Asia Construction*

*Engineering Limited –*

Ms Sheeba Tsang ] Applicant's representatives

Mr Edwin Lau Yuen Ping ]

33. The Vice-chairperson extended a welcome and explained the procedure of the review hearing. He then invited PlanD's representative to brief Members on the review application.

34. 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), departmental and public comments, and planning considerations and assessments as detailed in the Town Planning Board (TPB) Paper No. 10632 (the Paper).

35. The Vice-chairperson then invited the applicant's representatives to elaborate on the review application.

36. With the aid of the visualizer, Ms Sheeba Tsang, the applicant's representative, made the following main points:

- (a) the application site (the Site) fell partly within the "Village Type Development" ("V") zone (26%) and partly within the "Green Belt" ("GB") zone (74%) on the Kau Lung Hang Outline Zoning Plan, and fell wholly within the village 'environ' ('VE') of Nam Wa Po;
- (b) as the proposed Small House was located immediately adjacent to the existing cluster of Small Houses, it should be considered that the criteria of concentrating Small House development for a more orderly development pattern, efficient use of land and provision of infrastructures and services had been met;

- (c) the applicant did not agree with PlanD's assessment that land was still available within the "V" zone of Nam Wa Po for the development of 90 Small Houses. According to the analysis conducted by the applicant, only about 1,465m<sup>2</sup> of land (equivalent to six Small Houses) in the "V" zone was available for Small House development, which was insufficient to meet Small House demand (i.e. outstanding applications of 16 and 10-year Small House demand forecast of 185). There was a general shortage of land in meeting the demand for Small House development in the concerned "V" zone;
- (d) the discrepancy between the assessments conducted by the applicant and PlanD was mainly due to PlanD's incorporation of government land, Tso/Tong land and land with irregular shape/passageways into the estimation on land available for Small House development. It should be noted that the Court of First Instance ruled in April 2019 that private treaty grant and land exchange arrangements involving government land under the Small House Policy were unconstitutional. Lands Department (LandsD) had also suspended the processing of private treaty grant and land exchange for Small House on government land. Besides, it was advised by the indigenous inhabitant representative (IIR) of Nam Wa Po that Tso/Tong land could not be carved out for Small House development. As such, it was inappropriate to count government and Tso/Tong land as land available for Small House development;
- (e) the proposed development was in compliance with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories (the Interim Criteria) in that more than 50% of the proposed Small House footprint fell within the 'VE' of the recognized village and there was a general shortage of land in meeting the demand for Small House development in "V" zone;
- (f) the proposed development was generally compatible with the surrounding area in terms of land use and would not encroach onto the planned road

network nor cause adverse traffic, environmental, landscape, drainage, sewerage and geotechnical impacts on the surrounding areas. It would be connected to the existing public sewerage system and the proposal was accepted by the relevant department. It was stated in paragraph 12.4 of the RNTPC paper No. A/NE-KLH/562A that the proposed development was generally in compliance with the TPB Guidelines No. 10 on Application for Development within “GB” zone under section 16 of the Town Planning Ordinance;

- (g) no adverse public comment from the villagers was received. The Hong Kong Bird Watching Society’s comment that the proposed development was a “destroy first, build later” case was not factually correct. The photo attached to their sections 16 and 17 submissions was taken in October 2018, which was right after Typhoon Mangkhut in September 2018. The vegetation destruction was caused by the typhoon and the dead trees were the debris after the typhoon which had not yet been cleared; and
- (h) more justifications had been provided in the review application to address RNTPC’s concern. Relevant government departments including Agriculture, Fisheries and Conservation Department and Urban Design and Landscape section of PlanD had no objection to the application.

37. With the aid of a PowerPoint presentation, Mr Edwin Lau Yuen Ping, the applicant’s representative, made the following main points:

- (a) PlanD’s estimation for land available within the “V” zone for Small House development had ignored land administration practices. In view of the Court’s ruling that private treaty grant and land exchange arrangements involving government land under the Small House Policy were unconstitutional and LandsD’s latest practice to suspend processing of such applications, it was reasonable to exclude government land from the estimation on available land for Small House development;
- (b) the criteria for the sale of Tso/Tong land were rather stringent. Under

section 15 of the New Territories Ordinance (Cap. 97), the consent of the District Officer (DO), on behalf of the Secretary for Home Affairs, was required before a registered manager might sell any land registered in the name of Tso/Tong. Besides, DO would issue such consent only when there was unanimous consent of all the stakeholders. As such, Tso/Tong land should also be excluded from the estimation on land available for Small House development;

- (c) Area ID B28 as shown in Drawing R-7 of the Paper, which was identified by PlanD as land available for Small House development, had accounted for a significant portion of the available land. However, that portion of land was not owned by the villagers of Nam Wa Po and it was told that the concerned land would not be sold to villagers of Nam Wa Po;
- (d) if government land, Tso/Tong land, Area ID B28 and land with irregular shape/passageways were excluded, the land available within the “V” zone of Nam Wa Po could only accommodate about six Small Houses; and
- (e) as the Site fell within ‘VE’ and was purchased by the applicant’s father before the imposition of land use restriction on the outline zoning plan, the applicant was not aware that Small House development at the Site would require planning permission from the Town Planning Board (the Board). The Board was urged to review its decision and give favourable consideration to approve the application.

38. Ms Sheeba Tsang said that Mr Lam Yik Kuen, the Chairman of Tai Po Rural Committee (RC), Committee Member of New Territories Heung Yee Kuk and IIR of Nam Wa Po, originally planned to attend the meeting as one of the applicant’s representatives. However, he was unable to join the meeting due to other commitments in the District Council. While Mr Lam Yik Kuen’s letter had been included in Appendix I of the supplementary planning statement for the review application (Annex D2 of the Paper), she would like to highlight some of the main points on behalf of Mr Lam Yik Kuen:

- (a) Tso/Tong land was no longer available for Small House development in Nam Wa Po as the Tso/Tong of that village (Lam Wing Kat Hall) had stopped carving out any ancestral land for indigenous villagers to build village houses since 1980s;
- (b) PlanD's incorporation of all vacant land with irregular shapes, passageways or small spaces between existing Small Houses into the estimation on land available for Small House development did not respect the actual operation and layout of the village;
- (c) the former Secretary for Development, Mr Paul Chan, in replying a question from a Legislative Council Member on 18.11.2015, mentioned that since there were a number of land areas with irregular shapes, or were passageways or spaces between existing small houses, the width or area of which was not large enough for building small houses, it was unable to provide information about the area of government land reserved for building Small Houses. The above line-to-take was different from the methodology adopted by PlanD to estimate land available for Small House development in the subject application;
- (d) the Court ruled in April 2019 that the use of government land for Small House development was unconstitutional. It was unreasonable and unfair to include government land in the estimation on land available for Small House development;
- (e) the "V" zone of Nam Wa Po was designated in 1993. As there was substantial increase in the population of indigenous villagers and Small House demand, as well as changes in surrounding development context over the years, in particular the development of Liantang/Heung Yuen Wai Boundary Control Point and Fanling Highway Interchange, the delineation of the "V" and "GB" zones should be reviewed;
- (f) land within the curtilage of the existing Small Houses should be excluded from the estimation of land available for Small House development as it was unlikely that the owners would be willing to sell the land to other people

for building houses;

- (g) several large lots in the southern portion of the “V” zone, which were owned by Tso/Tong of the neighbouring Tai Hang Village, would not be sold to or used for Small House development by the indigenous villagers of Nam Wa Po. Furthermore, the process of selling or ceding ancestral land was far more complicated than the land owned by individuals; and
- (h) as the current layout of Nam Wa Po Village would facilitate air ventilation, drainage and management, the indigenous villagers would not accept using every piece of vacant land in the “V” zone for Small House development.

39. As the presentations from the representatives of PlanD and the applicant had been completed, the Vice-chairperson invited questions from Members.

40. Some Members raised the following questions:

- (a) the number of Small Houses that could be accommodated if government land was excluded from the land available within the “V” zone of Nam Wa Po;
- (b) the status of a site located to the south of the Site and shown with stippled pink on Plan R-2b of the Paper;
- (c) elaboration on why Area ID B28 as shown in Drawing R-7 of the Paper would not be sold to villagers of Nam Wa Po;
- (d) user restriction of the Site under the lease; and
- (e) whether the villagers were aware of the more cautious approach adopted by the Board in approving applications for Small House development in recent years.

41. In response, Ms Jessica H.F. Chu, DPO/STN, made the following main points with the aid of some PowerPoint slides:

- (a) according to PlanD's estimation, if government land was excluded from the land available within the "V" zone of Nam Wa Po, the number of Small Houses that could be accommodated would be 67 which was still sufficient to meet the outstanding Small House applications of 16; and
- (b) the area to the south of the Site and shown with stippled pink on Plan R-2b of the Paper was the subject of two similar applications No. A/NE-KLH/330 and 463 which were approved by the Town Planning Board (the Board) in 2005 and 2014 respectively before the Board's adoption of the cautious approach.

42. In response, Mr Edwin Lau Yuen Ping, the applicant's representative, made the following main points:

- (a) according to the applicant's estimation, the number of Small Houses that could be accommodated in the government land within the "V" zone of Nam Wa Po was about 30;
- (b) Area ID B28 as shown in Drawing R-7 of the Paper was owned by Tso/Tong of the neighbouring village. Mr Lam Yik Kuen, the Chairman of Tai Po RC, had talked to the person in charge of that village and was told that the concerned piece of land would not be sold to persons not related to the village;
- (c) the Site was held under Block Government Lease demised for agricultural use; and
- (d) while they were aware that Small House applications had been processed with more stringent criteria over the years, it should be noted that the Site was purchased long time ago by the applicant's father for Small House development for his children. As Small House development was allowed



provided that it was located within the 'VE' at that time, the applicant was not aware that planning permission from the Board was required. As such, sympathetic consideration should be given to the subject application.

