

**Minutes of 1254th Meeting of the
Town Planning Board held on 3.9.2021**

Present

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

Chairperson

Mr Lincoln L.H. Huang

Vice-chairperson

Mr Wilson Y.W. Fung

Mr Stephen L.H. Liu

Dr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Mr K.K. Cheung

Dr C.H. Hau

Mr Thomas O.S. Ho

Mr Alex T.H. Lai

Dr Lawrence K.C. Li

Professor T.S. Liu

Miss Winnie W.M. Ng

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr L.T. Kwok

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Mr K.W. Leung

Professor John C.Y. Ng

Dr Roger C.K. Chan

Dr Venus Y.H. Lun

Mr C.H. Tse

Dr Conrad T.C. Wong

Mr Y.S. Wong

Chief Traffic Engineer (New Territories East)
Transport Department
Mr W.H. Poon

Chief Engineer (Works), Home Affairs Department
Mr Gavin C.T. Tse

Principal Environmental Protection Officer (Environmental Assessment)
Environmental Protection Department
Mr Terence S.W. Tsang

Director of Lands
Mr Andrew C.W. Lai

Director of Planning
Mr Ivan M.K. Chung

Deputy Director of Planning/District
Miss Fiona S.Y. Lung

Secretary

Absent with Apologies

Mr Stanley Choi

Dr Jeanne C.Y. Ng

Professor Jonathan Wong

Mr Ricky W.Y. Yu

In Attendance

Assistant Director of Planning/Board
Ms Lily Y.M. Yam

Chief Town Planner/Town Planning Board
Ms Johanna W.Y. Cheng (a.m.)
Ms Caroline T.Y. Tang (p.m.)

Senior Town Planner/Town Planning Board
Mr W.C. Lui (a.m.)
Ms Carmen S.Y. Chan (p.m.)

Opening Remarks

1. The Chairperson said that the meeting would be conducted with video conferencing arrangement.

Agenda Item 1A

[Open Meeting]

Confirmation of Minutes of the 1252nd Meeting held on 18.8.2021

[The item was conducted in Cantonese.]

2. The draft minutes of the 1252nd meeting held on 18.8.2021 were sent to Members on 13.9.2021. Subject to any proposed amendments by Members, the minutes would be confirmed.

[Post-meeting Note: The minutes were confirmed on 14.9.2021 without amendments.]

Agenda Item 1B

[Open Meeting]

Confirmation of Minutes of the 1253rd Meeting held on 20.8.2021

[The item was conducted in Cantonese.]

3. The draft minutes of the 1253rd meeting held on 20.8.2021 were sent to Members on 3.9.2021. Subject to any proposed amendments by Members, the minutes would be confirmed.

[Post-meeting Note: The minutes were confirmed on 7.9.2021 upon incorporation of an amendment to paragraph 38(h) and a revision to the declaration of interest of a Member in paragraph 129.]

Agenda Item 2

[Open Meeting]

Matters Arising

[The item was conducted in Cantonese.]

(i) Approval of Draft Outline Zoning Plan

4. The Secretary reported that on 10.8.2021, the Chief Executive in Council approved the draft Tai Tong Outline Zoning Plan (OZP) (renumbered as S/YL-TT/18) and the draft Tong Yan San Tsuen OZP (renumbered as S/YL-TYST/14) under section 9(1)(a) of the Town Planning Ordinance. The approval of the said OZPs was notified in the Gazette on 20.8.2021.

(ii) Reference Back of Approved Outline Zoning Plan

5. The Secretary reported that on 10.8.2021, the Chief Executive in Council referred the Approved Chek Lap Kok Outline Zoning Plan (OZP) No. S/I-CLK/14 to the Town Planning Board for amendment under section 12(1)(b)(ii) of the Town Planning Ordinance. The reference back of the said OZP was notified in the Gazette on 20.8.2021.

