

**Minutes of the 1105th Meeting of the
Town Planning Board held on 12.2.2016**

Present

Permanent Secretary for Development
(Planning and Lands)

Mr Michael W.L. Wong

Chairman

Mr Stanley Y.F. Wong

Vice-chairman

Mr Roger K.H. Luk

Professor S.C. Wong

Professor P.P. Ho

Professor Eddie C.M. Hui

Dr C.P. Lau

Mr Clarence W.C. Leung

Mr Laurence L.J. Li

Dr W.K. Yau

Professor K.C. Chau

Mr H.W. Cheung

Dr Wilton W.T. Fok

Mr Sunny L.K. Ho

Mr Lincoln L.H. Huang

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Mr Stephen H.B. Yau

Mr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Deputy Director of Environmental Protection (1)
Mr C.W. Tse

Deputy Director of Lands (General)
Mr Jeff Y.T. Lam

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

Mr Rico W.K. Tsang
Principal Assistant Secretary (Transport)
Transport and Housing Bureau

Director of Planning
Mr K.K. Ling

Deputy Director of Planning/District
Mr Raymond K.W. Lee

Secretary

Absent with Apologies

Ms Julia M.K. Lau

Ms Anita W.T. Ma

Ms Bonnie J.Y. Chan

Mr Ivan C.S. Fu

Ms Janice W.M. Lai

Ms Christina M. Lee

Mr H.F. Leung

Mr Frankie W.C. Yeung

Dr Lawrence W.C. Poon

In Attendance

Assistant Director of Planning/Board

Miss Fiona S.Y. Lung

Chief Town Planner/Town Planning Board

Mr Louis K.H. Kau

Senior Town Planner/Town Planning Board

Mr T.C. Cheng

Agenda Item 1

[Open meeting]

Confirmation of Minutes of the 1104th Meeting held on 29.1.2016

[The meeting was conducted in Cantonese.]

1. The minutes of the 1104th meeting held on 29.1.2016 were confirmed without amendments.

Agenda Item 2

[Open meeting]

Matters Arising

- (i) Judicial Review lodged against the Decision of the Town Planning Board in respect of Applications No. A/FSS/237, A/FSS/238, A/FSS/239 and A/FSS/240 for Proposed Houses (New Territories Exempted Houses) in “Green Belt” and “Village Type Development” zones, Wo Hop Shek Village, Fanling (HCAL 236/2015)

[The meeting was conducted in Cantonese.]

2. The Secretary reported that on 2.12.2015, a Judicial Review (JR) application (HCAL 236/2015) was lodged by Law Wai Fong (the Applicant) against the decision of the Rural and New Town Planning Committee of the Town Planning Board (the Board) made on 4.9.2015 to approve applications No. A/FSS/237 to 240. The Applicant was one of the signatories of a public comment objecting to application No. A/FSS/239.

3. The application sites were located at various lots in D.D 51, Wo Hop Shek Village, Fanling. All four applications were for proposed Houses (New Territories Exempted Houses – Small Houses) in “Green Belt” (“GB”) and “Village Type Development” (“V”) zones on the approved Fanling/Sheung Shui Outline Zoning Plan No. S/FSS/20. There was no information on the grounds of JR and the relief sought by the Applicant at this stage.

4. The Applicant had also made an application for Legal Aid on 23.12.2015 which was being processed by the Legal Aid Department. The Court had not yet granted leave to the above JR application. The Secretary would represent the Board in all matters relating to the JR in the usual manner.

(ii) [Confidential Item. Closed Meeting]

5. This item was recorded under confidential cover.

Tuen Mun & Yuen Long West District

Agenda Item 3

[Open meeting (Presentation and Question Sessions only)]

Review of Application No. A/TM-LTYT/291

Proposed Flat Development in “Residential (Group E)” zone, Lots 220 RP (Part) and 221 in D.D. 130, San Hing Road, San Hing Tsuen, Tuen Mun

(TPB Paper No. 10076)

[The meeting was conducted in English and Cantonese]

Presentation and Question Sessions

6. The following government representatives and the applicant’s representatives were invited to the meeting at this point :

Mr David C.M. Lam

- District Planning Officer/Tuen Mun & Yuen
Long West, Planning Department
(DPO/TMYLW, PlanD)