43. As Members had no further question, the Vice-chairperson said that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application in the absence of the applicant's representatives and inform the applicant of the Board's decision in due course. The Vice-chairperson thanked the representatives of the applicant and PlanD for attending the meeting. They left the meeting at this point.

#### Deliberation Session

44. A Member asked why PlanD would still include government land in the estimation of land available for Small House development despite the Court's ruling that private treaty grant and land exchange arrangements involving government land for Small House development were unconstitutional and LandsD had temporarily suspended processing such applications. Mr Raymond K.W. Lee, the Director of Planning, explained the following:

- (a) PlanD estimated land available within "V" zone for Small House development based on the developable area after deducting area such as land occupied by existing village houses or reserved for Small House developments, roads, footpaths and tracks, steep slopes, tree clusters (especially Fung Shui woodland). An assumption of 40 houses per hectare was then applied to estimate the number of Small Houses that could be accommodated in the "V" zone. As a typical Small House would only have a footprint of about 65 m<sup>2</sup>, this was a conservative assumption leaving much space for other necessary supporting facilities such as access road, emergency vehicular access, circulation space and open spaces;
- (b) as land ownership could be subject to change and land parcel could be subdivided to suit different development needs, it was not a factor taken into account in estimating land available for Small House development within "V" zone;

- (c) the Court's recent ruling relating to implementation of Small House Policy by LandsD did not affect the Board's function in processing section 16 application under the Town Planning Ordinance (the Ordinance). For application of Small House development involving government land, the Board might continue to process the application and decide whether to grant or refuse to grant planning permission taking into account the relevant planning considerations. Even if planning permission was granted, the applicant would still have to comply with all other requirements, including Small House grant by LandsD pursuant to the Small House Policy; and
- (d) for the subject review application, there was sufficient land available, even if all government land was excluded, within the "V" zone for Nam Wah Po to meet the outstanding Small House applications.

45. The Secretary supplemented that legal advice had been obtained to confirm that the Court's judgement did not affect the Board's functions under the Ordinance and the Board might continue to process section 16 application for Small House development that involved government land. Members also noted that the Court ruling had been subject to appeal.

46. A Member agreed that land ownership issue should not be a material consideration of the Board as it could be changed over time according to the market mechanism. With respect to the cautious approach, while it was reasonable to concentrate the Small House development within the "V" zone for more orderly development pattern, efficient use of land and provision of infrastructures and services, there would be situation that the land within the "V" zone was no longer sufficient to meet the outstanding Small House applications. The Member asked what would be the trigger point to review the cautious approach. In response, the Vice-chairperson said that if there was insufficient land available within the "V" zone for Small House development, the issue should be better addressed by reviewing the boundary of the "V" zone in the plan-making process.

47. A Member asked if the lease restriction for agricultural use at the Site should be a material consideration for the application. Ms Karen P.Y. Chan, Deputy Director (General), LandsD said that it was not uncommon that private land owned by the indigenous villagers was held under Block Government Lease demised for agricultural use. If the Small House

application was approved by the Board, LandsD would then process the application for issue of a building licence in respect of the private agricultural land. The Vice-chairman said that in considering whether sympathetic consideration would be given to the application, the land use zoning and the relevant criteria set out in the Interim Criteria would be more relevant.

48. Members generally agreed that PlanD's inclusion of government land and TSO/Tong land in the estimation of land available within the "V" zone for Small House development was reasonable. The application should not be approved as the proposed development was not in line with the planning intention of the "GB" zone and the applicant had not provided strong justification for a departure from the planning intention; and land was still available within the "V" zone of Nam Wa Po and it was considered more appropriate to concentrate the development within the zone.

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

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from this planning intention; and
- (b) land is still available within the “Village Type Development” (“V”) zone of Nam Wa Po 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.”

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

[The Chairperson arrived to join the meeting, Mr Lincoln L.H. Huang left the meeting temporarily and Mr Thomas O.S. Ho left the meeting at this point.]

## **Agenda Item 6**

[Open meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-TK/674

Proposed Temporary Car Park (Private Cars only) for a Period of 3 Years in “Agriculture” Zone, Lots 722 S.A (Part), 722 RP (Part), 725 RP (Part), 762 (Part) and 763 RP in D.D. 29 and Adjoining Government Land, Ting Kok, Tai Po  
(TPB Paper No. 10631)

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[The item was conducted in Cantonese.]

50. The Secretary reported that Dr Lawrence W.C. Poon had declared interest on the item for co-owning with spouse a house with garden in Lung Mei Tsuen, Ting Kok. Members noted that Dr Lawrence W.C. Poon had not yet arrived to join the meeting.

### **Presentation and Question Sessions**

51. The following representatives of the Planning Department (PlanD), the applicant and applicant’s representatives were invited to the meeting:

#### ***PlanD***

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

Mr Tony Y.C. Wu - Senior Town Planner/Country Park Enclaves (STP/CPE)

#### ***Applicant***

Mr Leung Pak Keung - Applicant

Mr Lau Chee Sing ]

Mr Li Yun Hei ] Applicant’s representatives

Mr Law Tin Sung ]

Ms Tang Sau Fong ]

52. The Chairperson resumed chairmanship of the meeting. She extended a welcome and explained the procedure of the review hearing. She then invited PlanD’s representative to

brief Members on the review application.

53. 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), departmental and public comments, and planning considerations and assessments as detailed in the Town Planning Board (TPB) Paper No. 10631 (the Paper).

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

55. Mr Li Yun Hei, the applicant's representative, made the following main points:

- (a) he was the Indigenous Inhabitant Representative (IIR) of Ting Kok Village and represented the villagers to support the application;
- (b) Ting Kok Village, which was the largest village along Ting Kok Road, had a population of about 4,000 to 5,000. Despite the large population, there were currently only about 20 to 30 proper car parking spaces to serve the local villagers. Due to the lack of car parking spaces, there was serious illegal occupancy and parking problem along Shan Liu Road resulting in obstruction of vehicular flow. There were private cars parking along the footpath and vehicles were forced to use the cycle track, resulting in pedestrian-vehicle conflicts and the safety of the pedestrian was endangered;
- (c) while complaints on illegal parking and vehicular obstruction had been made to the Police, the Police had seldom taken effective enforcement action and cars would be parked on the road again soonest after the Police had left. The number of four complaints per month as stated in the Paper could not reflect the real situation as the actual number of complaints lodged by the villagers should be far more than that;
- (d) the illegal parking problem was mainly due to the lack of parking spaces in Ting Kok Village. Although the villagers had requested the Government

to provide proper car parking spaces for a long time, the issue had not been followed-up by the relevant government departments. As there was an urgent need to solve the problem, the applicant had sought collaboration with the land owners of the application site (the Site) to provide land for temporary car park use. However, the application was rejected by RNTPC of the Town Planning Board (the Board); and

- (e) the villagers had sought assistance from the Home Affairs Department (HAD) to provide a footpath along Shan Liu Road but the proposal was opposed by private car owners. They had also discussed with HAD to prohibit private cars from using the cycle track. However, the proposal might not be feasible due to the lack of car parking spaces. As such, the Board was urged to approve the application to solve the imminent parking problem in the area.

56. Mr Lau Chee Sing, the applicant's representative, made the following main points:

- (a) he was the former Tai Po District Council Member and was involved in the previous application at the Site;
- (b) as Ting Kok Village was the largest village in the area, the relatively higher demand for car parking spaces was understandable. While the Site fell within "Agriculture" ("AGR") zone, it was adjacent to Shan Liu Road and the proposed temporary car park could help meet the demand for car parking spaces in the area;
- (c) it was noted that the Board had approved the rezoning of several pieces of land from "Green Belt" or "AGR" zones to residential use in the past few years. While the villagers appreciated the need for a change in land use zoning to meet the housing demand, they also expected the Board to understand their need for car parking spaces with a view to resolving the traffic problem;
- (d) while there were guidelines to facilitate Small House development outside

the “Village Type Development” (“V”) zone, there was currently no policy nor guidelines to facilitate car parking provision to meet the needs of the villagers; and

- (e) although one of the rejection reasons for the application was related to the precedent effect for similar applications in the “AGR” zone, it was noted that a similar application No. A/NE-TK/661 had previously been approved for temporary car park use in the “AGR” zone.

57. With the aid of the visualizer, Mr Leung Pak Keung, the applicant, made the following main points:

- (a) he was the IIR of Shan Liu Village. In view of the serious illegal parking problem along Shan Liu Road, he had liaised with land owners at the Site with a view to providing a temporary car park to resolve the problem;
- (b) as illustrated by the photos taken at Shan Liu Road, an ambulance was blocked by the busy traffic and illegal parking along the road and could hardly go to Pat Sin Leng for rescue works during holidays. The road obstruction problem had not only endangered the safety of the local villagers, but also affected other users of Shan Liu Road;
- (c) the application was submitted as the Government was not willing to provide a proper car park in the area. He doubted why the application was rejected by RNTPC despite efforts made by the local villagers in resolving the problem. As the proposed car park was temporary in nature, they would reinstate the Site once a proper car park was provided by the Government;

- (d) noting that temporary barbecue uses had been approved in the “AGR” zone to the south of Ting Kok Road, he doubted why the Board had adopted double standard in approving applications with business operation while the safety issues at Shan Liu Road was ignored. As the condition of the agricultural land around the barbecue sites was much better than that around the Site, he doubted why the barbecue uses were not considered as precedent case which would result in a general degradation of the landscape character of the area; and
- (e) in view of the imminent need of car parking spaces and the safety concern at Shan Liu Road, the Board was urged to give sympathetic consideration to approve the application.