(iii) Arrangements for re-consideration of the Representation Submitted by the Tung Chun Company Limited on the Draft Kwai Chung Outline Zoning Plan No. S/KC/26

6. The Secretary reported that the re-consideration of the representation submitted by the Tung Chun Company Limited (Tung Chun) was related to the Court of Appeal's judgment on a judicial review (JR) case. LWK & Partners (HK) Limited (LWK) and MVA Hong Kong Ltd. (MVA) were the consultants of Tung Chun for submitting the representation on the draft Kwai Chung Outline Zoning Plan No. S/KC/26 (OZP 26) and/or a s.16 application related to the appeal site (the Site). The following Members had declared interests on the item:

- Mr K.K. Cheung - his firm having current business dealings with LWK;
- Mr Alex T.H. Lai - his former firm having current business dealings with LWK;
- Mr Thomas O.S. Ho - having current business dealings with MVA; and
- Mr Ricky W.Y. Yu - having past business dealings with LWK.

7. Members noted that Mr Ricky W.Y. Yu had tendered an apology for not being able to attend the meeting. As Messrs K.K. Cheung, Alex T.H. Lai and Thomas O.S. Ho had no involvement in Tung Chun's submissions on representation and s.16 application relating to the Site, Members agreed that they could be allowed to stay in the meeting.

8. The Chairperson invited Mr Derek P.K. Tse, District Planning Officer (Tsuen Wan and West Kowloon), Planning Department (PlanD) to brief Members on this item and he made the following main points:

Background

- (a) on 20.4.2012, the draft OZP 26 was amended including the imposition of building height restrictions (BHRs) on various development zones. A BHR of 120mPD was imposed on the Site. Tung Chun (R9) submitted a representation objecting to the BHR on the Site and proposing either to remove the BHR or to relax the BHR to 169mPD. After considering the representations and comments on 12.10.2012, the Town Planning Board (the Board) decided not to amend OZP 26;
- (b) subsequently, the draft Kwai Chung OZP was amended three times (i.e. OZPs 27, 28 and 29) on 9.5.2014, 13.6.2014 and 19.1.2018 and those amendments were not related to the Site. The zoning and development restrictions in relation to the Site were the same as those on OZP 26;

- (c) on 11.1.2013, 8.8.2014 and 23.2.2018, Tung Chun lodged three JR applications against the respective decisions of the Board, i.e. not to meet R9 on OZP 26 and to gazette OZPs 27 to 29;
- (d) the Court of First Instance (CFI) heard the JRs on 6 to 8.3.2018. The CFI's order for the first JR (HCAL No. 9/13) on 28.6.2018 quashed the decision of the Board on 12.10.2012 not to propose amendment to OZP 26 to meet R9 and to remit R9 to the Board for fresh consideration. For the second and third JRs (HCAL No. 91/14 and 288/18) in relation to gazetting of OZP 27 to OZP 29, the CFI ordered on 3.1.2019 that the Board should not submit OZP 26 to OZP 29 to the Chief Executive in Council (CE in C) for approval until after the re-consideration of R9;

Agreed procedure for re-consideration of R9

- (e) for the re-consideration of R9, the Board was briefed on 14.12.2018 on PlanD's review of the BHR on the Site. The Board noted the findings of the review that the BHR stipulated for the Site should be maintained and agreed to invite Tung Chun and the related commenters to a meeting for re-consideration of R9 and to allow a period of two months for Tung Chun to submit supplementary information (SI) to the Board, if any, prior to the re-consideration of R9, and three weeks for the related commenters to provide comments on the SI, if any;
- (f) on 2.1.2019, the Secretariat of the Board issued an invitation letter to Tung Chun for submission of SI in two months for re-consideration of R9. With its request to extend the deadline of SI submission agreed by the Board, Tung Chun submitted SI on 31.5.2019. On the same day, Tung Chun also sought the Board's consent for interim stay of the re-consideration of R9 pending the determination of its appeal against the judgment of the JRs filed on 31.1.2019 seeking the Court's additional order to quash the BHR on the Site. After deliberation, the Board agreed to Tung Chun's proposal. On 5.7.2019, CFI granted the stay order. Thus, the SI had not yet been published for the related commenters to provide comments and R9

(including the SI) had not yet been re-considered by the Board;

- (g) on 27.5.2021, the Court of Appeal (CA) handed down the judgment dismissing the appeal. Hence, the Board could consider to resume the remaining procedures for re-consideration of R9;