Mr Ricky W.K. Ho

- Senior Engineer, Transport Department

Mr Yeung Siu Fung) Applicant's representatives
Mr Ng Sui Lun)

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

8. With the aid of a PowerPoint presentation, Mr David C.M. Lam, DPO/TMYLW, presented the review application and covered the following main points as detailed in the Paper :

- (a) on 8.12.2014, the applicant sought planning permission for proposed flat development at the site. The proposal involved the construction of two 4-storey residential blocks (above 1 storey of carpark) containing 16 flats with a plot ratio (PR) of 1. The proposed PR and the building height complied with the relevant development restrictions of the "Residential (Group E)" ("R(E)") zone;
- (b) on 6.2.2015, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the application and the reasons were :
 - (i) the applicants failed to demonstrate that the proposed development would not be susceptible to adverse air quality and noise impacts;
 - (ii) the applicant failed to demonstrate that the proposed development would not generate adverse sewerage impact on the surrounding area; and

- (iii) the applicant failed to demonstrate that the proposed development would not generate adverse traffic impact on the surrounding area.

- (c) the site was occupied by a warehouse for storage of construction materials and fell within the common 'village environs' ('VE') of San Hing Tsuen, Tuen Tsz Wai and Tsing Chuen Wai, which were all recognized villages. A total of 6 Small Houses (SHs) were located to the immediate south of the site while SH developments were approved at the adjacent sites on the southeastern side currently occupied by vehicle repairing workshops. Village type developments of San Hing Tsuen could be found in areas to the north and east, and the area to the south and west were mainly residential in nature with interspersed logistics industries;

[Mr Clarence W.C. Leung and Mr Peter K.T. Yuen arrived to join the meeting at this point.]

- (d) there were 2 previous applications related to the site. Application No. A/DPA/TM-LTY Y/43 for a temporary warehouse for 2 years within the then 'Unspecified Use' area was approved upon review by the Board on 30.6.1995. Application No. A/TM-LTY Y/19 for proposed residential development within the then "Undetermined" and "Village Type Development" ("V") zones was rejected upon review by the Board on 12.6.1998 mainly for reasons that a landuse review was being conducted and it was premature to determine the application;

- (e) there were 3 similar applications for flat developments within the same "R(E)" zone on the OZP. Application Nos. A/TM-LTY Y/273 and A/TM-LTY Y/282 were approved by the RNTPC on 17.10.2014 and 13.3.2015 respectively while Application No. A/TM-LTY Y/221 was rejected by the Board on 14.12.2012 upon review mainly for reasons that there was adverse visual impact due to the excessive size

of the noise barriers, and the design and layout of the proposed development were unsatisfactory;

(f) on 20.3.2015, the applicant applied for a review of the RNTPC's decision to reject the application. The applicant's justifications were summarized in paragraph 3 of the Paper and were outlined briefly below :

- (i) air quality impact – there was no adverse air quality impact arising from industrial-residential (I/R) interface and road traffic emission as there was sufficient buffer distance between the proposed development and adjacent roads. There was no chimney near the site and the closest chimney at 153m to the southeast of the site was not in use;
- (ii) industrial noise impact – SH development at the adjoining vehicle repair workshop would be carried out in accordance with the approved application No. A/TM-LTY/285 and the I/R interface issue would be resolved by then;
- (iii) sewage impact – the revised Sewerage Impact Assessment (SIA) indicated that the capacity of the existing 300mm diameter public sewer was sufficient to cater for the sewage flow generated from the proposed development;
- (iv) traffic impact – the revised Traffic Impact Assessment (TIA) indicated that the proposed development would have no noticeable impact on the road network and the car parking provisions complied with the Hong Kong Planning Standards and Guidelines (HKPSG); and
- (v) others – planning strips and fencing along the site boundary and adequate greenery would be provided. Excavation

works would be limited to the building footprints and associated drainage connections. Field investigation and appropriate mitigation measures would be carried out. The concerns raised by the public comments had been addressed;

