

**Minutes of 992nd Meeting of the
Town Planning Board held on 9.9.2011**

Present

Permanent Secretary for Development
(Planning and Lands)

Mr. Thomas Chow

Chairman

Mr. Stanley Y.F. Wong

Vice-Chairman

Mr. Walter K.L. Chan

Mr. B.W. Chan

Mr. Raymond Y.M. Chan

Mr. Rock C.N. Chen

Professor Eddie C.M. Hui

Ms. Anna S.Y. Kwong

Dr. C.P. Lau

Dr. James C.W. Lau

Ms. Julia M.K. Lau

Mr. Maurice W.M. Lee

Mr. Laurence L.J. Li

Dr. W.K. Lo

Mr. Roger K.H. Luk

Mr. Timothy K.W. Ma

Miss Anita W.T. Ma

Dr. Winnie S.M. Tang

Professor S.C. Wong

Ms. Pansy L.P. Yau

Dr. W.K. Yau

Mr. Stephen M.W. Yip

Principal Assistant Secretary (Transport)
Transport and Housing Bureau
Mr. Fletch Chan

Assistant Director (2), Home Affairs Department
Mr. Andrew Tsang

Deputy Director of Environmental Protection
Mr. Benny Wong

Director of Lands
Miss Annie Tam

Director of Planning
Mr. Jimmy C.F. Leung

Deputy Director of Planning/District
Miss Ophelia Y.S. Wong

Secretary

Absent with Apologies

Mr. K.Y. Leung

Professor Edwin H.W. Chan

Ms. Maggie M.K. Chan

Mr. Y.K. Cheng

Mr. Felix W. Fong

Professor P.P. Ho

Professor Paul K.S. Lam

Mr. Clarence W.C. Leung

In Attendance

Assistant Director of Planning/Board
Miss H.Y. Chu

Senior Town Planner/Town Planning Board
Ms. Donna Tam

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 990th Meeting held on 26.8.2011

[The meeting was conducted in Cantonese.]

1. The minutes of the 990th meeting held on 26.8.2011 were confirmed without amendments.

Agenda Item 2

[Open Meeting]

Matters Arising

[The meeting was conducted in Cantonese.]

2. There were no matters arising from the last meeting.

Tuen Mun and Yuen Long District

Agenda Item 3

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/TM-LTY Y/211

Temporary Storage of Metal and Wood for a Period of 3 Years
in "Green Belt" zone, Lot 2432 RP (Part) in DD 130
and Adjoining Government Land, Shun Tat Street, Tuen Mun
(TPB Paper No. 8910)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

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

Ms. Amy Cheung

District Planning Officer/Tuen Mun
and Yuen Long (DPO/TMYL)

4. The Chairman informed the meeting that on 8.9.2011, the Secretary received a letter from the applicant's representative, which raised a query about the Drainage Services Department's (DSD) comments on the drainage proposal submitted by the applicant on 17.6.2011 in support of the review application. In his letter of 8.9.2011, the applicant's representative stated that DSD had mentioned about a solid boundary wall for a Small House development in its comments on the drainage proposal submitted by the applicant. However, since the subject application was for temporary open storage of metal and wood and did not relate to a Small House development, the review hearing could not go any further as scheduled without first seeking clarification with DSD. The letter from the applicant's representative dated 8.9.2011 was tabled at the meeting for Members' reference. The Chairman continued to point out that the applicant's representative had verbally advised the Secretariat before the meeting that the applicant would like to apply for a deferral of the subject review application.

5. In response to the Chairman's request, Ms. Amy Cheung made the following main points in respect of the applicant's query about DSD's comments on the applicant's drainage proposal:

- (i) it was PlanD's current practice that departmental comments on a planning application would be forwarded to the applicant so that the applicant could address the comments of the departments. DSD's memo dated 27.6.2011 containing its comments on the drainage proposal submitted by the applicant in support of the review application was forwarded to the applicant on 30.6.2011;
- (ii) PlanD had sought clarification with DSD regarding its comments on a solid wall for a Small House development in its memo. According to DSD, its comments on the drainage proposal submitted by the applicant were based on the applied use for temporary open storage of metal and wood. The mentioning of Small House development in its memo was

only a typing error; and

- (iii) in the TPB Paper of the subject review application, which was issued to the applicant one week before the meeting, the comments of DSD had been rectified taking into account its clarification. Upon receipt of the applicant's representative's letter on 8.9.2011, DPO/TMYL had tried to contact the applicant's representative to clarify the above, but in vain.

[Mr. Andrew Tsang arrived to join the meeting at this point.]

6. The Chairman said that Members should consider whether the applicant's request for deferral should be acceded to, taking into account the consideration that the applicant had doubt on DSD's comments and clarification on this aspect should be made. The Chairman also drew Members' attention that the application site was subject to planning enforcement action as the storage use found on the site was an unauthorized development (UD) under the Town Planning Ordinance. In response to the Chairman's question, Ms. Amy Cheung said that the Planning Authority would proceed with the enforcement action against the UD at the application site irrespective of the subject review application.

7. In response to the questions raised by a Member and the Vice-chairman, Ms. Amy Cheung said that she received the letter of the applicant's representative at around 4:30 p.m. on 8.9.2011. After that, staff of DPO/TMYL had tried to contact the applicant's representative by phone to explain to him about DSD's comments. However, the applicant's representative could not be reached. Ms. Amy Cheung also said that upon receipt of the comments from DSD in June 2011, DPO/TMYL had already clarified with DSD on the mistake made in its memo. Based on DSD's clarification, its comments had already been rectified before incorporating them in Annex F of the TPB Paper. A copy of the TPB Paper had been forwarded to the applicant one week before the meeting.

[Dr. C.P. Lau arrived to join the meeting at this point.]

8. A Member opined that DPO/TMYL had already made an effort to contact the applicant's representative to clarify the mistake in DSD's comments. The Vice-chairman, however, considered that although PlanD had already rectified the mistake before

incorporating DSD's comments in the TPB Paper and a copy of the Paper had been passed to the applicant a week before the meeting, the applicant had not been formally informed of the mistake made in DSD's memo. He considered it justified to defer the review hearing to allow PlanD time to clarify with the applicant regarding the mistake in DSD's memo.

9. In response to the Chairman's question, the Secretary said that if the Board decided to defer consideration of the subject review application, the hearing could be deferred to the next meeting which would be in three weeks' time. This would provide PlanD with sufficient time to clarify with the applicant about the mistake in DSD's memo. If the applicant needed to provide responses to DSD's comments, he might seek further deferment.