[Mr Philip S.L. Kan left the meeting at this point.]

58. As the presentations from the representatives of PlanD, the applicant and the applicant’s representatives had been completed, the Chairperson invited questions from Members.

*Car Parking Arrangement*

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

- (a) how many cars could be parked at the Site and whether the area of the Site could be reduced;
- (b) whether parking fee would be charged and whether mechanical car parking facilities would be provided to increase the car parking efficiency at the Site;
- (c) whether the land sandwiched between the southern boundary of the Site and Shan Liu Road, and the land at the northern tip of the “V” zone opposite to the Site as shown on Plan R-3 of the Paper could be utilized for car park use;



- (d) the land area originally used for car parking purpose within the “V” zone which had been changed for Small House development;
- (e) the number of private cars owned by the villagers and the rate of increase in car ownership;
- (f) the current car parking arrangement within the “V” zone and whether there was fee-paying car park in Ting Kok Village; and
- (g) whether the provision of car park would increase the incentive for car ownership.

60. In response, Mr Leung Pak Keung, the applicant, and Mr Li Yun Hei, the applicant’s representative, made the following main points with the aid of the visualizer:

- (a) the Site could accommodate about 30 car parking spaces (excluding government land portion). If the area of the Site was reduced, the number of car parking spaces to be accommodated would not be enough to address the existing traffic problem. Besides, there was currently no agricultural activity at the Site due to the poor environmental condition;
- (b) while the proposed temporary car park was not profit-making, parking fee would need to be charged so as to cover the costs for management and maintenance. There was no resource to provide mechanical car parking facilities at the Site;
- (c) there was a house located in the land sandwiched between the southern boundary of the Site and Shan Liu Road. Regarding the land at the northern tip of the “V” zone opposite to the Site, there was a stream nearby and the area was not easily accessible by vehicles. While the concerned area had provided limited car parking spaces in the past, it was currently occupied by six Small Houses;

- (d) there was no information on the amount of land originally used for car parking purpose within the “V” zone which had been changed for Small House development. However, even if there was vacant land within the “V” zone, it could hardly be accessible by vehicles due to the densely development pattern of Small Houses;
- (e) no information on the number of private cars owned by the villagers and the rate of increase in car ownership was available. However, such rate should be similar to that of other areas in Hong Kong;
- (f) there was no fee-paying car park in Ting Kok Village. It should be the Government’s obligation to provide a fee-paying car park to meet the needs of the local villagers; and
- (g) there was no evidence showing that the car ownership rate would be increased if more car parks were provided. It was believed that the provision of more car parks could help meet the imminent need for car parking spaces.

61. In response, Ms Jessica H.F. Chu, DPO/STN, made the following main points with the aid of some PowerPoint slides:

- (a) according to the aerial photo on Plan R-3 of the Paper, the land at the northern tip of the “V” zone opposite to the Site was used for car parking spaces in 2014 and 2015, and the area was subsequently occupied by Small Houses in 2019; and
- (b) car parking spaces within the “V” zone were usually arranged through liaison among the villagers. Currently, there were a number of open car parking areas located within the “V” zone and those areas were accessible via Shan Liu Road and another access road to its west.

*Traffic Condition*

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

- (a) the current car parking and traffic condition at Shan Liu Road;
- (b) whether the relevant government department had advised on the traffic condition of Shan Liu Road and whether there was any evidence showing that ambulance service had been obstructed by the traffic condition at Shan Liu Road;
- (c) the arrangement of emergency vehicular access (EVA) for Ting Kok Village; and
- (d) apart from private cars, whether there was any public transport serving the villagers of Ting Kok Village.

63. In response, Mr Leung Pak Keung, the applicant, and Mr Li Yun Hei, the applicant's representative, said that Shan Liu Road was a local road for both-way traffic flow. There were about 40 and 60-70 private cars parking along Shan Liu Road during day and night times. The illegal parking problem along the road had seriously affected traffic flow and minibus services in the area. Their discussion with HAD to provide a footpath along Shan Liu Road was aimed to improve pedestrian safety and prohibit the private cars from parking on both sides of Shan Liu Road. However, the proposal was opposed by the private car owners due to the lack of alternative car parking spaces. After their liaison, the private car owners were willing to park their cars at the Site if the application was approved.

64. In response, Ms Jessica H.F. Chu, DPO/STN, made the following main points with the aid of some PowerPoint slides:

- (a) the Police advised that while there was illegal parking, traffic flow along Shan Liu Road was still acceptable as reflected by the number of traffic complaints received in the past year (i.e. about four complaints per month). No information showing that ambulance service had been obstructed by the

traffic condition at Shan Liu Road was provided by government departments;

- (b) Ting Kok Village was accessible from Ting Kok Road via Shan Liu Road and another access road to the west of Shan Liu Road. Those roads also served as EVA to the village. In processing Small House applications, the Fire Services Department would provide comments on whether the location of the proposed Small House would affect the EVA; and
- (c) there were two minibus routes passing through Shan Liu Road, one provided whole-day services while the other provided services during peak hours in the morning and evening. There was also a No. 75K bus which provided services between Tai Po and Tai Mei Tuk.

*Others*

65. A Member asked about the location of the similar application No. A/NE-TK/661. In response, Mr Lau Chee Sing, the applicant's representative, said that application No. A/NE-TK/661 was located in the "AGR" zone to the south of Ting Kok Road and was approved by the Board in 2019 for temporary barbecue site and car park use.

[Messrs Alex T.H. Lai, Stephen L.H. Liu and Stanley T.S. Choi left the meeting during the question and answer session.]

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

### Deliberation Session

67. The Chairperson remarked that while the applicant and his representatives had urged for the provision of a public car park by the Government in the village, the land in the “V” zone was primarily intended for development of Small Houses by indigenous villagers. From the perspective of more efficient use of land resources, there was public discussion on the Small House Policy (SHP) which had been subject to review. Currently, there was no plan to provide government car park in the village.

68. A Member did not support the application as the provision of more car parking spaces would increase the incentive of car ownership and the long-term traffic problem in the area could not be resolved. The possible way out was to improve the public transport facilities to meet the local needs.

69. A Member said that the demand for car parking spaces in the rural area was understandable given the improvement in living quality and the long time for commuting. Apart from local villagers, there might be car parking demand generated by visitors during holidays. While there was insufficient ground to approve the application, the fundamental traffic issue in rural area should be addressed.

70. A Member said that there was insufficient ground to deviate from the RNTPC’s decision. While the traffic problem faced by the local villagers should not be ignored, it could hardly be addressed by the provision of about 30 car parking spaces as claimed by the applicant (if government land is excluded). The illegal parking problem was common in both the urban and rural areas and the issue should better be handled through undertaking enforcement actions. In the long-term, the issues in the New Territories including traffic arrangement, environmental improvement and provision of infrastructure/supporting facilities should be considered in a holistic manner. Another Member concurred that the car parking provision under the application could not address the traffic problem in the area and there was scope to improve rural area by providing more infrastructure and supporting facilities for local villagers.

71. A Member asked whether there was comprehensive planning for village settlements. In response, Mr Raymond K.W. Lee, the Director of Planning, said that the Government had introduced the Village Expansion Area (VEA) scheme in 1981 to provide for more orderly village developments. However, the VEA scheme was suspended in 2002 pending the

review on SHP. In Ting Kok Village, there was provision of public facilities including a recreation ground and communal car parking areas which were accessible from another access road to the west of Shan Liu Road. With respect to Shan Liu Road, railing was provided in the lower section of the road near the junction of Shan Liu Road/Ting Kok Road to deter illegal parking. As no railing was provided in the upper section of Shan Liu Road, the illegal parking problem was more serious there.

72. The Chairperson supplemented that while the VEA scheme aimed at providing a better planning of village developments through resuming private land, assembling government land and conducting site formation and other relevant public works, it was suspended in 2002 pending the completion of the review on the SHP. Recently, there was a judicial review (JR) of the SHP and it was ruled by the Court of First Instance that private treaty grant and land exchange arrangements involving government land under the SHP were unconstitutional. As appeals had been lodged against the Court's ruling, the Government had to take into account the Court's eventual judgements when reviewing the SHP and the VEA scheme.

73. Members generally agreed that the subject application should not be approved for reasons that the proposed development was not in line with the planning intention of the "AGR" zone and the applicant had not provided strong planning justification in the submission for a departure from the planning intention of "AGR" zone and to demonstrate that the proposed development would not result in adverse landscape impact on the area. Besides, approval of the application would set an undesirable precedent for other similar applications in the "AGR" zone and the cumulative effect would result in a general degradation of the landscape character of the area.

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

even on a temporary basis;

- (b) the applicant fails to demonstrate in the submission that the development would not result in adverse landscape impact on the area; and
- (c) the approval of the application would set an undesirable precedent for other similar applications in the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the landscape character of the area.”

[Messrs Franklin Yu and Elvis W.K. Au left the meeting and Miss Winnie W.M. Ng returned to join the meeting at this point.]