- (g) departmental comments – comments from the relevant government departments were detailed in paragraph 5 of the Paper. In particular, the Director of Environmental Protection (DEP), the Chief Engineer/Mainland North, Drainage Services Department and the Commissioner for Transport had no adverse comment on the review application from the air quality, noise, drainage and traffic perspectives respectively, and other relevant government departments had no objection to/no comment on the review application;
- (h) public comments – a total of 6 public comments were received on the review application. A member of Tuen Mun District Council suggested that the proposed development should only be considered if there was no adverse impact on the nearby village houses. The remaining 5 comments objected to the application for reasons of adverse impacts on the environment, traffic, ‘fung shui’ and land should be reserved for SH developments;
- (i) PlanD’s views – PlanD had no objection to the application based on the planning consideration and assessments set out in paragraph 7 of the Paper, which were summarized below :
 - (i) the proposed development was in line with the planning intention of the “R(E)” zone to phase out existing industrial uses through redevelopment. The development parameters complied with the relevant restrictions of the “R(E)” zone and the proposed development was not incompatible with the surrounding residential use; and

- (ii) the applicant had submitted technical assessments to address the RNTPC's concerns on air quality, industrial noise, sewage and traffic aspects. The adverse public comments raising similar concerns had been addressed and relevant departments had no adverse comment on those technical assessment reports.

9. The Chairman then invited the applicant's representatives to elaborate on the review application. With the aid of the visualiser, Mr Yeung Siu Fung made the following main points :

- (a) the proposed development was in line with the current government policy to increase housing supply, particularly, paragraphs 126 and 127 of the 2016 Policy Address stated that there was a need to release sites no longer suitable for agricultural purposes and brownfield sites for development. It was a waste of land resource if the site could not be developed for residential use;

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

- (b) the proposed development was a realization of the planning intention of the "R(E)" zone;
- (c) the site was surrounded by residential developments of San Hing Tsuen and other SH developments approved by the Board. The proposed development was compatible with the existing and planned developments in the surrounding area;
- (d) the proposed development would facilitate the phasing out of the incompatible industrial uses in the area. At present, the site was used as storage of construction material, mainly stainless steel rolls. Heavy goods vehicles were used for transporting those construction materials. Residential development at the site would phase out the

storage use and improve the environment, road safety, industrial noise and air quality of the area;

- (e) objection from local villagers on grounds that land should be reserved for village houses were unjustified as land zoned “V” was available nearby for SH developments. Villagers could also apply for SH developments in other villages of the same Heung, provided that there was no objection from those villages. The applicant had deliberately cut off the north-eastern corner of the site to avoid intruding into the adjoining “V” zone and agreed with the village representative (VR) of San Hing Tsuen to provide ‘Tun Fu’ ceremony when construction works commenced; and
- (f) the proposed development was sustainable in terms of environmental, traffic and sewerage impacts. Technical assessment reports, including the Preliminary Archaeological Impact Assessment (PAIA), had been submitted for consideration by the relevant government departments. No insurmountable problem was envisaged.

10. As the presentation of the applicant’s representative was completed, the Chairman invited questions from Members.

11. In response to a Member’s question on the archaeological impact of the proposed development, Mr David C.M. Lam, DPO/TMYLW said that the site fell within the boundary of the San Hing Tsuen Site of Archaeological Interest. The Antiquities and Monuments Office (AMO) of the Leisure and Cultural Services Department had no adverse comment on the PAIA submitted by the applicant and no major problem was envisaged. In accordance with AMO’s practice, the applicant would be required to submit a detailed archaeological report before commencement of construction work/excavation.

12. The same Member also asked whether SH development was permitted within the “R(E)” zone and whether the approved SH development at the adjacent vehicle repair

workshop would be implemented to ensure that the I/R interface problem could be resolved. In response, Mr Lam said that in designating the “R(E)” zoning, the existing landuse, site conditions and developments in the surrounding areas had been taken into consideration. In general, the boundary of the ‘VE’ was not fully in line with the “V” zone on the OZP. New SH development might be permitted within “R(E)” zone through the planning application mechanism. Similar SH applications within “Agriculture” and “Green Belt” zones had also been considered by the Board. As for the implementation of the approved SH development at the adjacent vehicle repair workshop, the application for SH grant was being processed by the Lands Department.