10. After further deliberation, the Chairman concluded Members' view that the applicant's request to defer the subject review hearing should be acceded to, taking into account that there should be clarification with the applicant regarding DSD's comments in its memo and that the Planning Authority would proceed with the enforcement action against the UD at the application site even if there was a deferment of consideration of the subject review application by the Board.

11. A Member opined that, for future cases where there were mistakes in departmental comments, the applicants should be informed of the mistakes before they were rectified and incorporated into the relevant TPB Papers. This could help avoid unnecessary confusion and delay in consideration of planning applications. Members agreed.

12. After further deliberation, the Board agreed to defer a decision on the review application for three weeks for PlanD to clarify the mistake in DSD's comments on the drainage proposal submitted by the applicant.

13. The Chairman thanked Ms. Amy Cheung for attending the meeting for this item and Ms. Cheung left the meeting at this point.

14. As the applicant of Agenda Item 4 had not yet arrived, Members agreed to proceed with the hearing of the subsequent items first.

[Professor S.C. Wong arrived to join the meeting at this point.]

Sha Tin, Tai Po and North District

Agenda Item 5

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/NE-LT/413

Proposed House (New Territories Exempted House – Small House)

in “Agriculture” and “Village Type Development” zones,

Lots 1598 s.A ss.1 in DD 19, Tin Liu Ha Tsuen, Lam Tsuen, Tai Po

(TPB Paper No. 8906)

[The hearing was conducted in Cantonese.]

15. Ms. Anna S.Y. Kwong had declared an interest in this item as she had worked with the consultant of the applicant in a past project, but with no pecuniary interest involved. As the interest of Ms. Kwong was indirect, the Board agreed that Ms. Kwong should be allowed to stay and participate in the discussion in this item.

Presentation and Question Session

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

Mr. W.K. Hui	District Planning Officer/Sha Tin, Tai Po and North (DPO/STN)
Mr. Chung Yuk Kwong, Michael	Applicant
Mr. Chung Wai Keung) Applicant's Representatives
Mr. T.H. Chan)

17. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited Mr. W.K. Hui to brief Members on the background of the application.

18. With the aid of a plan, Mr. W.K. Hui presented the application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for a proposed house (New Territories Exempted House (NTEH) – Small House) at a site partly zoned “Village Type Development” (“V”) and partly zoned “Agriculture” (“AGR”) on the approved Lam Tsuen OZP No. S/NE-LT/11;
- (b) the application was rejected by the Rural and New Town Planning Committee (RNTPC) on 1.4.2011 and the reasons were:
 - (i) the proposed development did not comply with the “Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories” (the Interim Criteria) in that there was no shortage of land in meeting the demand for Small House development in the “V” zone of Sheung Tin Liu Ha, Ha Tin Liu Ha and Ko Tin Hom;
 - (ii) Small Houses should be developed within the “V” zone so as to ensure an orderly development pattern, efficient use of land and provision of infrastructures and services; and
 - (iii) the proposed development was not in line with the planning intention of the “AGR” zone. There was no strong planning justification in the current submission for a departure from the planning intention;
- (c) the applicant had submitted written submission in support of the review application and the major grounds were summarized below:

- (i) in Tin Liu Ha Village, there was a genuine shortage of housing land at an affordable price. The application site was the only piece of land owned by the applicant for building a Small House;
 - (ii) the application site fell physically and socially within the village. The refusal of the application would be an arbitrary decision in pursuing the planning goal, which was unsound and self-contradicting; and
 - (iii) having considered the current situation and strong demand for housing land, there was no chance that owners would voluntarily put their sites to agricultural use in short or long terms. The subject site had been contaminated with illegal dumping for quite a long period;
- (d) three similar applications (A/NE-LT/344, 345 and 346) for Small House development in the vicinity of the subject application site were approved with conditions by the RNTPC in 2005 and 2006. These applications were approved as the proposed houses were able to be connected to the planned sewerage system in the area; their footprints were entirely within the village “environs” of Ha Tin Liu Ha Village; and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of the same village at that time;
- (e) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as the site had high potential of rehabilitation for agricultural activities. Other relevant departments had no objection to or adverse comments on the proposed development;
- (f) public comments – one public comment from Designing Hong Kong Limited was received. The commenter objected to the application as the site fell within the “AGR” zone and there was a lack of plan for sustainable layout of infrastructure and development, and the approval of the application would further deteriorate the living environment of the area;

- (g) PlanD's views – PlanD did not support the review application based on the assessments set out in paragraph 7 of the Paper, which were summarized below:
- (i) the application did not meet the Interim Criteria in that there was no general shortage of land in meeting the demand for Small House development in the “V” zone of Sheung Tin Liu Ha, Ha Tin Liu Ha and Ko Tin Hom Villages. According to District Lands Officer/Tai Po's (DLO/TP) records of March 2011, the total number of outstanding Small House applications and the 10-year Small House demand forecast for Sheung Tin Liu Ha, Ha Tin Liu Ha and Ko Tin Hom Villages were 14 and 80 respectively. From the latest estimate by PlanD, about 4.3 ha (or equivalent to about 172 Small House sites) of land were available within the “V” zone of Sheung Tin Liu Ha, Ha Tin Liu Ha and Ko Tin Hom Villages;
 - (ii) as there was a surplus of land for Small House development in the subject “V” zone, Small Houses should be developed within the “V” zone first to concentrate village type development for a more orderly development pattern, efficient use of land and provision of infrastructures and services, which was in line with the planning intention of the “V” zone; and
 - (iii) the application was not in line with the planning intention of the “AGR” zone, which was 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. While the applicant considered that it was not possible to revert the site back for agricultural use, DAFC did not support the application from the agricultural point of view as the site had high potential of rehabilitation for agricultural use.

19. The Chairman then invited the applicant's representatives to elaborate on the application.

20. Mr. Chung Wai Keung made the following main points:

- (a) the applicant was an indigenous villager of Ha Tin Liu Ha and had previously resided in England. The applicant had come back to Hong Kong and tried to identify suitable land within the "V" zone for the development of a Small House of his own. However, no suitable land could be identified;
- (b) the applicant had planned to apply for Small House development at the subject site since 2006. The application was not submitted as it was noted at that time that the Government intended to resume the site for the construction of an access road to the village. It was subsequently learnt that the alignment of the proposed access road had been changed and the application site would no longer be resumed for the access road. The applicant then submitted an application for a Small House development on the application site. However, it was objected by concerned departments;
- (c) it was noted that three applications for Small House developments surrounding the subject site had previously been approved by the Board in 2005 and 2006. It was unfair to the applicant that the subject application was rejected;
- (d) the application site had been abandoned for more than 30 years and the area was dumped with construction waste or overgrown with grass. Agricultural activities had been declined for years and the villagers had no intention to rehabilitate the land for agricultural use;
- (e) the subject site was the only plot of land owned by the applicant for Small House development. He did not own any land within the "V" zone;

- (f) most land within the “V” zone was owned by Tso Tong. Normally, land owned by Tso Tong would not be sold, and any transaction of land owned by Tso Tong would require agreement of all villagers which was difficult to obtain; and
- (g) in view of the construction of the new village access and the improved accessibility to the village, other private land owners in the “V” zone might use their land for Small House development, rather than selling to other villagers.