### **Agenda Item 7**

[Open meeting (Presentation and Question Sessions only)]

Review of Application No. A/TP/662

Proposed House (New Territories Exempted House - Small House) in “Green Belt” Zone,

Lots 83 S.C RP and 470 S.D in D.D. 21, San Uk Ka Village, Tai Po

(TPB Paper No. 10633)

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[The item was conducted in Cantonese.]

75. The Secretary reported that the following Members had declared interests on the item for owning properties in the Tai Po area:

Mr Daniel K.S. Lau - co-owning with spouse a flat at Ma Wo Road

Mr C.H. Tse - co-owning with spouse part of five lots of land near Lam Tsuen

76. Members agreed that as the properties of Messrs Daniel K.S. Lau and C.H. Tse did not have direct view of the application site (the Site), they could stay in the meeting.

Presentation and Question Sessions

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

***PlanD***

- |                     |   |
|---------------------|---|
| Ms Jessica H.F. Chu | - District Planning Officer/Shu Tin, Tai Po and North (DPO/STN) |
| Ms Kathy C.L. Chan  | - Senior Town Planner/Tai Po (STP/TP)                           |

***Applicant***

- |                          |                               |
|--------------------------|-------------------------------|
| Mr Lau Chee Sing         | ]                             |
| Mr Yip Fook Wah, Raymond | ] Applicant's representatives |
| Mr Lo Ming Kong          | ]                             |
| Mr Kong Tsz Ming         | ]                             |

78. The Chairperson extended a welcome and explained the procedure of the review hearing. She then invited PlanD's representative to brief Members on the review application.

79. 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), departmental and public comments, and planning considerations and assessments as detailed in the Town Planning Board (TPB) Paper No. 10633 (the Paper).

80. The Chairperson then invited the applicant's representative to elaborate on the review application.

81. With the aid of a PowerPoint presentation, Mr Yip Fook Wah, Raymond, the applicant's representative, made the following main points:

- (a) the Site fell within the village 'environ' ('VE') and the existing village cluster of San Uk Ka;



- (b) regarding rejection reason (a) that the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone, it should be noted that the total area of the “GB” zone in the Tai Po Planning Area was 1262.54ha while the Site was only 120.7 m<sup>2</sup>, which was equivalent to only 0.00096% of the “GB” zone. As such, the proposed development would not jeopardize the planning intention of the “GB” zone;
- (c) regarding rejection reason (b) that the proposed development would involve clearance of existing natural vegetation, it should be noted that there was a vegetated artificial slope located to the south of the Site and the land owner in maintaining the safety of the slope would need to clear some of the existing vegetation. The applicant had also submitted a Geotechnical Planning Review Report (GPRR) and the Civil Engineering and Development Department (CEDD) had no in-principle objection to the application;
- (d) regarding rejection reason (c) that the proposed development would cause adverse landscape impact on the surrounding areas, the applicant had submitted a Landscape Impact Assessment (LIA) to demonstrate that the impact of the proposed development on the existing natural vegetation was insignificant. Mitigation measures such as planting of trees and vertical greening on the facade of the proposed retaining walls were proposed;
- (e) regarding rejection reason (d) that the proposed Small House developments should be concentrated within the “Village Type Development” (“V”) zone, it should be noted that the proposed development formed part of a strip of approved Small House developments including application No. A/TP/641 to its immediate west. It was also sandwiched between two existing clusters of village houses to the north and south of the Site and should be considered as an infill development;
- (f) in the consideration of applications No. A/TP/665 and 666 (paragraph 17(g) of the minutes of the TPB meeting on 10.1.2020), the Board explained that

application No. A/TP/641 was approved as ‘the site was bounded by an existing cluster of village houses, with approved applications for Small House developments to the north and west. The implementation of the approved Small House applications would form a new village cluster in the locality and coupled with the vegetated slope to the immediate south, the site had become a residual lot and therefore warranted sympathetic consideration’. According to paragraph 21 of the minutes of the same meeting, it was noted that the Secretary also explained that ‘sympathetic consideration would be given if there were specific circumstances to justify the cases, such as the site was an infill site among existing Small Houses and forming a cluster, the processing of the Small House grant was already at an advance stage, or the site was the subject of previous approvals for Small House development’. As the Site was adjoining application No. A/TP/641 with the same height of the retaining wall and hence the same site formation level, it should warrant the same sympathetic consideration for planning permission to ensure consistency in the Board’s decision;

- (g) approval of the application would help ensure safety of the vegetated slope to the south of the Site as any slope or site formation works would need to be approved by the CEDD and the Buildings Department (BD). The applicant would also be responsible for the maintenance and greening works of the slope; and
- (h) it was noted that PlanD had no objection to the application at the section 16 application stage. While there was no material change to the application, he doubted why PlanD had changed stance and did not support the review application. As there was no objection from other government departments, the Board was urged to give sympathetic consideration and approve the application.

82. As the presentations from the representatives of PlanD and the applicant had been completed, the Chairperson invited questions from Members.

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

- (a) when the GPRR was submitted and whether the application was rejected due to geotechnical concern;
- (b) whether the Site could be considered as an infill site according to PlanD's assessment;
- (c) whether land was available within the "V" zone to meet the outstanding Small House applications when both application No. A/TP/641 and the subject application were considered; and
- (d) whether vegetation clearance was involved in application No. A/TP/641.

84. In response, Ms Jessica H.F. Chu, DPO/STN, made the following main points with the aid of some PowerPoint slides:

- (a) the GPRR was submitted by the applicant in the section 16 application stage. According to the guidance note for submission of planning applications, for applications for any use or development that might affect or be affected by man-made slopes, retaining walls or natural terrain, the applicants might need to submit a GPRR with a preliminary geotechnical review on the natural terrain hazards and the identification of necessary mitigation measures as part of the development. The subject application was not rejected due to geotechnical concern;
- (b) the Site was bounded by existing clusters of village houses to the north and south and the approved Small House applications to the west of the Site had formed a new village cluster in the locality. Given that a vegetated slope was located to the south and south-east of the Site and Wun Yiu Road was located to the further east, there was limited space in the vicinity of the Site for more Small House developments. As such, PlanD had no objection to the application at the section 16 application stage. In the RNTPC meeting, noting that two Small House grant applications being processed by the Lands Department (LandsD) were located to the immediate east and south

of the Site, some Members were concerned that approval of the application would set an undesirable precedent and result in further extension of developments into the “GB” zone. As an initial assessment, while the Small House grant application to the immediate east would have similar site context as the Site, the application to the immediate south might be subject to slope safety and landscape issues;

- (c) land was still available within the “V” zone to meet the outstanding Small House applications when both application No. A/TP/641 and the subject application were considered; and
- (d) there was vegetation clearance in both application No. A/TP/641 and the subject application. For the subject application, two trees of common species were recorded within and adjacent to the Site.

85. In response, Mr Lau Chee Sing, the applicant’s representative, said that he was also the applicant’s representative for application No. A/TP/641. GPRRs had been submitted for both application No. A/TP/641 and the subject application and CEDD had no objection to the applications. Site formation works for application No. A/TP/641 had also been approved by BD. It should be noted that the heights of the retaining wall and site formation levels in both application No. A/TP/641 and the subject application would be the same. For the two Small House grant applications located to the immediate east and south of the Site, it was noted that LandsD had suspended the processing of the applications due to the Court of First Instance’s ruling that private treaty grant and land exchange arrangements involving government land under the Small House Policy were unconstitutional. Although there was no significant landscape resource at the Site, the applicant was willing to implement mitigation measures by planting trees and providing vertical greening at the retaining wall. Given the similarity between the subject application and application No. A/TP/641, he doubted why the RNTPC had adopted a differential treatment and rejected the subject application.

86. As Members had no further question, the Chairperson said that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application in the absence of the applicant’s representatives and inform the applicant of the Board’s decision in due course. The Chairperson thanked the representatives of the

applicant and PlanD for attending the meeting. They left the meeting at this point.

### Deliberation Session

87. Mr Raymond K.W. Lee, the Director of Planning, recapitulated the considerations of the RNTPC in rejecting the application. In gist, some RNTPC Members considered that as land was still available within the “V” zone, Small House developments should be concentrated within the “V” zone for a more orderly development. Approval of the application would set an undesirable precedent as Small House grant applications to the immediate east and south of the Site had been submitted. Those applications, if approved, would result in further extension of Small House developments into the “GB” zone, particularly for the strip of vegetated slope which was serving as a buffer between the two existing village clusters.

88. The Chairperson said that as application No. A/TP/641 approved by the RNTPC was located to the immediate west of the Site, the differences between application No. A/TP/641 and the subject application should be identified to account for the different decisions should the Board decide to maintain the RNTPC’s decision to reject the subject application.

89. Some Members considered that the applicant had not provided strong justifications to deviate from the RNTPC’s decision for the following reasons:

- (a) while there were some approved applications near the Site, there was still vacant land located to the immediate east and south of the Site. The Site could not be considered as an infill site and the application did not warrant a sympathetic consideration;
- (b) the proposed development would pose adverse impact on the integrity of the strip of vegetated slope to the south of the Site, which served as a buffer between the two clusters of Small House developments; and
- (c) given that there was a proliferation of Small House developments in the “GB” zone, approval of additional Small Houses, even one more, would adversely affect the integrity of the “GB” zone.