13. Another Member said that there was concern about the air quality impact from a chimney located to the southeast of the site and asked whether the use of that chimney had been discontinued permanently and whether it could be used again without seeking any permission from the relevant departments. In response, Mr Lam said that the chimney in question was associated with a plastic foam factory occupying some agricultural land which was zoned “V”. The factory had long been discontinued and any industrial use at that site would require planning permission from the Board. Should the chimney be used in association with any polluting industry, it would also be subject to the provision of the Air Pollution Control Ordinance. For the subject application, DEP had no adverse comment on the assessment submitted by the applicant.

14. The Vice-chairman noted that the proposed development had a building height of 4 storeys above 1 storey of car park. He asked about the height of the proposed development in terms of metres and whether visual impact of the proposed development on the SHs in San Hing Tsuen and other villages to the north of the site had been taken into consideration. In response, Mr Lam said that the proposed development had a building height of 15m, which complied with the building height restriction of the “R(E)” zone. The village houses in the “V” zone nearby were mostly 3 storeys (i.e. 8.23m) in height. There was no adverse comment from the relevant government departments including the Chief Town Planner/Urban Design and Landscape, PlanD on the visual impacts of the proposed development.

15. A Member asked whether any noise barrier would be provided in the proposed development as there might be problem with the provision of noise barrier similar to those proposed in a previously rejected application. In response, Mr Lam said that only boundary fencing was proposed and no adverse visual impact was anticipated. An approval condition on the design of boundary treatment and provision of measures to mitigate the visual impact along the boundary was also recommended.

16. As Members had no further question, the Chairman informed the applicant's representatives that the hearing procedure for the review application had been completed. The Board would deliberate on the review application in their absence and inform the applicant of the Board's decision in due course. The Chairman thanked the applicant's representatives and DPO/TMYLW for attending the meeting. They left the meeting at this point.

Deliberation

17. The Vice-chairman considered that the review application was acceptable as the applicant had addressed the concerns of the RNTPC. He had no objection to approve the review application as recommended.

18. A Member also had no objection to approve the review application, but raised concern on having a mixed of medium-rise residential development and low-rise SH developments in the "R(E)" zone. In response, Mr K.K. Ling, Director of Planning, said that although the area fell within the 'VE', it was zoned "R(E)" and not "V" as there were rural industries in the area. Planning permission from the Board would be required for any residential development within the "R(E)" zone to ensure that there would not be any I/R interface problem. The building height of the proposed development was in compliance with the restriction stipulated on the OZP and not incompatible with that of the SH developments.

19. In response to a Member's query, Mr Ling said that the planning intention of the "R(E)" zone was to phase out the existing rural industries through redevelopment. In processing any development proposal, relevant government departments would be

consulted to ensure that there would be no I/R interface problem.

20. A Member also supported the review application as the proposed development would use the land more efficiently and result in a more orderly development pattern. Another Member considered that the proposed development was appropriate for the site as it was served by a main road.

21. The Chairman noted that Members generally had no objection to the review application, as the applicant had addressed the previous concerns of the RNTPC, and relevant approval conditions as recommended in paragraph 8.2 of the Paper would be imposed.

22. After deliberation, the Board decided to approve the review application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 12.2.2020 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 approval conditions :

- “(a) the submission of a revised Sewerage Impact Assessment and implementation of the mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB;
- (b) the submission of a revised Traffic Impact Assessment to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the provision of vehicular access, parking and loading and unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the submission and implementation of detailed drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;

- (e) the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (f) the submission of detailed Archaeological Impact Assessment Report prior to the commencement of any excavation works and implementation of the mitigation measures identified therein to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (g) the design of the boundary treatment and provision of measures to mitigate the visual impact along the boundary of the proposed development, including its boundary fence, to the satisfaction of the Director of Planning or of the TPB; and
- (h) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

Sai Kung & Islands District

Agenda Item 4

[Open meeting (Presentation and Question Sessions only)]

Review of Application No. A/SK-PK/224

Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone,
Lot 583 in D.D. 221, Sha Kok Mei Village, Sai Kung

(TPB Paper No. 11078)

[The meeting was conducted in Cantonese]

24. The following representative from the Planning Department (PlanD) and the applicant's representative were invited to the meeting at this point :

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

Mr Suen Chun Wai - Applicant's Representative

25. The Chairman extended a welcome and explained the procedure of the review hearing. He then invited DPO/SKIs to brief Members on the review application.