[Mr. B.W. Chan arrived to join the meeting at this point.]

21. With the aid of plans, Mr. T.H. Chan made the following main points:

- (a) as shown in the plan submitted by the applicant (Appendix I in Annex A of the TPB Paper), over 50% of the proposed Small House was within the “V” zone. According to the Interim Criteria, favourable consideration should be given to the proposed Small House development, provided that there was a general shortage of land in meeting the demand for Small House in the “V” zone. However, it was acknowledged that there was sufficient land within the “V” zone to meet estimated Small House demand of the village;
- (b) the application site could only be accessed through a village track from She Shan Tsuen and it would take about 35 minutes to walk from the main road to the application site. Since the application site was not accessible, the applicant did not intend to build the house for sale. He had a genuine need to build his own house;
- (c) while the site was located within water gathering ground, there was no stream running through the area. Water supply and supporting facilities such as water pump should be provided if the area was used for farming. In addition, as the site was accessible only through a local track, transportation of agricultural products was very difficult and not cost

effective;

- (d) if the assessment of the application was based on whether there was sufficient of land for meeting the Small House demand of the village for the coming 10 years, it might be possible that the applicant could not obtain an approval for building of his own house after 10 years; and
- (e) the Board was requested to give sympathetic consideration to the subject application.

22. A Member raised questions on the details of the road project mentioned by the applicant's representative and the reasons for the decrease of Small House demand of the village. In response, Mr. Chung Wai Keung and Mr. T.H. Chan made the following main points:

- (a) Mr. Chung Wai Keung was the village representative (VR) of Tin Liu Ha Village from 1979 to April 2011. When he was the VR of the village, he applied for funding from the Government to build a road linking to the village. However, only the section of the road linking from Lam Kam Road to She Shan Tsuen had been completed, but the section linking to Tin Liu Ha Village was yet to be built owing to the outbreak of SARS and the economic recession in 2003. As such, accessibility of Tin Liu Ha Village was still poor;
- (b) noting that a village access road was to be built and accessibility of the village would be improved, villagers residing overseas had planned to come back to the village and thus the demand for Small Houses was great at that time; and
- (c) according to the latest plan, the access road would be built by 2014. Because of the high construction cost involved, the access road would be built only to the middle of the village and would not affect the application site which was owned by the applicant. The applicant therefore intended to apply to build his Small House at the site.

23. In response to the Chairman's question on whether he agreed with the 10-year Small House demand forecast of the village, which was 80 houses, as provided by the current VR, Mr. Chung Wai Keung replied in the negative. Mr. Chung further said that the population of Tin Liu Ha Village was the greatest among the 26 villages in Lam Tsuen. If the planned village access road was built, many villagers of Tin Liu Ha Village currently residing overseas would come back and the Small House demand of the village would be much more than the current forecast.

[Ms. Anna S.Y. Kwong arrived to join the meeting at this point.]

24. In explaining the location of the footprint of the proposed Small House, Mr. W.K. Hui referred Members to the two plans submitted by the applicant in the application form, namely, the Dimension Plan of the subject lot in Appendix A (Dimension Plan) and the Lot Plan in Appendix B (Lot Plan) of Appendix I in Annex A of the TPB Paper. Mr. Hui pointed out that the footprint of the proposal Small House as shown in Plan R-2 of the TPB Paper was based on information in the Dimension Plan, whereas the proposed footprint of the proposed Small House as mentioned by the applicant's representative at the meeting was the same as that in the Lot Plan. Regarding the proposed village access road, Mr. W.K. Hui said that it was not a formal road project, but a small village works project which was funded by the Home Affairs Department. PlanD did not have any information on the programme of the proposed access road.

25. Mr. Chung Wai Keung said that the Dimension Plan was submitted by the applicant to indicate the boundary of the proposed house. However, the applicant intended to build the proposed house at the location shown on the Lot Plan. As shown on the Lot Plan, over 50% of the proposed house fell within the "V" zone. Mr. Chung said that this met the Interim Criteria, although he noted that there was no shortage of land within the "V" zone to meet Small House demand of Tin Liu Ha Village.

26. In response to a Member's question on why the applicant did not buy land within the "V" zone for building his Small House and whether the applicant had tried to identify suitable land within the "V" zone to build the Small House, Mr. Chung Wai Keung said that most land (about 60%) within the "V" zone was owned by Tso Tong of Sheung Tin Liu Ha

Village. It was very difficult to purchase land from Tso Tong as agreement from all villagers was required for the selling of Tso Tong land. The application site was the only piece of land owned by the applicant's father which was available for the applicant to build a Small House. This piece of land was only available after it was confirmed that it would not be affected by the proposed road works.

27. In response to Mr. Jimmy C.F. Leung's question, both Mr. Chung Wai Keung and Mr. W.K. Hui said that they did not have any information on the land owned by Tso Tong within the "V" zone.

28. As the applicant and his representatives had no further comment to make and Members had no further questions, the Chairman informed the applicant and his representatives that the hearing procedures for the review had been completed and the Board would further deliberate on the application in their absence and inform the applicant of the Board's decision in due course. The Chairman thanked the applicant and his representatives and the representative of PlanD for attending the meeting. They all left the meeting at this point.

Deliberation Session

29. The Chairman drew Members' attention to the 10-year Small House demand forecast for Sheung Tin Liu Ha, Ha Tin Liu Ha and Ko Tin Hom Villages which had been dropped from 288 in 2006 to the current figure of 80. In this regard, the applicant's representative, who was the ex-VR of Tin Liu Ha Village, indicated that he did not agree with the current 10-year forecast Small House demand of the village provided by DLO/TP as stated in the TPB Paper. The Chairman continued to point out that as the proposed Small House under application did not meet the Interim Criteria in that there was no shortage of land within the "V" zone to meet the Small House demand of the villages provided by DLP/TP, Members should consider whether the application should be rejected. In view of the comments of the applicant's representative, Members might wish to consider whether there was a need to seek clarification from DLO/TP on the Small House demand forecast.