Updated Planning Circumstances

- (h) after the aforesaid briefing to the Board on 14.12.2018, the Board had approved 23 planning applications (i.e. 22 s.16 applications including an application submitted by Tung Chun at the Site and one s12A application) in the Kwai Chung Area (the Area) and deferred a decision on one s.16 application. Four of the applications involved minor relaxation of BHR, including an approved application (No. A/KC/444) for minor relaxation of BHR from 120mPD to 145mPD for the Site. The s.12A application (No. Y/KC/15) involved a social welfare use with proposed building height well below the BHR stipulated for the site. Those applications were approved based on their individual merits, supported by technical assessments and did not involve change in the overall building height profile in the Area. They should not have implications on the planning circumstances of the Site since submission of Tung Chun's SI on 31.5.2019; and
- (i) in view of the above, the Board was suggested to proceed to complete the remaining steps as agreed on 14.12.2018. PlanD would put together Tung Chun's SI and the comments, if any, and PlanD's responses in a paper to facilitate the re-consideration of R9 by the Board.

9. The Secretary supplemented that the Board had agreed to the procedures for re-consideration of R9 on 14.12.2018, but the reconsideration had been put on hold upon R9's request pending the Court's determination of R9's appeal against the CFI's judgment. The CA had now handed down the judgment dismissing the appeal. Noting the updated planning circumstances, the remaining procedures for re-consideration of R9 could be resumed. The Department of Justice had been consulted on the proposed procedures to reconsider R9. After deliberation, Members agreed:

- (i) to invite and allow three weeks for the related commenters to provide comments on R9's SI (submitted on 31.5.2019). After that, both Tung Chun and the commenters would be invited to a meeting for the re-consideration of R9; and
- (ii) to give a notice to Tung Chun regarding the publication of its SI for comments and the arrangement for re-consideration of R9.

Fanling, Sheung Shui & Yuen Long East District

Agenda Item 3

[Open meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments in respect of the Draft Kwu Tung South Outline Zoning Plan No. S/NE-KTS/17
(TPB Paper No. 10764)

[The item was conducted in English and Cantonese.]

10. The Secretary reported that the amendments on the draft Kwu Tung South Outline Zoning Plan No. S/NE-KTS/17 (the draft OZP) were mainly to take forward the decisions of the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) on two s.12A applications. Application No. Y/NE-KTS/12 (relating to Amendment Item A1) was submitted by Base One Limited, which was a subsidiary of Sun Hung Kai Properties Limited (SHK), and Llewelyn-Davies Hong Kong Limited (LD), Black & Veatch Hong Kong Limited (B&V), CYS Associates (Hong Kong) Limited (CYS), MVA Hong Kong Limited (MVA) were four of the consultants of the applicant of that application. The Hong Kong Golf Club (HKGK) was located in the vicinity of the two s.12A application sites. Representations/comments have been submitted by Base One Limited (R1) (which was represented by LD), Hong Kong and China Gas Company Limited (Towngas) (R4) (a subsidiary of Henderson Land Development Co. Limited (HLD)) and Ms Mary Mulvihill (R3/C3). The following Members had declared interests on the item:

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| Mr Thomas O.S. Ho | - | having current business dealings with SHK and MVA and past business dealings with LD; and being a member of the HKGC; |
| Dr Conrad T.C. Wong | - | having current business dealings with SHK; |
| Mr K.K. Cheung | - | his firm having business dealings with SHK, B&V, CYS, HLD and Towngas, and hiring Mary Mulvihill on a contract basis from time to time; |
| Mr Alex T.H. Lai | - | his former firm having current business dealings with SHK, B&V, CYS, HLD and Towngas, and hiring Mary Mulvihill on a contract basis from time to time; |
| Miss Winnie W.M. Ng | - | being a Director of the Kowloon Motor Bus Co. (1933) Ltd. with SHK as one of the shareholders; |
| Mr Franklin Yu | - | his spouse was an employee of SHK; |
| Mr Ricky W.Y. Yu | - | having past business dealings with LD; |
| Mr Stephen L.H. Liu | - | being a former member of the Council of Hong Kong Polytechnic University (PolyU) which had obtained sponsorship from HLD before; |
| Mr Peter K.T. Yuen | - | being a member of the Board of Governors of the Hong Kong Arts Centre which had received a donation from an Executive Director of HLD before and his relative being an independent non-executive director of SHK; |