26. With the aid of a PowerPoint presentation, Ms Donna Y.P. Tam, DPO/SKIs presented the review application and covered the following main points as detailed in the Paper :

- (a) on 25.8.2015, the applicant sought planning permission for the development of one New Territories Exempted House (Small House) (NTEH (SH)) at the site. On 23.10.2015, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the application and the reasons were :
 - (i) the proposed development was not in line with the planning intention of the "Agriculture" ("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. There was no strong planning justification in the current submission for a departure from the planning intention. The applicant failed to demonstrate no adverse impact on the surrounding agricultural land and stream nearby;

- (ii) land was still available within the “Village Type Development” (“V”) zone of Sha Kok Mei where land was primarily intended for SH development. It was considered more appropriate to concentrate the proposed SH development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services; and
 - (iii) approval of the application would set an undesirable precedent for other similar applications within the “AGR” zone. The cumulative effect of approving such similar applications would result in the encroachment on the “AGR” zone by development and a general degradation of the rural environment of the area;
- (b) on 24.11.2015, the applicant applied for a review of the RNTPC’s decision to reject the application. The applicant’s justifications were summarised in paragraph 3 of the Paper and were outlined briefly below :
- (i) application No. A/SK-PK/70 was an important precedent case in that the application site also fell mainly within the “AGR” zone;
 - (ii) many similar applications for SH developments in “AGR” zone in Ho Chung were approved by the Board. The possibility of agricultural rehabilitation at the site was slim and disapproving his application for SH development was a waste of land resources;
 - (iii) although there was vacant land within the “V” zone for SH development, those land was not available in the market;

- (iv) there was not enough land in the “V” zone to cope with the outstanding SH demand;
 - (v) village representative (VR) and local villagers’ views were not considered; and
 - (vi) the Board could approve the application with conditions to address the environmental issues;
- (c) the site and the surrounding area – the site was vacant and covered with vegetation. Although it fell within the ‘village environs’ (‘VE’) of Sha Kok Mei Village, it was zoned “AGR” on the Approved Pak Kong and Sha Kok Mei Outline Zoning Plan (OZP) No. S/SK-PK/11. The village cluster of Sha Kok Mei Village was located to the south of the site while the area to the north was mainly agricultural in nature. A small stream was located to the north of the site;
- (d) previous and similar applications – a previous application (No. A/SK-PK/215) for SH development submitted by the same applicant was rejected by the RNTPC on 6.2.2015 for reasons of non-compliance with the planning intention of the “AGR” zone, land was available within the “V” zone of Sha Kok Mei for SH development, and setting an undesirable precedent for similar applications within the “AGR” zone. Two similar applications within the same “AGR” zone on the OZP (i.e. application Nos. A/SK-PK/218 and A/SK-PK/223) for SH developments were rejected by the RNTPC on 27.3.2015 and 23.10.2015 respectively;
- (e) application No. A/SK-PK/70 mentioned by the applicant was approved by the Board upon review on 15.1.1999 as that site was located at the fringe of the “AGR” zone with a small portion (about 11%) of the site within the “V” zone. The case should not be regarded as a general precedent in that that site was partly zoned “V”

and agricultural activities had been abandoned for years. The application was approved in 1999 before the promulgation of the Interim Criteria for Consideration of Application for NTEH/SH in New Territories (Interim Criteria). The review application did not meet the criteria for approval of SH development;

- (f) departmental comments – comments from the relevant government departments were detailed in paragraph 5 of the Paper and summarised below:
 - (i) the Director of Agriculture, Fisheries and Conservation (DAFC) maintained his view of not supporting the review application as the site had potential for agricultural rehabilitation;
 - (ii) the Commissioner for Transport considered that SH development should be confined within the “V” zone as far as possible;
 - (iii) the Chief Town Planner/Urban Design and Landscape, PlanD had reservation on the review application as filling of land might be required for the proposed SH due to a level difference. There was no information to demonstrate that there would be no adverse impact on the surrounding agricultural land and natural stream nearby;
 - (iv) other government departments consulted maintained their views of having no objection to/no adverse comments on the review application;
- (g) public comments – a total of 3 adverse public comments were received on the review application, all objecting on the grounds that the proposal was not in line with the planning intention of the “AGR”

zone, adverse impacts on the water bodies and stream nearby, setting an undesirable precedent for similar applications, and degrading the rural environment;