[Mr. Timothy K.W. Ma arrived to join the meeting at this point.]

30. A Member was of the view that while the Board should not take into account land ownership when considering Small House applications, it was a practical problem that villagers might not be able to purchase land within the “V” zone if most of the land was owned by Tso Tong.

31. Another Member shared the concern on whether land owned by Tso Tong could be made available for villagers to apply for building Small Houses. This Member, however, did not agree that further clarification on the Small House demand forecast should be sought as the information provided by the current VR and DLO/TP should be the official information to be based on.

32. A Member said that the practices of individual Tso Tong in selling Tso Tong land were not the same. Some managers of Tso Tong could act on behalf of the Tso Tong in selling properties of the Tso Tong, while others might need to seek consent of all villagers before selling any land properties. This Member considered that as the proposed Small House did not meet the Interim Criteria, the subject application should be rejected. However, given three similar applications for Small House developments in the vicinity of the site had been approved by the Board, there might be a need to review the boundary of the subject “V” zone.

33. In response to Mr. Jimmy C.F. Leung’s concern on villagers’ difficulty in purchasing Tso Tong land within the “V” zone for Small House development, the Secretary said that the boundaries of the “V” zones were drawn up having regard to the existing village “environs”, outstanding Small House applications, Small House demand forecast, topography and site constraints. Areas of difficult terrain, dense vegetation and stream courses had been avoided as far as possible. However, land ownership would not be taken into account in drawing up the boundaries of “V” zones.

34. Five Members opined that the Small House demand forecast provided by the VR should be respected and there was no need to seek clarification on the demand forecast. The Board should also not take into account whether Tso Tong would sell their land to villagers for development. Supply and demand of private land for development, including Small House development, should be determined by market forces, and land ownership should not be a planning consideration for proposed Small House development.

35. The Chairman summed up Members' views that there was no need to seek clarification on the Small House demand forecast of the subject village.

36. A Member and the Vice-chairman were of the view that sympathetic consideration might be given to the subject application as part of the proposed Small House fell within the "V" zone and three Small Houses were already approved by the Board. As the site was surrounded by existing and future houses, the chance of rehabilitating the site for agricultural use was not high.

[Mr. Andrew Tsang left the meeting at this point.]

37. In response to the Chairman's question, the Secretary said that the main criterion in the Interim Criteria for considering Small House development was whether there was any shortage of land within the "V" zone to meet the Small House demand of the concerned village. If the Board considered that sympathetic consideration should be given to approve the subject application, strong reasons should be given for a departure from the Interim Criteria such that this would not be treated as a precedent for future cases.

38. Seven Members did not support approving the application based on sympathetic consideration as the proposed development did not meet the Interim Criteria. Approving the subject application would set a precedent that there was no need for proposed Small House development to comply with the Interim Criteria, hence rendering the Interim Criteria nugatory.

39. The Chairman summed up Members' views that the application should not be approved on sympathetic consideration as it did not meet the Interim Criteria.

40. Members then had a discussion on whether a review of the boundary of the subject "V" zone based on the updated Small House demand and existing conditions of the "V" zone, or simply minor adjustments to the "V" zone boundary to take into account existing physical features should be made. Two Members opined that minor adjustments of the "V" zone boundary to follow the existing physical features such as the footpaths to the west and north of the application site could be made.

41. The Vice-chairman and Mr. Jimmy C.F. Leung pointed out that the boundary of the subject “V” zone should not be adjusted if the Board was satisfied that there was sufficient land to meet the demand for Small House development.

42. Four Members considered that there was no need to review or make minor adjustments to the boundary of the subject “V” zone as there was sufficient land in the subject “V” zone to meet Small House demand.

43. After further deliberation, the Chairman summed up Members’ views that the application should not be supported as the proposed Small House development did not meet the Interim Criteria for considering Small House development.

44. After further deliberation, the Board decided to reject the application on review. Members then went through the reasons for rejection as stated in paragraph 8.1 of the Paper and considered that they were appropriate. The reasons were:

- (a) the proposed development did not comply with the “Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories” in that there was no shortage of land in meeting the demand for Small House development in the “V” zone of Sheung Tin Liu Ha, Ha Tin Liu Ha and Ko Tin Hom;
- (b) Small Houses should be developed within the “V” zone so as to concentrate village type development for a more orderly development pattern, efficient use of land and provision of infrastructures and services; and
- (c) the proposed development was not in line with the planning intention of the “AGR” zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. The “AGR” zone was also intended to retain fallow arable land with good potential for rehabilitation, cultivation and other agricultural purposes. There was no strong planning justification in the current submission for a departure from

the planning intention.

[Mr. Roger K.H. Luk, Laurence L.J. Li, Dr. James C.W. Lau, Mr. B.W. Chan and Mr. Fletch Chan left the meeting at this point. Ms. Julia M.K. Lau arrived to join the meeting at this point.]

Agenda Item 6

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/TP/497

Proposed House (Private Garden ancillary to House) in “Green Belt” zone,
a piece of Government Land adjoining Lot 400 in DD 34,
Block B, Rainbow Height, Tai Po
(TPB Paper No. 8908)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

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

Mr. W.K. Hui	District Planning Officer/Shu Tin, Tai Po and North (DPO/STN)
Mr. Ling Wai Shing	Applicant
Ms. Lam Tsz Ching, Emily	Applicant

46. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited Mr. W.K. Hui to brief Members on the background of the application.

47. With the aid of plan, Mr. W.K. Hui presented the application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for private garden ancillary to house use at a site zoned “Green Belt” (“GB”) on the Tai Po Outline Zoning Plan (OZP) No. S/TP/23;
- (b) the application was rejected by the Rural and New Town Planning Committee (RNTPC) on 3.6.2011 and the reasons were:
 - (i) the proposed development was not in line with the planning intention of “GB” zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development in “GB” zone. They failed to provide strong planning justifications in the submission for a departure from this planning intention; and
 - (ii) approval of the subject application would set an undesirable precedent for other similar development proposals in the “GB” zone. The cumulative effect of approving such proposals would result in a general degradation of the environment in the area;
- (c) the applicant had not submitted any written representation in support of the review application;
- (d) departmental comments – relevant departments had no objection to or adverse comments on the proposed development, except that Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD had some reservation on this application from the landscape planning perspective as approval of the proposed development within the “GB” zone would encourage similar development encroaching into the predominantly rural area and further deteriorate the landscape quality;

- (e) public comments – no public comment was received;
- (f) PlanD's views – PlanD did not support the review application based on the assessments set out in paragraph 6 of the Paper, which were summarized below:
 - (i) the subject site had been used as a private garden for the 3-storey residential building on Lot 400 in D.D. 34. The private garden ancillary to the house use had involved unauthorized occupation of government land;
 - (ii) the conversion of the subject site into a private garden for private enjoyment was not in line with the planning intention of "GB" zone. No strong planning justifications had been provided in the submission for a departure from this planning intention. CTP/UD&L had reservation on the application from the landscape planning perspective as mentioned above; and
 - (iii) there were other residential developments having similar circumstances within the same "GB" zone. Approval of the application would set an undesirable precedent for attracting similar applications. The cumulative effect of approving such proposals would result in a general degradation of the environment in the area.