90. Some Members, however, supported the application for the following reasons:
- (a) the Site was bounded by existing clusters of village houses to the north and north-east and the approved Small House applications to the west of the Site and had formed a new village cluster in the locality;
  - (b) the Site was located to the immediate east of application No. A/TP/641 and shared similar planning context and site conditions. If application No. A/TP/641 was approved on the consideration of being an infill site, the same consideration should be given to the subject application to ensure consistency in decision-making;
  - (c) the strip of vegetated slope to the south and south-east of the Site serving as a natural buffer would prevent further proliferation of Small House developments into the “GB” zone; and
  - (d) regarding the concern on the implications of the two Small House grant applications located to the immediate east and south of the Site, the site to the immediate east might have similar context but the site to the immediate south fell within the vegetated slope.

91. As Members’ view were divided, the meeting agreed to take a vote. Majority of Members considered that the application should be approved.

92. The Board decided to approve the application on review, on the terms of the application as submitted to the Board. The permission should be valid until 22.5.2024, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- “(a) the provision of septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the Town Planning Board;
- (b) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and

- (c) the submission and implementation of a landscaping proposal to the satisfaction of the Director of Planning or of the Town Planning Board.”

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

[The meeting was adjourned for a short break of 15 minutes.]

[Mr Ken K.K. Yip left the meeting at this point.]

### **Hong Kong District**

#### **Agenda Item 8**

[Open meeting (Presentation and Question Sessions only)]

Review of Application No. A/H19/79

Proposed Holiday Camp (Open Deck Extension and Boat Storage Area) in “Government, Institution or Community” Zone, Strip of Government Land to the North of the Hong Kong Federation of Youth Groups Stanley Holiday Camp, Stanley Bay, Hong Kong  
(TPB Paper No. 10634)

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[The item was conducted in Cantonese.]

94. The Secretary reported that the application was submitted by The Hong Kong Federation of Youth Groups (HKFYG). The following Members had declared interests on the item for having business dealings with HKFYG:

- |                  |   |   |
|------------------|---|---|
| Mr K.K. Cheung   | - | his firm having current business dealings with HKFYG        |
| Mr Alex T.H. Lai | - | his former firm having current business dealings with HKFYG |

95. Members noted that Mr Alex T.H. Lai had already left the meeting. Members agreed that as Mr K.K. Cheung had no involvement in the subject application, he could stay in the meeting.

Presentation and Question Sessions

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

***PlanD***

Mr Louis K.H. Kau - District Planning Officer/Hong Kong (DPO/HK)

Mr Vincent W.Y. Wong - Senior Town Planner/Hong Kong (1) (STP/HK(1))

***Applicant***

Mr Greg Tse Chi Kwok ]  
Mr Ronald Chu ] Applicant's representatives  
Mr Hokan Wong ]  
Mr Wilson Chan ]  
Ms Peggy Siu ]

97. The Chairperson extended a welcome and explained the procedure of the review hearing. She then invited PlanD's representative to brief Members on the review application.

98. With the aid of a PowerPoint presentation, Mr Vincent W.Y. Wong, STP/HK(1), briefed Members on the background of the review application including the consideration of the application by the Metro Planning Committee (MPC), departmental and public comments, and planning considerations and assessments as detailed in the Town Planning Board (TPB) Paper No. 10634 (the Paper).



99. The Chairperson then invited the applicant's representative to elaborate on the review application.

100. With the aid of a PowerPoint presentation, Mr Greg Tse Chi Kwok, the applicant's representative, made the following main points:

- (a) the proposed boat storage area and open deck extension (the proposed extension area) was located in front of the proposed holiday camp redevelopment under a separate approved application No. A/H19/71 with a site area of 455m<sup>2</sup> (about 30m in length and 15m in width). While there was a small kayak storage area on the G/F of the holiday camp redevelopment scheme (about 33.5m<sup>2</sup>), it could only accommodate 20 kayaks and associated equipment and was not enough to meet the need of 88 overnight and 40 day campers. The proposed extension area could accommodate an extra number of 20 kayaks and associated equipment in a proximate location to the seafront. It could also accommodate a rescue speedboat for speedy rescue services;
- (b) areas to the west and south of the holiday camp were allocated to the Hong Kong Sea Cadet Corps Jubilee Centre (HKSCCJC), with the northern boundary of land allocation following the high water mark (HWM) of the beach. The proposed extension area with a width of 3.8m would also follow the boundary of the HWM in accordance with the established practice in land allocation;
- (c) there were currently pebbles and stones along the coastline and a dilapidated concrete footpath in front of the holiday camp. While the northern boundary of the proposed extension area would reach the concrete footpath, the pebbles and stones to the north of the concrete footpath near the seafront would not be affected;
- (d) there were informal retaining wall and structures with a height of about 3m at the northern boundary of the holiday camp before redevelopment. The

parapet and sea wall for the proposed extension area would have a similar height of the previous structures as well as the vertical wall in the adjacent HKSCCJC site;

- (e) to address the concern of the MPC in rejecting the application, the applicant had revised the scheme and photomontages for the proposed extension area by showing the existing pebbles and stones along the seafront to facilitate a more informed discussion. In gist, the development scale had been slightly reduced. The proposed earth tone of fair-faced concrete surface and curved shape of the external wall could minimize the bulkiness of the structure along the coastline and acted as a wave absorption seawall. The proposed staircase in the section 16 submission was deleted to minimize the visual impact of the elongated structure along the coastline. The entrance door was shifted to the eastern side and located near to the existing slipway to ensure the continuity of the pebbles and stones. Planters were introduced at the corner of the open deck and the edge of the proposed extension area would be further set back from the HWM by approximately 200mm to 700mm, such that shrubs or small trees could be planted at seaside along the coastline. In the revised scheme, the proposed extension area would have minimal visual impact on the scenic value of the area;
- (f) the holiday camp would have to maintain a 1.5m to 2m circulation space around the building to cater for barrier free access and means of escape. The proposed extension area with a width of 3.8m, together with the circulation space fronting the holiday camp, could provide a safe and flat space of 5.8m wide for group activity, coaching and safety briefing; and
- (g) the holiday camp would provide services to primary and secondary schools, religious institutions and the public. Even if 40 kayaks could be stored in the holiday camp, they could not serve all 128 campers at the same time and some of the campers would need to join other water sports activities.

[Mr Terence S.W. Tsang arrived to join the meeting during the presentation of the applicant's representative.]

101. As the presentations from the representatives of PlanD and the applicant had been completed, the Chairperson invited questions from Members.

*Design and Operation Issues*

102. Some Members raised the following questions to the applicant's representatives:

- (a) as the external wall of the proposed extension area would reach the HWM, what measures would be adopted to prevent flooding caused by tidal surge;
- (b) whether the applicant had addressed the comments from relevant government departments regarding the planting areas such as soil volume and plant species;
- (c) the number of campers who could join the kayak activity if a storage area for 40 kayaks was provided;
- (d) whether the coaching and safety briefing for kayak activity could be conducted on the roof of the redeveloped holiday camp;
- (e) the reason why the kayaks were proposed to be stored in an indoor environment;
- (f) the arrangement for kayak maintenance after more kayaks would be stored at the holiday camp;
- (g) whether the applicant had tried to seek cooperation with the adjacent water sports and training centres to achieve a synergy effect in the use of land resources; and
- (h) if the application was not approved, whether the applicant had any fallback

plan.

103. In response, Messrs Greg Tse Chi Kwok, Ronald Chu and Wilson Chan, the applicant's representatives, made the following main points with the aid of some PowerPoint slides:

- (a) as the holiday camp had experienced loss due to flooding in the typhoon before, a number of measures such as heavy duty and water resistance door as well as flood gate had been explored to prevent flooding caused by tidal surge;
- (b) the proposed planters with a width of 1m and a depth of 1.2 m could provide adequate soil volume for plantation. The setback area from the external wall could be used for planting shrubs or small trees. Advice from tree experts would be sought to identify weather resilient species for the coastal environment;
- (c) the coach-student ratio in a normal kayak class was 1:9. With 40 kayaks, four classes could be arranged in the morning and afternoon sessions respectively, such that a total of 72 campers could join the kayak class in a day. As HKFYG had obtained funding from the Hong Kong Jockey Club to serve children with special needs, some kayaks would need to be reserved for volunteer workers to ensure the safety of the children. As such, the actual number of children with special needs that could be served was fewer than 72;
- (d) while the roof of the redeveloped holiday camp would be used for organizing activities, it was not suitable for kayak coaching and safety briefing due to the difficulty in carrying kayaks onto the roof;
- (e) storing kayaks in an indoor environment could facilitate management and reduce wear and tear and loss particularly in typhoon seasons, which was an important consideration for a non-profit making organization;

- (f) fiberglass kayaks were used previously and maintenance works would need to be conducted in the camp site every one to two years. Given that plastic kayaks were used nowadays and the kayaks would be replaced every eight to ten years, the required maintenance works in the camp site would be reduced;
- (g) while a holiday camp should provide a variety of water sports facilities, facilities apart from kayak could not be stored at the camp site due to the limited area. HKFYG had sought cooperation with other organizations to enhance its services. For example, windsurfing facilities would be borrowed from the Leisure and Cultural Services Department (LCSD) and the rescue speedboat would be stored temporarily at the HKSCCJC's site. However, as every organization had to give priority to serve its members, it would be difficult to borrow the required facilities or storage area during holidays; and
- (h) HKFYG was a non-profit making organization with the mission to provide services to the youth and the general public. The holiday camp redevelopment project commenced in 2012 with the aim to resume services in 2021. While the original proposal was to redevelop the camp into a six-storey building, the height of the proposed development had been subsequently reduced to four storeys. As such, there was not enough space for an efficient operation of the holiday camp to provide quality services to the campers. The proposed extension area was a compromised proposal to increase the usable space to meet the operational needs of the holiday camp while minimizing the adverse impact on the surrounding environment.