(h) PlanD's view – PlanD did not support the review application based on the planning considerations and assessments set out in paragraph 7 of the Paper, which were summarised below :

(i) application No. A/SK-PK/70 was approved by the Board upon review in 1999 before the promulgation of the latest Interim Criteria in 2007. That application should not be regarded as a precedent. The approved SH applications in Ho Chung quoted by the applicant were outside the planning scheme area of the Pak Kong OZP and should also not be regarded as reference cases for the current application;

(ii) land ownership within the “V” zone was not a relevant planning consideration. The public comments received were all objecting to the proposed development, but no comment was received from the VR on the application during the public inspection period; and

(iii) there was no change in the planning circumstances since the rejection of the application by the RNTPC.

27. The Chairman then invited the applicant's representative to elaborate on the review applications. Mr Suen Chun Wai made the following main points :

(a) the ‘VE’ of Sha Kok Mei Village covered a larger area than the “V” zone on the OZP. The ‘VE’ boundary was updated in 2007 and the 10-year SH demand forecast for Sha Kok Mei Village was provided by the VR around 2007/2008. However, no subsequent review to the “V” zone on the approved OZP had been carried out to take into

account the above updates. He had discussed with DPO/SKIs on the issue of extending the “V” zone to tally with the ‘VE’ boundary but was advised that an application for amendments to the OZP under section 12A of the Town Planning Ordinance might be submitted to pursue such proposal. As technical assessment reports were required to support the rezoning proposal under the section 12A application, he considered it unreasonable for him to bear the cost of those assessments. It was also stated in the Explanatory Statement (ES) of the OZP that the “V” zone boundaries had taken regard to the existing ‘VE’ and outstanding SH demand for the next 10 years etc;

- (b) the approved application No. A/SK-PK/70 fell only marginally within the “V” zone but the building footprint of the proposed SH fell within the “AGR” zone. As such, he considered that there was no difference between that application and the subject application and it was unfair that the subject application did not receive similar favourable consideration by the Board;
- (c) he did not agree with DPO/SKIs that no comment from the VR of Sha Kok Mei Village was received as a supporting letter from the VR was attached in his submission;
- (d) he also did not agree with DPO/SKIs that land ownership within the “V” zone could change and that land might be available in the market for SH development. Indigenous villagers would pass their land to their descendant and would not offer the land for sale in the market. It was unfair to those indigenous villagers who wanted to build SHs on their own land by rejecting their planning applications simply because the sites fell outside the “V” zone;
- (e) he did not agree with DAFC that the site had potential for agricultural rehabilitation. As the site fell within the ‘VE’ of Sha Kok Mei Village, villagers would generally expect that SH development would

be allowed. It was also the Government's policy to increase housing supply instead of preserving land for agricultural use; and

- (f) as a number of sites zoned "AGR" in Ho Chung had been approved for SH development, his application should receive the same consideration in view that the site was within the 'VE', the application was supported by the VR and there was inadequate land within the "V" zone to meet the 10-year SH demand forecast.

28. As the presentation of the applicant's representative was completed, the Chairman invited questions from Members.

29. In response to a Member's query on the availability of land within the "V" zone to meet the SH demand, Ms Donna Y.P. Tam, DPO/SKIs showed a plan via the visualiser indicating the location of existing developments, approved/committed SH developments as well as those land that that could be available for SH development within the "V" zone. She said that according to the District Lands Officer/Sai Kung (DLO/SK)'s advice, there were 59 outstanding SH applications. There was adequate vacant land within the "V" zone to accommodate those 59 SH developments.

30. Another Member asked whether there was any government land amongst the vacant land within the "V" zone. In response, Ms Tam said that most of the vacant land were private land, but there was about 0.46 ha of government land in the "V" zone available for accommodating 18 SHs. The same Member asked whether the applicant had considered to apply for government land within the "V" zone for SH development. In response, Mr Suen Chun Wai said that the government land would normally be used for the reprovisioning of SHs. As the applicant owned private land and the SH development was not for the reprovisioning of existing SH, it was not possible for the applicant to consider that option.