48. The Chairman then invited the applicants to elaborate on the application.

49. With the aid of photographs, Mr. Ling Wai Shing and Ms. Lam Tsz Ching, Emily made the following main points:

- (a) the applicant's house and the subject site, which was a piece of government land, were located on a platform. In order to enhance pedestrian safety and prevent people from falling down the platform, the applicants had provided the railings at the subject site;

- (b) the applicants were advised by the District Lands Officer/Tai Po (DLO/TP) that the railings on the subject site were unauthorized works and fencing off the site by railings had rendered the site virtually a private garden of the applicants. However, the railings were provided by the applicants for safety reason only;
- (c) some of the steps shown in the photograph in Plan R-3 of the TPB Paper were not part of the application site. The steps were not to be fenced off and the public could still use the steps to have access to their houses in the area;
- (d) the Board was requested to give sympathetic consideration to the application and approve the application. The applicants were willing to accept approval conditions restricting the construction of structures within the site and requiring the opening of the application site for public use. The applicants would also undertake to keep the site in good condition and place potted plants within the site to enhance the environment of the area; and
- (e) the public would not be affected by the applied use. On the contrary, the provision of the railings around the site would enhance the safety of the local villagers using the steps.

50. In response to Members' questions, Mr. Ling Wai Shing and Ms. Lam Tsz Ching, Emily made the following main points:

- (a) the area was the only access to the applicants' house and other two families at Lot 400 in D.D. 34 as shown on Plan R-2 of the TPB Paper;
- (b) the fish pond within the application site already existed when the applicants moved into the house about two and a half years ago. The applicants provided the railings so that no one would fall into the pond;

- (c) the applicants had no information on when the platforms in the area were built and who built the platforms. There was also no information on the maintenance responsibility of these platforms;
- (d) the approval of the application would not affect other people in the area as the railings would not block public access. They were to protect people from falling down the platform when they walked up to their houses. If the application was rejected and the railings were to be demolished, the safety of local villagers walking through the area would be at stake;
- (e) the applicants had not written to any government departments to request for the provision of railings. The applicants took the initiative to provide the railings as they were required for safety reason; and
- (f) if the Government was responsible for providing and maintaining the railings, there was no need for the applicants to apply to the Board for using the subject site for private garden purpose.

[Ms. Winnie S.M. Tang left the meeting at this point.]

51. In response to Members' questions as to whether the Government would be responsible for providing the railings at the subject site, which was a piece of government land, so as to enhance the public safety, Mr. W.K. Hui said that it should be the Government's responsibility to keep public areas clean and safe.

52. In response to a Member's question, Mr. W.K. Hui said that there was no information on the platforms on which village houses were built. He also informed Members that when RNTPC considered the subject application in June this year, it requested PlanD to carry out a review of the subject "GB" zone. The review exercise was being undertaken by PlanD.

[Miss Annie Tam arrived to join the meeting at this point.]

53. As the applicants had no further comment to make and Members had no further questions, the Chairman informed the applicants that the hearing procedures for the review had been completed and the Board would further deliberate on the application in their absence and inform them of the Board's decision in due course. The Chairman thanked the applicants and the representative of PlanD for attending the meeting. They all left the meeting at this point.

[Mr. Maurice W.M. Lee arrived to join the meeting at this point.]

Deliberation Session

54. A Member said that approval could be granted for the application as the subject site served no other functions. This was supported by another Member who said that the applicants could be requested to maintain the subject area and retain access for the public.

55. Another Member said that the Government should be responsible for providing and maintaining the railings and the subject site should be retained for public use. However, some Members considered that similar to other minor government projects, it would take a long time for the government department to provide the railings on the site.

56. The Chairman drew Members' attention that the area was within the "GB" zone. Members should consider whether approving the subject development would be against the planning intention of the "GB" zone and would set an undesirable precedent for future cases.

57. A Member said that the applied private garden use with the provision of plants might not contravene the planning intention of the "GB" zone. In response, the Secretary said that planning permission was required for converting "GB" area into private garden ancillary to house use. The Board had been consistent in rejecting planning applications for such private garden use within the "GB" zone as the private garden for private enjoyment was not in line with the planning intention of the "GB" zone which was to define the limits of urban and sub-urban development area by natural features and to contain urban sprawl as well as to provide passive recreational outlets for public use.

58. Some Members said that there was an exceptional circumstance for this case on safety ground and the platforms in the area might exist before the designation of the area as “GB”.

59. A Member however held different view. This Member said that the application site was government land and the Government should have the responsibility to ensure the safety of the public area. This Member queried whether there was any information to demonstrate that the safety reason given by the applicant was substantiated and whether there was any other measure to ensure the safety of the subject area, instead of allowing the applicants to convert the area as private garden. This Member had reservation in granting approval to the subject development.

60. In response to the Chairman’s question, Miss Annie Tam said that if the application was not approved by the Board, Lands Department (LandsD) would take enforcement action against the subject use, according to the priority of LandsD.

61. A Member said that the applicants applied for private garden ancillary to house use. Although the applicants argued that the fencing off of the area was only for safety reason, the proposed development of private garden was in fact not for public interest. This Member was of the view that the application should not be approved and relevant government department should be requested to follow up on the safety problem of the area. This was supported by another Member who considered that converting the area into a private garden of the applicants, due to the reason that railings had to be installed at the area was not justified.

62. After further deliberation, the Chairman summarized Members’ views that the proposed private garden use within the “GB” zone should not be approved as this was against the planning intention of the “GB” zone and would set an undesirable precedent for other similar development proposals in the “GB” zone. Members also noted the concern on safety problem of the area and agreed that the issue should be referred to the relevant government department for follow up action. Care should be exercised not to clear the railings before a government department could replace them with a formal set. The relevant District Officer should be requested to follow this up.