104. A Member asked whether there was any mechanism to ensure that the advice provided by the relevant government departments regarding landscape proposals would be incorporated into the scheme in the implementation stage. In response, Mr Louis K.H. Kau, DPO/HK, said that the Urban Design and Landscape Section of PlanD advised that should the application be approved, landscape condition was not necessary as there was inadequate space for quality landscaping within the application site. However, in the building plan submission stage, PlanD would scrutinize if the landscape proposal in the approved scheme had been

incorporated in the building plans. If there were amendments to the approved scheme, they would be considered in accordance with the TPB Guidelines for Class A and Class B Amendments to Approved Development Proposals.

*Public Access Issue*

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

- (a) where the concrete footpath in front of the holiday camp was leading to;
- (b) whether the beach near the holiday camp was accessible by the public; and
- (c) whether there was any plan to provide a promenade in the area so as to increase the accessibility of the seafront area.

106. In response, Messrs Greg Tse Chi Kwok and Ronald Chu, the applicant's representatives, made the following main points with the aid of some PowerPoint slides:

- (a) the concrete footpath was not a proper path for use of the general public and its construction and management was unclear. It might be a shortcut to HKSCCJC but it was noted that the area was currently fenced off and there was no entrance to HKSCCJC. The footpath was destructed by the Typhoon Mangkhut in 2018 and was currently an unused footpath; and
- (b) currently, the public mainly visited St. Stephen's Beach and the jetty from Wong Ma Kok Path. The beach near the holiday camp was not a gazetted beach. If the public wished to go to that beach, they could go by a footpath starting from the public pier and passing through the beach of St. Stephen's Beach Water Sports Centre. While the proposed extension area would occupy part of the rocky beach in front of the camp site, the other parts of the beach would still be accessible by the public.

107. In response, Mr Louis K.H. Kau, DPO/HK, made the following main points with the aid of the visualizer:

- (a) as shown on Plan R-2 of the Paper, the area occupied by the proposed extension area was government land. Areas to the west, south and north-east of the Site were allocated to HKSCCJC and St. Stephen's Beach Water Sports Centre respectively. St. Stephen's Beach, which was located to the further north-east of the holiday camp, was a gazetted beach under the management of LCSD; and
- (b) while the rocky beach near the holiday camp was currently accessible by the public, it was not a gazetted beach under the management of LCSD. If the application was approved, part of the area above the HWM would be occupied by the proposed extension of the holiday camp but area below the HWM was still accessible by the public; and
- (c) while there was plan to provide continuous promenades along Victoria Harbour to enhance public accessibility to the waterfront, there was currently no plan to provide a promenade in the area near the holiday camp.

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

[Dr Lawrence W.C. Poon arrived to join the meeting during the question and answer session.]

#### Deliberation Session

109. The Chairperson said that HKFYG was a non-government organization providing services for the youth. While the proposed extension area was located in a rocky beach accessible by the public, the beach was not a gazetted public beach managed by LCSD. The main consideration of the application should lie on whether the proposed development was appropriate in the "Government, Institution or Community" zone, in terms of land use compatibility and synergy effect with the surrounding uses.

110. A Member said that the application was rejected by the MPC mainly for reasons that the proposed elongated and bulky structure along the coastline was considered visually intrusive and the approval of the application would reduce the beach area for public enjoyment. In the review application, the applicant had revised the scheme to address Members' concern. In particular, it was clarified that the proposed extension area with a width of 3.8m would only occupy part of the rocky beach and the shoreline of the beach would not be affected. Given that the holiday camp had operational difficulties due to limited spaces and the proposed development would not cause significant visual and landscape impact on the surrounding area, the application was supported.

111. A Member agreed that the application could be supported. As demonstrated by the photomontages, efforts had been made by the applicant to improve the design of the proposed development, which was considered compatible with the surrounding settings. The main concern was whether the details of the design would be implemented in the construction stage.

112. A Member said that while the mission of HKFYG was supported, the rocky beach was a public asset and its accessibility should be improved in the long run. Given that storing kayaks in an indoor environment was not necessary, there was room to improve the design of the proposed extension area with a view to reserving the rocky beach for public enjoyment to achieve a win-win situation.

113. Some Members noted from the applicant's representative that the concrete footpath in front of the camp site, which was an unused dead-ended path, had been destructed by typhoon. While part of the rocky beach would be occupied by the proposed development, the remaining area of the beach would still be accessible by the public. The proposal indeed had no significant impact on the general public's access to the beach.

114. Given that the views of the Members were divided, the meeting agreed to take a vote. The majority of Members considered that the application should be approved.

115. The Board decided to approve the application on review, on the terms of the application as submitted to the Board. The permission should be valid until 22.5.2024, and after the said date, the permission should cease to have effect unless before the said date, the



development permitted was commenced or the permission was renewed.

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

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

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

#### **Agenda Item 9**

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/YL-SK/263

Temporary Animal Boarding Establishment with Hospice Services for a Period of 3 Years in “Agriculture” Zone, Lots 383 (Part), 384 S.D (Part), 385 S.A-S.C (Part) and 386 (Part) in D.D. 112, Kam Sheung Road, Shek Kong, Yuen Long  
(TPB Paper No. 10649)

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[The item was conducted in Cantonese.]

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

117. The following representative of the Planning Department (PlanD), the applicant and his representative were invited to the meeting:

##### ***PlanD***

Miss Winnie B.Y. Lau - District Planning Officer/Fanling, Sheung Shui & Yuen Long East (DPO/FS&YLE)

##### ***Applicant***

Mr James Chai Chee Chueng - Applicant  
Mr Fu Man Ho - Applicant's representative

118. The Chairperson extended a welcome and explained the procedure of the review hearing. She then invited PlanD's representative to brief Members on the review application.

119. With the aid of a PowerPoint presentation, Miss Winnie B.Y. Lau, DPO/FS&YLE, 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 for the application as detailed in TPB Paper No. 10649 (the Paper).

120. The Chairperson then invited the applicant and his representative to elaborate on the review application.

121. With the aid of the visualiser, Mr James Chai Chee Chueng, the applicant, and Mr Fu Man Ho, the applicant's representative, made the following main points:

- (a) in response to the concerns raised by RNTPC, the applicant would change part of the application site (the Site) to an organic farm in order to be in line with the planning intention of the "Agriculture" ("AGR") zone. With the integration of the applied temporary animal boarding establishment with hospice services, it would embody the concept of symbiosis of crop farming and animal raising;
- (b) an area of approximately 200m<sup>2</sup> would be used for organic farming, which could improve the sustainability of agricultural production. The crop would be used to feed the animals raised on the Site. The farm would not be opened to the public so as to protect the land and avoid the generation of additional traffic flow which would adversely affect the local residents;
- (c) the applied use was to provide accommodations to abandoned animals without making any profit. The animal waste would be used for composting to make organic fertiliser. The public could also adopt those abandoned animals and

no adoption fee would be charged;

- (d) the profit of the hospice services would be used to support the animal adoption services. The cremated ashes would also provide phosphate fertiliser for the farmland, which helped supplement the animal waste and increase the harvest. More than 70% of their clients were willing to use the cremated ashes for fertilising the land;
- (e) the applied use had been in operation at the Site for nearly 10 years. There was a great demand for their services. It was noted that ‘animal boarding establishment’ was a Column 2 use in “AGR” zone but neither a Column 1 nor Column 2 use in “Village Type Development” (“V”) zone and an application for such use in the adjoining “V” zone in Nam Hing Lei was rejected by RNTPC. If the Board decided not to approve the application, it would be difficult for them to move to other locations. Noting that the Board had approved an application for a temporary real estate agency within the same “AGR” zone in 2016, the Board might consider approving the subject application with conditions; and
- (f) they had been trying hard to minimise the impact of the applied use on the neighbourhood. There was no substantiated environmental complaint concerning the Site received by the Environmental Protection Department (EPD) in the past three years.

122. As the presentations of PlanD’s representative, the applicant and his representative had been completed, the Chairperson invited questions from Members.

#### *Hospice Services*

123. A Member asked whether the applicant was required to apply for any licence for conducting animal cremation. Miss Winnie B.Y. Lau, DPO/FS&YLE, PlanD responded that there was currently no licensing requirement for animal cremation in Hong Kong. However, animal cremation would still need to comply with the relevant legislations and requirements, including the Public Health and Municipal Services Ordinance (PHMSO) concerning sanitary nuisances under the ambit of the Food and Environmental Hygiene

Department (FEHD), the Air Pollution Control Ordinance (APCO) concerning black smoke or other air pollution under the ambit of EPD, the Fire Services Ordinance (FSO) regarding fire safety, etc. Moreover, the Specified Process Licence under APCO would provide overall control over emission of incinerators. As the operating capacity of the incinerator of the applied use did not exceed the exempted capacity of Specified Process – Incinerators under APCO, i.e. 0.5 tonne/hour, the applicant was not required to obtain a specified process licence from EPD.

124. Another Member asked how the body of dead animal was usually handled in Hong Kong. Miss Winnie B.Y. Lau, DPO/FS&YLE, PlanD said that the dead animal body should be properly packed and delivered to the public refuse collection points managed by FEHD. FEHD would then deliver the bodies of dead animals collected to landfills managed by EPD. There were also some private crematoria in industrial buildings or the rural areas.