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| Dr C.H. Hau | - | having past business dealing with HLD and being an employee of the University of Hong Kong which had received a donation from a family member of the Chairman of HLD before; |
| Dr Lawrence K.C. Li | - | being a member of the HKGC and the Deputy Chairman of the Council of PolyU which had obtained sponsorship from HLD before; and |
| Ms Lilian S.K. Law | - | being an ex-Executive Director and committee member of The Boys' & Girls' Clubs Association of Hong Kong which had received sponsorship from SHK before. |

11. Members noted that Dr Conrad Wong and Mr Franklin Yu had not yet joined the meeting. As the interests of Mr Thomas O.S. Ho and Miss Winnie W.M. Ng were direct, they were invited to leave the meeting temporarily for the deliberation session of the item. As the interests of Messrs Stephen L.H. Liu, Peter K.T. Yuen, Dr Lawrence K.C. Li and Ms Lilian S.K. Law were indirect, and Messrs K.K. Cheung, Alex T.H. Lai, Ricky W.Y. Yu and Dr C.H. Hau had no involvement in the concerned amendment item and the representer's/commenter's submission, Members agreed that they could stay in the meeting.

Presentation and Question Sessions

12. The Chairperson said that notification had been given to the representatives and commenters inviting them to attend the hearing, but other than those who were present or had indicated that they would attend the hearing, the rest had either indicated not to attend or made no reply. As reasonable notice had been given to the representatives and commenters, Members agreed to proceed with the hearing of the representations and comments in their absence.

13. The following government representatives and representer/commenter were invited to the meeting at this point:

Planning Department (PlanD)

Mr Anthony K.O. Luk] District Planning Officer/Fanling, Sheung Shui and Yuen Long East (DPO/FS&YLE)
Ms Stephenie Y.T. Lee] Town Planner/Fanling and Sheung Shui (TP/FS)

Representers/Commenters

R2 – Kyland Investments Limited and Elmtree Worldwide Limited

C2 – Professional Property Services Limited

<i>Masterplan Limited</i>] Representer's and Commenter's
Mr Ian Brownlee] Representatives
Ms Yuen Sik Kiu]

R3/C3 – Mary Mulvihill

Ms Mary Mulvihill] Representer and Commenter
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R4 – The Hong Kong and China Gas Company Limited

Mr Tsang Chung Man] Representer's representative
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C1 – Hau Fuk Tat

Mr Hau Fuk Tat] Commenter
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14. The Chairperson extended a welcome. She then briefly explained the procedures of the hearing. She said that PlanD's representatives would be invited to brief Members on the representations and comments. The representer/commenter would then be invited to make oral submission. To ensure efficient operation of the hearing, each representer, commenter or their representative would be allotted 10 minutes for making oral submission. There was a timer device to alert the representatives, commenters or their representatives two minutes before the allotted time was to expire, and when the allotted time limit was up. A question and answer (Q&A) session would be held after all attending representatives, commenters

or their representatives had completed their oral submissions. Members could direct their questions to the government representatives or the representers, commenters or their representatives. After the Q&A session, the government representatives and the representers, commenters or their representatives would be invited to leave the meeting. The Town Planning Board (the Board) would then deliberate on the representations and comments in their absence and inform the representers and commenters of the Board's decision in due course.

15. The Chairperson invited PlanD's representatives to brief Members on the representations and comments.

16. With the aid of a PowerPoint presentation, Mr Anthony K.O. Luk, DPO/FS&YLE, briefed Members on the representations and comments, including the background of the amendments, the grounds/views/proposals of the representers and commenters, planning assessments and PlanD's views on the representations and comments as detailed in TPB Paper No. 10764 (the Paper).

17. The Chairperson then invited the representers, commenters and their representatives to elaborate on their representations and comments.