63. After further deliberation, the Board decided to reject the application on review. Members then went through the reasons for rejection as stated in paragraph 7.1 of the Paper and considered that they were appropriate. The reasons were:

- (a) the proposed development was not in line with the planning intention of “GB” zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development in “GB” zone and no strong planning justifications had been provided in the submission for a departure from this planning intention; and
- (b) approval of the subject application would set an undesirable precedent for other similar development proposals in the “GB” zone. The cumulative effect of approving such proposals would result in a general degradation of the environment in the area.

Agenda Item 7

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/NE-LYT/440

Proposed House (New Territories Exempted House – Small House)

in “Agriculture” zone,

Lot 1587 s.B ss.8 in DD 76, Kan Tau Tsuen, Fanling

(TPB Paper No. 8907)

[The hearing was conducted in Cantonese.]

64. As sufficient notice had been given to the applicant to invite him to attend the meeting, Members agreed to proceed with the hearing of the review application in the absence of the applicant who had indicated that he would not attend the review hearing.

Presentation and Question Session

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

Mr. W.K. Hui

District Planning Officer/Shu Tin, Tai
Po and North (DPO/STN)

66. The Chairman extended a welcome and invited Mr. W.K. Hui to brief Members on the background of the application.

67. With the aid of a plan, Mr. W.K. Hui presented the application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for a proposed house (New Territories Exempted House (NTEH) – Small House) at a site zoned “Agriculture” (“AGR”) on the approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan (OZP) No. S/NE-LYT/14;
- (b) the application was rejected by the Rural and New Town Planning Committee (RNTPC) on 20.5.2011 and the reasons were:
 - (i) the application did not comply with the “Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in the New Territories” (the Interim Criteria) in that the footprint of the proposed Small House fell entirely outside the village “environs” and “Village Type Development” (“V”) zone of Kan Tau Tsuen; and
 - (ii) approval of the application, which did not comply with the Interim Criteria, would set an undesirable precedent for other similar applications within the “AGR” zone. The cumulative effect of approving such similar applications would cause adverse landscape impacts on the area;

- (c) the applicant had not submitted any written representation in support of the review application;
- (d) departmental comments – the District Lands Officer/North, Lands Department (DLO/N, LandsD) did not support the application as the proposed Small House was situated outside the village “environs” of a recognized village under the Small House Policy. The Commissioner for Transport had reservation on the application. He considered that such type of development should be confined within the “V” zone as far as possible. Although additional traffic generated by the proposed development was not expected to be significant, such type of development outside the “V” zone, if permitted, would set an undesirable precedent for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from an agricultural development point of view as agricultural activity in the vicinity of the application site was active and the application site was of high potential for rehabilitation of agricultural activities. The Chief Town Planner/Urban Design and Landscape, PlanD had reservation on the application. The application site was located in an area with dense vegetation with tree groups. Recent site visit reviewed that significant disturbance to the existing landscape character in the area had taken place. She had concern that most of the existing mature trees within the site would be removed due to the proposed development;
- (e) public comments – one public comment from a North District Council member was received. He indicated that he had no comment on the review application;
- (f) PlanD’s views – PlanD did not support the review application based on the assessments set out in paragraph 6 of the Paper, which were summarized below:

- (i) the application did not comply with the Interim Criteria in that the footprint of the proposed Small House fell entirely outside the village “environs” and “V” zone of Kan Tau Tsuen and there were no exceptional circumstances which warranted sympathetic consideration of the application. DLO/N, LandsD did not support the application as the application site fell outside the village “environs” of a recognised village (Kan Tau Tsuen);
- (ii) the proposed development was not in line with the planning intention of the “AGR” zone which was 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. DAFC did not support the application on the grounds that agricultural life in the vicinity of the application site was active and the application site was of high potential for rehabilitation of agricultural activities; and
- (iii) most of the existing mature trees within the site would be removed due to the proposed development and approval of the application would set an undesirable precedent of spreading village development and encourage removal of mature trees in the surrounding areas and deteriorate the rural landscape character of the area.

68. As Members had no further questions, the Chairman thanked Mr. W.K. Hui for attending the meeting. Mr. Hui left the meeting at this point.

Deliberation Session

69. Members agreed that as the applicant did not submit any further information to support the review application and there was no change in planning circumstances, RNTPC’s decision to reject the subject application should be upheld.

70. After deliberation, the Board decided to reject the application on review. Members then went through the reasons for rejection as stated in paragraph 7.1 of the

Paper and considered that they were appropriate. The reasons were:

- (a) the application did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in the New Territories in that the footprint of the proposed Small House fell entirely outside the village “environs” and “V” zone of Kan Tau Tsuen; and;
- (b) approval of the application, which did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories, would set an undesirable precedent for other similar applications within the “AGR” zone. The cumulative effect of approving such similar applications would cause adverse landscape impacts on the area.

[Dr. C.P. Lau, Mr. Walter K.L. Chan, Dr. W.K. Yau, Ms. Pansy L.P. Yau, Professor Eddie C.M. Hui and Professor S.C. Wong left the meeting at this point.]

Agenda Item 8

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/NE-KTN/142

Proposed House in “Comprehensive Development Area” zone,

Lot 714RP in D.D. 92, Kwu Tung North, Sheung Shui

(TPB Paper No. 8905)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

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

Mr. W.K. Hui District Planning Officer/Shu Tin, Tai
Po and North (DPO/STN)

Mr. Raymond Leung)
Ms. Edith Fung Ka Wun) Applicant's representatives
Mr. Lam Tim Kit)

72. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited Mr. W.K. Hui to brief Members on the background of the application.

73. With the aid of a plan, Mr. W.K. Hui presented the application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for a proposed house in an area zoned "Comprehensive Development Area" ("CDA") on the approved Kwu Tung North Outline Zoning Plan (OZP) No. S/NE-KTN/8;
- (b) the application was rejected by the Rural and New Town Planning Committee (RNTPC) on 20.5.2011 for the reason that the application, albeit providing a Master Layout Plan (MLP), had no submission on environmental, drainage, sewerage and traffic impact assessments as required under the Notes of the Kwu Tung North OZP;
- (c) the applicant had not submitted any written representation in support of the review application;
- (d) departmental comments – the District Lands Officer/North, Lands Department (DLO/N, LandsD) advised that the application site was an Old Schedule agriculture lot falling within the village "environs" of Yin Kong Village. According to prevailing land policy, non-Small House land exchange should normally not be entertained;