125. Two Members asked the applicant the number of animal cremations handled per month, and the fees for animal cremation and storing the cremated ashes in the memorial room. Mr James Chai Chee Chueng, the applicant, roughly estimated that there were about two to three animal cremations per day, with a fee ranging from \$700 to \$3,000 depending on the size of the animal. The fee for storing the cremated ashes in the memorial room was about \$1,500 per year.

126. In response to a Member's enquiry on whether there was any measure to ensure that the incinerator would not generate pollution, Mr James Chai Chee Chueng explained that with appropriate design of their incinerator, there was no odour nor colour that could be smelt or seen from the emission.

127. A Member enquired how the applied development was different from the hospice services provided by other operators in industrial buildings. In response, Mr James Chai Chee Chueng said that the pet owners could choose to scatter the cremated ashes in the gardens of the Site.

128. In response to a Member's further enquiry, Mr James Chai Chee Chueng indicated that he had no plan to adopt other more environmentally friendly method for final disposal of the dead animal bodies.

*The Concept of Symbiosis of Crop farming and Animal Raising*

129. Noting that the concept of symbiosis of crop farming and animal raising was not mentioned in the applicant's previous submissions, some Members enquired how such concept was applied in the Site and the percentage of land that would be used for growing crops. In response, Mr Fu Man Ho, the applicant's representative, said that the cremated ashes would be scattered in the two memorial gardens at the Site, which were currently used for amenity planting. Subject to the approval of the application by the Board, they would change the use of the two gardens for growing crops. He roughly estimated that about 12% of the Site was currently used for the gardens.

130. A Member asked whether the amount of the animal waste would be sufficient for fertilising the plants in the gardens. Mr Fu Man Ho said that the gardens were not large and the amount of the animal waste should be sufficient for the purpose.

*Animal Boarding Establishment*

131. In response to a Member's enquiry, Mr James Chai Chee Chueng, the applicant, said that there were currently about 30 guinea pigs, 10 tortoises and a couple of birds and goats currently boarding at the Site. Mr Chai further clarified that the applied development was to provide shelters to abandoned animals, which was different from other animal boarding businesses. Those animal boarding establishments which provided food and accommodation for animals in return for a fee paid by the owners were required to apply for a licence from the Agriculture, Fisheries and Conservation Department (AFCD).

132. Noting that there were animal boarding establishments in other "AGR" zones, a Member enquired about the considerations of planning applications for 'animal boarding establishment' in "AGR" zone and the reasons for not supporting the subject application. Miss Winnie B.Y. Lau, DPO/FS&YLE, PlanD pointed out that there were approved applications for 'animal boarding establishment' in "AGR" zones in Kam Tin and Pat Heung areas. The main considerations were whether the applied use was compatible with the surroundings, e.g. any existing residential dwellings nearby, whether it would cause nuisance to the neighbourhood, and whether it would involve land filling. As far as she could recall,

those approved applications did not involve animal cremation. The subject application for animal boarding establishment with hospice services and cremation of animal dead bodies was considered incompatible with the surrounding areas which were rural in character with clusters of residential structures/dwellings and active/fallow agricultural land.

133. Noting that the applied use had been in operation for almost 10 years, a Member asked the applicant the reasons for applying the planning permission now. Mr James Chai Chee Chueng, the applicant, said that they were notified by the Lands Department that there were unauthorised structures on the Site. Hence, a planning application was submitted for the applied use.

134. As Members had no further question to raise, the Chairperson said that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application and inform the applicant of the Board's decision in due course. The Chairperson thanked DPO/FS&YLE, PlanD, the applicant and his representative for attending the meeting. They left the meeting at this point.

[Mr K.K. Cheung left the meeting at this point.]

#### Deliberation Session

135. A Member was not convinced by the applicant's proposal of symbiosis of crop farming and animal raising, which was only submitted at the section 17 review stage, to justify the applied use and did not support the application.

136. A Member, whilst not supporting the application, noted that there was a growing demand for animal boarding and cremation services as more and more people owned pets in Hong Kong and opined that it might be worthwhile to examine whether "AGR" zone as a whole was suitable for accommodating such uses. A Member concurred and said that the relevant government departments should consider the type of locations that was suitable for such use.

137. A Member did not support the operation of animal cremation on agricultural land. Another Member said that while the incinerator of the applied use did not exceed the

exempted capacity, if the application was approved, there would be concerns that the emission would be increased when more animals were to be cremated on the Site. The cumulative impacts of animal cremation on the surrounding environment should not be underestimated. A Member shared the view that the applicant had not adopted any measures to further minimise the potential environmental nuisance, although no licence was required for the operation of the incinerator. A Member indicated that environmental technology could be adopted for animal cremation for better protection of the environment.

138. The Chairperson concluded the discussion that the applied development was not in line with the planning intention of the “AGR” zone, the scale of the applied development was considered excessive as compared to the planting area and the concerns on the environmental impact of the incinerator had not been addressed. As such, Members generally considered that there was no reason to overturn the decision of the RNTPC and the review application should be rejected. The meeting also agreed to convey Members’ concerns on the need to accommodate animal boarding establishment and animal cremation services in suitable locations to AFCD for its consideration.

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

- “(a) the applied development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is primarily intended 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 are no strong planning justifications in the submission to merit a departure from the planning intention of “AGR” zone, even on a temporary basis;
- (b) the applied development is incompatible with the surrounding areas which are rural in character with clusters of residential structures/dwellings and active/fallow agricultural land. The scale of the applied development is considered excessive as compared to the planting area and the concerns on the environmental impact of the incinerator have not been addressed; and

- (c) approval of the application would set an undesirable precedent for similar applications in the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area. ”

[Dr C.H. Hau, Professor Jonathan W.C. Wong and Mr Daniel K.S. Lau left the meeting at this point.]

### **Agenda Item 10**

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/YL-SK/273

Temporary Animal Boarding Establishment and Dog Training Facility for a Period of 3 Years in “Village Type Development” Zone, G/F, Lots 1216 RP (Part), 1217 S.B (Part) and 1217 S.A (Part) in D.D. 114, Sheung Tsuen, Kam Sheung Road, Yuen Long (TPB Paper No. 10650)

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[The item was conducted in Cantonese.]

### **Presentation and Question Sessions**

140. The following representative of the Planning Department (PlanD) and the applicant’s representatives were invited to the meeting:

#### ***PlanD***

Miss Winnie B.Y. Lau - District Planning Officer/Fanling, Sheung Shui & Yuen Long East (DPO/FS&YLE)

#### ***Applicant***

Mr Chow Kim Ming ] Applicant’s representatives  
Ms Kay Chan Ka Ling ]

141. The Chairperson extended a welcome and explained the procedure of the review hearing. She then invited PlanD’s representative to brief Members on the review



application.

142. With the aid of a PowerPoint presentation, Miss Winnie B.Y. Lau, DPO/FS&YLE, 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 for the application as detailed in TPB Paper No. 10650 (the Paper).

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

144. Mr Chow Kim Ming and Ms Kay Chan Ka Ling, the applicant's representatives, made the following main points:

- (a) no trees had been felled for widening the local track adjacent to the application premises (the premises);
- (b) should there be complaints from the local residents, they would adopt soundproofing materials and provide waste treatment facilities to address their concerns;
- (c) the dogs under training had never attacked any people;
- (d) with regard to the concerns on barbecue activities in the premises, they could improve the fire services installation where appropriate;
- (e) they had obtained a licence for animal boarding establishment from the Agriculture, Fisheries and Conservation Department (AFCD) prior to the operation. They thought that the subject operation at the application premises could be regarded as 'shop and services' use which was permitted on the G/F of a New Territories Exempted House in the "Village Type Development" ("V") zone. There were also other similar operations nearby. After receiving an Enforcement Notice from PlanD on their operation at the premises, they decided to seek planning permission from the Town Planning

Board so as to comply with the statutory planning requirement; and

- (f) the services provided by them were to meet the needs of many residents in Wing Hing Wai and along Kam Sheung Road.

145. As the presentations of PlanD's representative and the applicant's representatives had been completed, the Chairperson invited questions from Members.

146. A Member asked whether the applied development was subsumed under the 'shop and services' use in planning terms. Miss Winnie B.Y. Lau, DPO/FS&YLE, PlanD said that the applied development comprised animal boarding establishment and dog training facility which were not considered as 'shop and services' use and were neither a Column 1 nor Column 2 use in "V" zone. Hence, planning permission for a temporary period of three years was sought.

147. A Member enquired about the proportion of service users coming from the nearby villages. In response, Mr Chow Kim Ming and Ms Kay Chan Ka Ling, the applicant's representatives, roughly estimated that about 10% of the users were from Wing Hing Wai and about 30% to 40% from Sheung Tsuen and along Kam Sheung Road.

148. Noting that there were objections from the local residents on the grounds that the dog training, including walking the dogs, and gathering activities of dog owners had caused nuisance to the neighbours, the Vice-chairman and some Members sought clarifications from the applicant's representatives on those allegations. Mr Chow Kim Ming and Ms Kay Chan Ka Ling said they had adopted proper safety and precautionary measures when conducting dog training. The gathering activities for dog owners were not frequent and were usually held on Saturdays and Sundays, which would not cause nuisance to the neighbours nor obstruct the local access. Mr Chow further added that illegal parking in the area had long existed and was caused by the local residents instead of by the dog owners. In response to a Member's enquiry on the treatment of the dog waste, Mr Chow said that they would wrap the waste properly before disposing it to the nearby refuse collection point.