R2 – Kyland Investments Limited and Elmtree Worldwide Limited

C2 – Professional Property Services Limited

18. Mr Ian Brownlee, the representer's and commenter's representative, made the following main points:

Amendment Items A1 and B1

- (a) Amendment Items A1 and B1 to rezone the sites to "Comprehensive Development Area" ("CDA") were supported as they reflected the decision of the Board on the respective s.12A applications. Planning application would be submitted in accordance with the requirements of the "CDA" zones. As Government, institution and community (GIC) facilities required by the government would be disregarded from gross

floor area (GFA) calculation under the “CDA” zones, it provided incentive for provision of GIC facilities (including those for the elderly);

- (b) the representation providing views that the quantitative risk assessment (QRA) previously conducted in respect of the nearby high pressure town gas pipeline needed to be updated, where necessary, was noted; and
- (c) any retail facilities to be provided at the site of Amendment Item A1 would be of neighbourhood scale. PlanD’s responses to their views of minor relaxation of plot ratio (PR) and building height (BH) restriction to accommodate such retail facilities were noted and would be taken into account accordingly in the s16 application.

R3/C3 – Mary Mulvihill

19. Ms Mary Mulvihill made the following main points:

Amendment Items A1 and B1

- (a) retention of the orchard within the “CDA(1)” site (Amendment Item A1) should be stipulated as a mandatory requirement to better ensure preservation of the orchard;
- (b) for the “CDA(2)” site (Amendment Item B1), the scheme for a s.12A application submitted in 2015 included a youth hostel, residential care home for the elderly (RCHE) and nursing home for the elderly. However, the future development at “CDA(2)” would only be a residential development with limited elderly facilities;
- (c) for such large developments in the “CDA” zones, adequate GIC facilities should be provided. The proposed GIC facilities in the developments were very limited. No information was provided on whether elderly friendly units would be provided. There was a shortfall in child care centre (CCC), community care services (CCS) and RCHE in the district;

- (d) the Board and the developers should help tackle the issue of ageing society. It was necessary to achieve smart care, keep people in the community healthy, and reduce the need for elderlies to be hospitalised by encouraging ageing at home and provision of the much needed GIC facilities in convenient locations. There should be some mechanism to ensure that developers would provide a certain proportion of new flats with elderly friendly design. GIC facilities that were conveniently located would function as local gathering point and space to serve the community. The proposed home care service team in “CDA(1)” was only an office space providing outreach services, and could not serve as a gathering place to serve the community;
- (e) the short term provision of GIC facilities was through mandating the provision under the “CDA” zonings. However, the proposal of disregarding GIC facilities from GFA calculation could not ensure that GIC facilities would eventually be provided. The GIC facilities in the Kwu Tung North New Development Area (KTN NDA) would only be provided in the medium to long term but there was an urgent need to ensure provision of more GIC facilities in the short term;

Others Amendment Items

- (f) Amendment Item A2 (zoned “Recreation” (“REC”)) – the “REC” zone might offer no protection to the sites from being developed into other non-recreation related uses, including New Territories Exempted Houses (NTEHs), car park and rural industrial workshops. For example, the Hong Kong Jockey Club was using a site zoned “REC” zone (near Ngau Tei) as a car park. These three pieces of land should either be rezoned to “Government, Institution or Community” (“G/IC”) or “Open Space” (“O”);

- (g) Amendment Item B2 (zoned “Green Belt”) – there should be a monitoring system to prevent the conversion of the site for car park use and felling of trees thereat;
- (h) Amendment Item B3 (area shown as ‘Road’) – PlanD’s response that there was no road widening at the concerned site was noted; and
- (i) Amendment Items C and D1 (zoned “Residential (Group C)2” (“R(C)2”)) – there were some tree clusters in areas covered by these amendment items but no information on the trees was provided. The area within Amendment Item D1 which had not yet been developed should not be rezoned to “R(C)2”.

R4 – The Hong Kong and China Gas Company Limited

Amendment Items A1 and B1

20. Mr Tsang Chung Man, the representer’s representative, said that there was a high pressure town gas pipeline at Kam Hang Road near the areas covered by Amendment Items A1 and B1, and the QRAs that were previously prepared for the s.12A planning applications might need to be updated if there were changes to the proposed developments affecting the risk level.