- (e) public comments – two public comments were received, including a comment from a North District Council member who supported the review application and an objection raised by another North District Council member on the grounds that the application site was covered with vegetation which had screening effect for the air pollution generated from Castle Peak Road, the proposed development would affect the ‘fung shui’ of the village, the vehicular access was not a proper road and vehicular traffic to and from the proposed development would pose danger to the villagers. The District Officer (North) advised that the village representative of Yin Kong expressed his objection to the application mainly on drainage, air quality, traffic, tranquil environment, pedestrian safety, security, sewerage and ‘gung shui’ grounds;

- (f) PlanD’s views – PlanD did not support the review application based on the assessments set out in paragraph 6 of the Paper, which were summarized below:
 - (i) according to the Notes of the OZP, an applicant for permission for development on land designated “CDA” should prepare a MLP and include, inter alia, information on land-uses, a total gross floor area, heights of all buildings to be erected, the alignment and levels of roads and landscaping proposal. However, the application, albeit providing a MLP, had no submission on environmental, drainage, sewerage and traffic impact assessments as required under the Notes of the OZP; and

 - (ii) the application site fell within the village “environs” of Yin Kong Village. DLO/N, LandsD advised that according to prevailing land policy, non-Small House land exchange should normally not be entertained.

74. The Chairman then invited the applicant’s representatives to elaborate on the application.

75. With the aid of a Powerpoint presentation, Mr. Raymond Leung made the following main points:

- (a) the application site only occupied a very small portion (1.7%) of the “CDA” site. The applicant succeeded the land from his father in 2005;
- (b) the application site was not included within the MLP approved by the Board under application No. A/NE-KTN/131 for a proposed comprehensive residential development of 38 houses. However, the proposed development would not be in conflict with that approved MLP;
- (c) the assessments undertaken for application No. A/NE-KTN/131 were all found satisfactory to relevant departments and had been approved;
- (d) the proposed development under application was for one house only. The assessments undertaken for application No. A/NE-KTN/131 might not need to take into account of one additional house at the application site;
- (e) the applicant had no objection to undertaking assessments for the proposed development as required under the Notes of the OZP. It was however not sure if the assessments should cover the whole “CDA” site or the subject development only. It was also not sure if further assessments to be undertaken by the applicant, if required, would have different conclusion from the assessments undertaken for application No. A/NE-KTN/131;
- (f) technical requirements of relevant departments could be addressed in building plans submission stage. The Board could also impose approval conditions to address technical issue, if required;
- (g) relevant departments including the Environmental Protection Department, the Drainage Services Department and the Transport Department had no objection to the proposed development under application. The proposed access for the subject development and the provision of only one car parking space would not generate any adverse traffic impact on the area;

- (h) it was noted in application No. A/NE-KTN/131 that the subject site would form the Phase II development of the subject “CDA” site. The proposed development under application would not affect the comprehensiveness of the whole “CDA” site; and
- (i) the proposed development of one house at the subject site would not generate more adverse impact than a New Territories Exempted House.

76. In response to a Member’s questions, Mr. Raymond Leung said that the development under the approved MLP of application No. A/NE-KTN/131 and the subject development would be developed by two developers. The two developers could co-operate in the provision of common facilities for the two developments. The remaining portion of the “CDA” site was occupied by existing village houses. The proposed development would not have any impact on the existing and future developments in the area.

77. As the applicant’s representatives had no further comment to make and Members had no further questions, the Chairman informed the applicant’s representatives that the hearing procedures for the review had been completed and the Board would further deliberate on the application in their absence and inform the applicant of the Board’s decision in due course. The Chairman thanked the applicant’s representatives and the representative of PlanD for attending the meeting. They all left the meeting at this point.

Deliberation Session

78. The Chairman said that the application did not comply with the requirements under the Notes of the “CDA” zone on the OZP to undertake relevant assessments to support the proposed development in the “CDA” zone. Without the required assessments, relevant departments could not provide advice and comments on whether the proposed development was acceptable. Members agreed.

79. After deliberation, the Board decided to reject the application on review. Members then went through the reason for rejection as stated in paragraph 7.1 of the Paper and considered that it was appropriate. The reason was:

the application, albeit providing a Master Layout Plan, had no submission on environmental, drainage, sewerage and traffic impact assessments as required under the Notes of the Kwu Tung North Outline Zoning Plan.

[Mr. Rock C.N. Chan and Mr. Stephen M.W. Yip left the meeting at this point.]

Tuen Mun and Yuen Long District

Agenda Item 4

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-KTS/535

Temporary Open Storage of Miscellaneous Items for a Period of 3 Years
in “Village Type Development” zone, Lots 363 PR (Part), 364 s.A PR (Part),
376 RP (Part) and 378 RP (Part) in DD 106 and adjoining Government Land,
Kam Sheung Road, Yuen Long
(TPB Paper No. 8911)

[The hearing was conducted in Cantonese.]

80. As sufficient notice had been given to the applicant to invite him to attend the meeting, Members agreed to proceed with the hearing of the review application in the absence of the applicant who did not show up at the meeting.

Presentation and Question Session

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

Ms. Amy Cheung

District Planning Officer/Tuen Mun
and Yuen Long (DPO/TMYL)

82. The Chairman extended a welcome and invited Ms. Amy Cheung to brief Members on the background of the application.

83. With the aid of a Powerpoint presentation, Ms. Amy Cheung presented the application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for temporary storage of miscellaneous items for a period of three years in a site zoned “Village Type Development” (“V”) on the draft Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/11;
- (b) the application was rejected by the Rural and New Town Planning Committee (RNTPC) on 20.5.2011 and the reasons were:
 - (i) the development was not in line with the planning intention of the “V” zone on the OZP, which was to reflect the existing recognized and other villages, and to provide land considered suitable for village expansion and re-provisioning of village houses affected by government projects. Land within the zone was primarily intended for development of Small Houses by indigenous villagers. It was also intended to concentrate village type development within the zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. The development was incompatible with the surroundings which were predominated by residential structures/dwellings, shops and restaurant/canteen. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
 - (ii) the development did not comply with the TPB Guidelines No. 13E for “Application for Open Storage and Port Back-up Uses” in that there was no exceptional circumstance that warranted sympathetic consideration, and that there was adverse departmental comment against the development;

- (iii) the applicant failed to demonstrate in the submission that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
 - (iv) the approval of the application would set an undesirable precedent for similar applications within the “V” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area;
- (c) the applicant had not submitted any written representation in support of the review application;
- (d) departmental comments – the Director of Environmental Protection (DEP) did not support the application as existing residential dwellings/structures were located to the immediate south (about 15m away from the site) and in the vicinity of the application site, and environmental nuisance was expected. Other relevant departments had no objection to or adverse comments on the proposed development;
- (e) public comments – no public comment was received on the review application;
- (f) PlanD’s views – PlanD did not support the review application based on the assessments set out in paragraph 6 of the Paper, which were summarized below:
 - (i) the development was not in line with the planning intention of the “V” zone, which was to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and re-provisioning of village houses affected by government projects. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. It was also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land

and provision of infrastructures and services. The development was incompatible with the surroundings which were predominated by residential structures/dwellings, shops and restaurant/canteen. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;