31. As there was no question from Members, the Chairman informed the applicant's representative that the hearing procedure for the review application had been completed. The Board would deliberate on the review application in his absence and

inform the applicant of the Board's decision in due course. The Chairman thanked the applicant's representative and DPO/SKIs for attending the meeting. They left the meeting at this point.

Deliberation

32. In response to the Chairman's enquiry about application for SH on government land, Mr Jeff Y.T. Lam, Deputy Director of Lands said that such an application under the Small House Policy could be considered but it would be subject to more stringent requirements. A villager would not be granted government land for construction of a SH if he owned private land within the 'VE'.

33. As a general issue, a Member said that the Board should take a cautious approach in considering SH applications outside "V" zone as permitting SH developments to spread out to land under various zonings other than "V" would pose unnecessary hurdle for other future development.

34. The Chairman said that the site fell entirely within the "AGR" zone and DAFC considered that the site had potential for agricultural rehabilitation. Members noted that there was no change in the planning circumstances and there was no justification for departing from the RNTPC's previous decision. After deliberation, the Board decided to reject the application on review based on 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 current submission for a departure from the planning intention. The applicant fails to demonstrate no adverse impact on the surrounding agricultural land and stream nearby;

- (b) land is still available within the “Village Type Development” (“V”) zone of Sha Kok Mei 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 for other similar applications within the “AGR” zone. The cumulative effect of approving such similar applications would result in the encroachment on the “AGR” zone by development and a general degradation of the rural environment of the area.”

Agenda Item 5

[Open meeting (Presentation and Question Sessions only)]

Request for Deferment of Review of Application No. A/SK-PK/223

Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone,

Lot 686 S.A in D.D. 221, Sha Kok Mei Village, Sai Kung

(TPB Paper No. 10077)

[The meeting was conducted in Cantonese]

Presentation and Question Sessions

35. The Secretary reported that on 2.2.2016, the applicant 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 two months to allow more time for preparing further information (FI) to address comments from the government departments. It was the first request from the applicant for deferment of the review application.

36. 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 applicant needed more time to prepare FI in support of the review application, the deferment period was not indefinite and the deferment would not affect the interests of other relevant parties.

37. After deliberation, the Board agreed to defer a decision on the review application as requested by the applicant pending the submission of FI by the applicant. The Board also agreed that the review application should be submitted to the Board for its consideration within three months upon receipt of the further submission from the applicant. If the written submission of the applicant 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 applicant that the Board had allowed two months for the preparation of the submission of FI, and no further deferment would be granted unless under very special circumstances.

Kowloon District

Agenda Item 6

[Open meeting (Presentation and Question Sessions only)]

Request for Deferment of Review of Application No. A/K14/722

Proposed Place of Recreation, Sports or Culture (Sports Training Ground) Use at 1/F and 2/F, Kras Asia Industrial Building, Kwun Tong

(TPB Paper No. 10079)

[The meeting was conducted in Cantonese]

38. The Secretary reported that on 26.1.2016, the applicant 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 two months to allow more time for preparing further information (FI) to address comments from the Fire Services Department. It was the first request from the applicant for deferment of the review application.

39. 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 applicant needed more time to prepare FI in support of the review application, the deferment period was not indefinite and the deferment would not affect the interests of other relevant parties.

40. After deliberation, the Board agreed to defer a decision on the review application as requested by the applicant pending the submission of further information by the applicant. The Board also agreed that the review application should be submitted to the Board for its consideration within three months upon receipt of the further submission from the applicant. If the written submission of the applicant 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 applicant that the Board had allowed two months for the preparation of the submission of FI, and no further deferment would be granted unless under very special circumstances.

Procedural Matters

Agenda Item 7

[Confidential Item. Closed Meeting]

41. This item was recorded under confidential cover.

Agenda Item 8

[Confidential Item. Closed Meeting]

42. This item was recorded under confidential cover.

Agenda Item 9

[Open Meeting]

Any Other Business

[The item was conducted in Cantonese.]

43. There being no other business, the meeting was closed at 10:12 a.m.