C1 – Hau Fuk Tat

21. Mr Hau Fuk Tat, a member of the North District Council (NDC) of the concerned area, made the following main points:

Amendment Items A1 and B1

- (a) the developments at the “CDA” zones would affect the rural character around Kam Hang Road. Together with the surrounding developments

in Kam Tsin village and the large-scale developments in KTN, the traffic conditions in Sheung Shui/North District would further deteriorate, especially during the weekends and holiday periods; and

- (b) BH of the developments in the “CDA” zones would generate visual impact on the surrounding villages and affect their fung shui. The piling works during construction period would affect the ground settlement and structural safety of nearby existing buildings. The new developments might also overload the existing drainage facilities and aggravate the flooding problem in the area.

22. As the presentations of PlanD’s representative and the representers, commenters and their representatives had been completed, the meeting proceeded to the Q&A session. The Chairperson explained that Members would raise questions and the Chairperson would invite the representers, commenters or their representatives and/or the government representatives to answer. The Q&A session should not be taken as an occasion for the attendees to direct questions to the Board or for cross-examination between parties.

23. The Chairperson and Members raised the following questions:

“Recreation” Zone

- (a) the planning intention of “REC” zone and control under the “REC” zone for uses such as car park, NTEH and workshop;
- (b) any information on “REC” zones in the area being used for car park facilities;

GIC Facilities

- (c) the provision of elderly facilities in the “CDA(1)” and “CDA(2)” zones;
- (d) information on the demand and provision of elderly facilities in the area and the whole of Hong Kong;

- (e) any mechanisms or incentives to encourage elderly friendly design or universal design in general in residential developments;
- (f) how the planning of GIC facilities, especially in the NDA, could enhance cohesion of the new and old communities;
- (g) whether disregarding the GFA of GIC facilities was a means adequate to ensure provision of sufficient elderly facilities;

Others

- (h) whether stating the need to preserve the orchard in “CDA(1)” in the Explanatory Statement (ES) would be adequate to ensure its preservation; and
- (i) the pedestrian facilities to connect “CDA(1)” and “CDA(2)”, across the Fanling Highway, to the new railway station at KTN NDA.

24. With the aid of PowerPoint slides, Mr Anthony K.O. Luk, DPO/FS&YLE, made the following responses:

“Recreation” Zone

- (a) the areas zoned “REC” under Amendment Item A2 only covered three small pieces of residual land at the periphery of the “CDA(1)” zone and it was considered appropriate to zone them under the same “REC” zoning as the adjoining area. The planning intention of “REC” zone was primarily for recreational developments for the use of the general public. It encouraged the development of active and/or passive recreation and tourism/eco-tourism uses. The development of such recreation facilities would be subject to private initiatives. Some non-recreation related uses such as car park, NTEH and workshops required planning permission from the Board;

- (b) there were some ancillary parking facilities of the Hong Kong Jockey Club at another “REC” zone near Ngau Tei within the Kwu Tung South Planning Area (the KTS Area). There was no public vehicle park application approved in the “REC” zone in the KTS Area;

GIC Facilities

- (c) based on the two approved s.12A schemes, if the proposed 40-place CCS was implemented in the “CDA(1)”, the planned provision of CCS in the KTS Area would be improved from a shortfall of 70 places to a shortfall of 31 places (according to the Hong Kong Planning Standards and Guidelines (HKPSG)). If the proposed 150-bed RCHE in “CDA(2)” was implemented, the planned provision would be improved from a shortfall of 96 beds to a surplus of 54 beds. The proposed GIC facilities were included in the two s.12A schemes to address the request of the Social Welfare Department (SWD) at that time;
- (d) in the KTN NDA, there would be a multi-welfare services complex (MWSC) in Area 29 providing elderly services facilities (including a RCHE with 1,000 beds) and a district elderly community centre in Area 19. Overall, there would be 1,600 RCHE bed spaces in the KTN NDA, which could also serve residents in the KTS Area. For the North District, there were about 3,632 planned RCHE bed spaces (a surplus of 129 bed spaces). There was no information at hand on the demand and planned provision of RCHE in the whole of Hong Kong;
- (e) there was no requirement in the HKPSG related to the adoption of elderly friendly design. There were some private initiatives promoting such concepts as a community hub with leisure and recreational facilities for the elderly as well as providing Chinese medicine service support in the private residential development. The Buildings Department (BD) had a barrier free design manual which might contribute towards a universal design environment;