149. A Member asked the number of dogs boarding in the premises. In response, Mr Chow Kim Ming and Ms Kay Chan Ka Ling said that there would be a maximum of six dogs

boarding in the premises as permitted under the licence. They would also provide day care and training services to other dogs. As such, there would be about 10 dogs in the premises in the daytime.

150. In response to a Member's enquiry, Miss Winnie B.Y. Lau, DPO/FS&YLE, PlanD said that the applicant was required to apply to the Lands Department for erection of any structures at the application premises.

151. As Members had no further question to raise, the Chairperson said that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application and inform the applicant of the Board's decision in due course. The Chairperson thanked DPO/FS&YLE, PlanD and the applicant's representatives for attending the meeting. They left the meeting at this point.

#### Deliberation Session

152. The Chairperson indicated that Members might need to consider the compatibility issue as the applied development was located on the ground floor of a Small House within a cluster of residential dwellings.

153. A Member was concerned that although the applicant had obtained the animal boarding establishment licence from AFCD for its operation at the premises, the applied development was not compatible with the surrounding residential developments and would set an undesirable precedent for similar applications. The Chairperson said that AFCD may not have taken into account whether the applied development was in compliance with the requirements of statutory planning and land administration when processing applications for animal boarding establishment licences. The Secretariat would convey to AFCD the Board's concern with this practice.

154. A Member did not support the application as the approval of the application would set an undesirable precedent. The Member asked whether the Estate Agents Authority (EAA) could help monitor the estate agents and ensure that tenants would be well informed that 'animal boarding establishment' in "V" zones would require planning permission. In response, the Chairperson said the message could be conveyed to EAA.

155. In response to a Member's enquiry, the Secretary said that 'animal boarding establishment' was not a Column 1 use in any zones. Mr Raymond K.W. Lee, the Director of Planning (DoP), supplemented that a planning permission would be required for such use in order to ensure that it would not cause any nuisance to the surroundings.

156. The Vice-chairman said that the dog training during the daytime and the gathering activities for the dog owners might cause nuisance to the neighbourhood. Another Member asked whether approval conditions could be imposed to restrict the applicant from organising gathering activities and conducting training for dogs during daytime. The Chairperson indicated that it might be difficult to enforce such approval conditions.

157. In response to a Member's concern that the public might not be clear what was included in 'Shop and Services' use, the Secretary said that the Definition of Terms (DOT) had clearly spelled out all the uses subsumed under different broad use terms. Mr Raymond K.W. Lee supplemented that the DOT would be regularly updated in view of the changing planning circumstances.

158. Another Member was sympathetic to the applicant and enquired whether a short approval period could be given to the applicant so that they could buy some time in relocating their business to another location. The Chairperson said that the case was subject to planning enforcement action and PlanD would give due consideration to the grace period to be given when following up the case.

159. Members noted that there had been no major change in the planning circumstances since the consideration of the application by the RNTPC. Members generally considered that the review application should be rejected. The meeting also agreed to invite AFCD to take land use planning and land administration into account when processing applications for animal boarding establishment licences.

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

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

“Village Type Development” (“V”) zone which is primarily to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within the zone is primarily intended for development of Small Houses by indigenous villagers. There are no strong planning justifications in the submission to merit a departure from the planning intention of “V” zone, even on a temporary basis;

- (b) the applied development is incompatible with the surrounding areas which are rural in character with clusters of domestic dwellings/structures in village setting, and the applicant fails to demonstrate that the applied development would not cause adverse environmental impacts to the surrounding area; and
- (c) approval of the application would set an undesirable precedent for similar applications in the “V” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.”

[Mr L.T. Kwok left the meeting at this point.]

### **Agenda Item 11**

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/YL-ST/564

Filling of Pond for Permitted Agricultural Use in “Village Type Development” Zone, Lot 221 RP (Part) in D.D. 105, San Tin, Yuen Long  
(TPB Paper No. 10651)

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[The item was conducted in Cantonese.]

### **Presentation and Question Sessions**

161. The Chairperson informed Members that the applicant had indicated that he would not attend the hearing. As sufficient notice had been given to the applicant, the

Board agreed to proceed with the hearing in the absence of the applicant.

162. The following representative of the Planning Department (PlanD) was invited to the meeting:

Miss Winnie B.Y. Lau - District Planning Officer/Fanling, Sheung Shui  
& Yuen Long East (DPO/FS&YLE)

163. The Chairperson extended a welcome and explained the procedure of the review hearing. She then invited PlanD's representative to brief Members on the review application.

164. With the aid of a PowerPoint presentation, Miss Winnie B.Y. Lau, DPO/FS&YLE, 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), departmental and public comments, and planning considerations and assessments as detailed in TPB Paper No. 10651.

165. As the presentation from DPO/FS&YLE, PlanD had been completed, the Chairperson invited questions from Members.

166. As Members had no question to raise, the Chairperson said that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application and inform the applicant of the Board's decision in due course. The Chairperson thanked DPO/FS&YLE, PlanD for attending the meeting. She left the meeting at this point.

#### Deliberation Session

167. Members noted that there was no major change in the planning circumstances since the consideration of the application by the RNTPC. Members generally considered that there was no reason to overturn the decision of the RNTPC and the review application should be rejected for the same reasons.

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

- “ (a) the application is not in line with the Town Planning Board Guidelines for “Application for Development within Deep Bay Area” (TPB PG-No.12C) in that the applied filling of pond, which has been completed, has caused net loss in wetland area; and
- (b) the approval of the application would set an undesirable precedent for similar applications within the “Village Type Development” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.”

### **Procedural Matters**

#### **Agenda Item 12**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Further Representations on Proposed Amendments to Draft Central District Outline Zoning Plan No. S/H4/17 Arising from Consideration of Representations and Comments in respect of the Draft Central District Outline Zoning Plan No. S/H4/17  
(TPB Paper No. 10652)

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[The item was conducted in Cantonese.]

169. The Secretary reported that the representation site was located in Central and the following Members had declared interests on the item for having property in the area or having affiliation/business dealings with Ms Mary Mulvihill (R29 and C4), the Foreign Correspondents’ Club, Hong Kong (FCCHK) (R3), Townland Consultants Limited (Townland), Philip Liao & Partners Limited (PLP) and Mr Yeung To Lai Omar (representers’ representative):

- Dr Lawrence K.C. Li - his property having direct view of the representation site
- Mr Alex T.H. Lai - his former firm having current business dealings with FCCHK and past business dealings with Townland and PLP, and hiring Ms Mary Mulvihill on a contract basis from time to time
- Mr K.K. Cheung - having past business dealings with PLP, his firm having current business dealings with FCCHK and past business dealings with Townland and hiring Ms Mary Mulvihill on a contract basis from time to time
- Mr Thomas O.S. Ho - his firm having past business dealings with Townland
- Professor John C.Y. Ng - personally knowing Mr Yeung To Lai Omar

170. As the item was procedural in nature, Members agreed that the above Members who had declared interests could stay in the meeting. Members noted that Dr Lawrence K.C. Li had tendered an apology for not being able to attend the meeting, and Mr Thomas O.S. Ho, Mr Alex T.H. Lai and Mr K.K. Cheung had already left the meeting.

171. The Secretary briefly introduced the TPB Paper No. 10652 (the Paper). On 6.12.2019, after consideration of 33 valid representations and 22 valid comments, the Town Planning Board (the Board) decided to partially uphold 30 representations (R1 to R30) by revising the building height restriction (BHR) stipulated for the northern portion of “Government, Institution or Community (1)” (“G/IC(1)”) zone at the Hong Kong Sheng Kung Hui Compound at Lower Albert Road from 135mPD to 80mPD, and specifying in the Notes of the OZP that any new development or redevelopment of existing building(s) on land designated “G/IC(1)” required permission from the Board under section 16 of the Town Planning Ordinance (the Ordinance). On 13.3.2020, the proposed amendments were exhibited for public inspection under section 6C(2) of the Ordinance and a total of 73



submissions were received. Among them, three were made with identity information missing/incomplete and should be treated as not having been made. Among the 70 further representations (FRs) received, four (F46 to F49) were submitted by the original commenters (C10 to C13) and were therefore considered as invalid and should be treated as not having been made in accordance with section 6D of the Ordinance. The remaining 66 valid FRs, i.e. F1 to F45 and F50 to F70, would be submitted to the Board for consideration. Among the 66 valid FRs, 15 (F31 to F45) supported and 30 (F1 to F30) objected to the proposed amendments. The remaining 21 (F50 to F70) were providing views.

172. In view of the similar nature of the FRs, it was considered more appropriate to hear the FRs collectively by the Board.

173. To ensure efficiency of the hearing, a maximum of 10 minutes' presentation time would be allotted to each representer/commenter/further representer in the hearing session. Consideration of the FRs by the full Board was tentatively scheduled for June 2020.

174. After deliberation, the Board noted that three submissions with the required identity information missing/incomplete should be treated as invalid and agreed that:

- (a) F46 to F49 were considered as invalid and should be treated as not having been made in accordance with section 6D of the Ordinance;
- (b) the valid FRs should be considered collectively in one group by the Board itself; and
- (c) a 10-minute presentation time would be allotted to each representer/commenter/further representer.

**Agenda Item 13**

[Open Meeting]

Any Other Business

175. There being no other business, the meeting was closed at 5:40 pm.