- (ii) the application was not in line with the TPB Guidelines No. 13E in that there was no exceptional circumstance that warranted sympathetic consideration. There was no previous planning approval for similar open storage use granted at the site and there was adverse departmental comment against the application. DEP did not support the application as there were existing residential dwellings/structures located to the immediate south (about 15m away from the site) and in the vicinity of the site and environmental nuisance was expected;
- (iii) there was also no information in the submission to demonstrate that the development would not cause adverse landscape and drainage impacts on the surrounding areas; and
- (iv) no similar application for open storage use within the same “V” zone had been granted by the Board. The approval of the application would set an undesirable precedent for similar applications within the “V” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

84. As Members had no further questions, the Chairman thanked Ms. Amy Cheung for attending the meeting. Ms. Cheung left the meeting at this point.

Deliberation Session

85. Members agreed that as the applicant did not submit any further information to support the review application and there was no change in planning circumstances, RNTPC's

decision to reject the subject application should be upheld.

86. After deliberation, the Board decided to reject the application on review. Members then went through the reasons for rejection as stated in paragraph 7.1 of the Paper and considered that they were appropriate. The reasons were:

- (a) the development was not in line with the planning intention of the “V” zone on the OZP, which was to reflect the 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 was primarily intended for development of Small Houses by indigenous villagers. It was also intended to concentrate village type development within the zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. The development was incompatible with the surroundings which were predominated by residential structures/dwellings, shops and restaurant/canteen. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development did not comply with the TPB Guidelines No. 13E for “Application for Open Storage and Port Back-up Uses” in that there were no exceptional circumstances that warranted sympathetic consideration, and that there was adverse departmental comment against the development;
- (c) the applicant failed to demonstrate in the submission that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
- (d) the approval of the application would set an undesirable precedent for similar applications within the “V” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

Agenda Item 9

[Open meeting]

Request for Deferral for Review of Application No. A/YL-TT/285

Temporary Warehouse for Storage of Household Materials for a Period of 1 Year

in “Other Specified Uses” annotated “Rural Use” zone,

Lots 1020 RP (Part) and 1021 (Part) in DD 117 and adjoining Government Land,

Kung Um Road, Yuen Long

(TPB Paper No. 8912)

[The meeting was conducted in Cantonese.]

87. The Secretary reported that on 2.8.2011, the applicant wrote to the Secretary of the Board requesting the Board to defer making a decision on the review application for two months in order to allow additional time to ascertain information for substantiating the application. The justifications for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines No. 33 on Deferment of Decision on Representations, Comments, Further Representations and Applications in that the applicant needed more time to ascertain information for substantiating the application, the deferment period was not indefinite, and that the deferment would not affect the interest of other relevant parties.

88. After deliberation, the Board agreed to defer consideration of the review application for two months in order to allow time for the applicant to prepare submission of further information. The Board also agreed that the application should be submitted for its consideration within three months from the date of receipt of further information from the applicant. The Board also agreed to advise the applicant that two months were allowed for preparation of submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 10

[Open meeting]

Request for Deferral for Review of Application No. A/TM/398

Columbarium in “Government, Institution or Community” zone

Portions of Blocks 1, 2 and 3 within Fat Yuen Ching Shea

Lots 759 (Part), 791 (Part) and 830 (Part) in DD 131,

Tsing Shan Tsuen, Tuen Mun

(TPB Paper No. 8915)

[The meeting was conducted in Cantonese.]

89. The Secretary reported that on 17.8.2011, the applicant wrote to the Secretary of the Board and requested the Board to defer making a decision on the review for a period of one month in order to allow additional time for him to complete the work for: (i) the verification of some essential mapping information on the aerial photos that showed the premises in early years with a view to assisting the ascertainment of the building age/status of the premises; and (ii) the arrangement of obtaining declarations from local villagers with a view to providing further information to assist the verification of the building age/status of the premises. Verification of the pre-war status of the subject building was necessary before the Buildings Department (BD) could accept the submission of addition and alteration plans for remedial works at the building. The justifications for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines No. 33 on Deferment of Decision on Representations, Comments, Further Representations and Applications in that the applicant needed more time to address BD’s concerns, the deferment period was not indefinite, and that the deferment would not affect the interest of other relevant parties.

90. After deliberation, the Board agreed to defer consideration of the review application for one month in order to allow time for the applicant to prepare submission of further information. The Board also agreed that the application should be submitted for its consideration within three months from the date of receipt of further information from the applicant. The Board also agreed to advise the applicant that one month was allowed for preparation of submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 11

[Open Meeting]

Submission of the Draft Tin Fu Tsai Development Area Plan No. DPA/TM-TFT/1A under section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval
(TPB Paper No. 8913)

[The meeting was conducted in Cantonese.]

91. The Secretary briefly introduced the Paper. On 7.1.2011, the draft Tin Fu Tsai Development Permission Area (DPA) Plan No. DPA/TM-TFT/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the 2-month exhibition period, a total of eight representations and one comment were received. One representation was subsequently withdrawn by the representer. On 15.7.2011, after giving consideration to the remaining seven representations and the comment under section 6B(1) of the Ordinance, the Board noted the supportive views of Representations No. R3 (Part), R4 (Part), R7 (Part) and R8 (Part) and decided not to uphold Representations No. R1, R3 (Part), R4 (Part), R5, R6, R7 (Part) and R8 (Part). Since the representation consideration process had been completed, the draft DPA Plan was now ready for submission to the Chief Executive in Council (CE in C) for approval.

92. After deliberation, the Board:

- (a) agreed that the draft Tin Fu Tsai DPA Plan No. DPA/TM-TFT/1A and its Notes at Annexes I and II of the Paper were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) endorsed the updated ES for the draft Tin Fu Tsai DPA Plan No. DPA/TM-TFT/1A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the draft Tin Fu Tsai DPA Plan and to be issued under the name of the Board; and

- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft Tin Fu Tsai DPA Plan.

Agenda Item 12

[Closed Meeting]

93. This item was recorded under confidential cover.

Agenda Item 13

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

94. There being no other business, the meeting was closed at 12:30 p.m.