- (f) Area 29 in KTN NDA was planned to be the community hub of the NDA providing various facilities such as community hall, indoor recreation centre, library and CCC. A district park was planned near the new railway station. These should provide gathering spaces for the community. Other GIC facilities were also planned at locations convenient to the residents to cater for their daily needs and for community building;
- (g) it was stipulated in the Notes of the “CDA(1)” and “CDA(2)” zone that for GIC facilities required by the government, the concerned GFA could be exempted from PR calculation. This would provide incentive to the private sector to incorporate more GIC facilities as it would not affect the PR permitted under the OZP. For instance, according to the respective s.12A scheme, a 150-place RCHE was proposed in “CDA(2)”, that would be equivalent to more than 5% of the total GFA. The GIC facilities that the government requested to be provided in the private developments needed to be reasonable and proportional to the scale of the development;

Others

- (h) it had always been the intention to preserve the orchard since the area under Amendment Item A was zoned as “CDA” in the 1990s. The applicant had proposed to preserve the orchard in the s.12A scheme. The requirement to preserve the orchard was incorporated into the ES, rather than in the statutory Notes of the “CDA(1)” zone, to allow design flexibility. As the applicant had to submit the development proposal (including a Master Layout Plan (MLP) and Landscape Master Plan) in its planning application to the Board for consideration, there would be adequate safeguard to preserve the orchard; and
- (i) there were six pedestrian connections across Fanling Highway for connecting the KTS Area with KTN NDA and the railway station to the north. The closest footbridge was connecting Kam Hang Road near

the “CDA(1)” and “CDA(2) sites and KTN NDA. The Highways Department was considering to provide barrier-free facilities in these locations.

25. Regarding the measures taken by the government to increase the provision of GIC facilities, the Chairperson supplemented that in a NDA, for example, sites would be reserved (and zoned “G/IC”) for the required GIC facilities initiated and to be provided by the government. For public housing projects (except those in a very advanced stage), about 5% of the domestic GFA would be set aside for the provision of social welfare facilities as announced in the Policy Address 2020. For land sale sites, GIC facilities would be included in the land sale conditions for implementation by the private sector where appropriate. For private lots under planning applications like those under Amendment Items A1 and B1, the expectation for provision of GIC facilities should have due regard to the right of lot owners in determining uses to be pursued on their private land and be proportional to the scale of the development. Disregarding the GFA of GIC facilities was a way to encourage the provision.

26. In response to a Member’s enquiry on the possible impact of the new private developments in the area on the nearby villages and their traditional activities, Mr Hau Fuk Tat (C1) made the following main points:

- (a) there were several traditional festivals and events held mainly within the nearby villages at Ho Sheung Heung, Kwu Tung, Yin Kong, Hang Tau, Kam Tsin etc. and that had helped maintain the local traditions. Villagers expressed concerns that the private developments would affect the fung shui of nearby villages; and
- (b) the transport infrastructure in the North District would not be improved before completion of the KTN NDA. In the meantime, the new private developments near the existing villages might adversely affect the local traffic conditions. Besides, during the construction period of those private developments, there might be impact from the piling works on the nearby dwellings.

27. As Members had no further questions to raise, the Chairperson said that the hearing

procedures for the presentation and Q&A sessions had been completed. The Board would deliberate on the representations and comments in closed meeting and inform the representers and commenters of the Board's decision in due course. The Chairperson thanked the government representatives and the representers, commenters and their representatives for attending the meeting. They left the meeting at this point.

[Mr Thomas O.S. Ho and Miss Winnie W.M. Ng left the meeting temporarily at this point.]

Deliberation Session

28. The Chairperson recapitulated that Amendment Items A1 and B1 were to reflect the approved s12A applications. Under the "CDA" zones, planning application with MLP and other technical assessments would be submitted by the applicant to address various issues (e.g. traffic and retaining of the orchard etc.) for the Board's consideration. The other amendment items were mainly to reflect the as-built conditions.

29. Members generally considered that the grounds and proposals of the representations and comments had been addressed by the departmental responses as detailed in the Paper and the presentations and responses made by PlanD's representative at the meeting. The meeting agreed that there was no need to amend the OZP.

30. Regarding the general policy to increase GIC facilities, the Chairperson supplemented that with the new policy announced in the Policy Address 2020, the provision of social welfare facilities in public housing projects would increase from around 2% of the GFA (as evidenced by a sample of actual cases implemented before the policy) to 5%. In passing, a Member said that development parameters of new facilities should be capable of accommodating universal design, while another Member said that spatial planning should also be elderly friendly. On building design, the Chairperson said that BD was currently exploring measures to encourage elderly friendly design in developments.

31. Some Members were of the views that it was important to enhance community building by providing community gathering spaces with good accessibility in the NDA. The Chairperson said that government departments were aware of the need and various measures had been adopted to enhance community building.

32. After deliberation, the Board noted the supportive views of R1(part), R2 and R3(part) and other views provided by R1(part), R3(part) and R4. The Board decided not to uphold R3(part) and considered that the draft Kwu Tung South Outline Zoning Plan (OZP) should not be amended to meet the representation for the following reasons:

“Amendment Item A2

- (a) the three small pieces of land are residual lands of the previous “Comprehensive Development Area” (“CDA”) site. Rezoning them from “CDA” to the adjoining zoning of “Recreation” is considered appropriate;

Amendment Item C

- (b) rezoning of the site from “Green Belt” to “Residential (Group C)2” “(R(C)2)” is considered appropriate as it is to reflect the existing residential development implemented in accordance with a planning permission; and

Amendment D1

- (c) rezoning of the site from mainly “CDA” to “R(C)2” with the same development parameters is considered appropriate as it is to reflect the existing residential development implemented in accordance with a planning permission on part of the site and to facilitate early development of the remaining area through private initiative.”

33. The Board also agreed that the draft Kwu Tung South OZP, together with its respective Notes and updated Explanatory Statement, was suitable for submission under section 8 of the Town Planning Ordinance to the Chief Executive in Council for approval.

[Dr Lawrence W.C. Poon and Mr Alex T.H. Lai left the meeting at this point. Dr Conrad T.C. Wong joined and Mr. Thomas O.S. Ho and Miss Winnie W.M. Ng re-joined the meeting at this point.]

Agenda Item 4

[Open meeting (Presentation and Question Sessions only)]

Review of Application No. A/FLN/22

Proposed Temporary Shop and Services, and Place of Entertainment for a Period of 3 Years in “Agriculture”, “Government, Institution or Community”, “Open Space”, “Other Specified Uses” annotated “Sewage Pumping Station”, “Other Specified Uses” annotated “Amenity Area” Zones and area shown as ‘Road’, Lots 517 RP, 518 RP, 521 RP, 522, 523 RP, 524 RP, 525, 526, 527 RP, 532 RP (Part), 533 RP (Part), 534 RP (Part), 539 (Part), 540 (Part), 541 (Part), 542 (Part), 543 (Part), 544, 545, 547 (Part), 548 (Part), 551 (Part), 552 and 553 in D.D. 51 and Adjoining Government Land, Sheung Shui
(TPB Paper No. 10766)

[The item was conducted in Cantonese.]

Presentation and Question Sessions

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

Mr Anthony K.O. Luk] District Planning Officer/Fanling, Sheung Shui and Yuen Long East (DPO/FS&YLE), PlanD
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Mr Patrick M.Y. Fung] Senior Town Planner/Fanling and Sheung Shui (STP/FS), PlanD
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<i>Ho Lam Enterprise Investment Limited</i>]
<i>and Chi Wah Investment Group</i>] Applicant
<i>Limited</i>]

Mr Wong Tit Fong]
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<i>Land Supreme Surveyors Limited</i>]
Mr Kong Chee Cheung] Applicant’s representatives
Mr Wong Him Sun]

Ms Wang Ya Qin

]

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

36. With the aid of a PowerPoint presentation, Mr Patrick M.Y. Fung, STP/FS, briefed Members on the background of the review application including the consideration of the application by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board), departmental and public comments, and planning considerations and assessments as detailed in TPB Paper No. 10766 (the Paper).

37. The Chairperson then invited the applicant and his representatives to elaborate on the review application. With the aid of the visualiser, Mr Wong Tit Fong, the applicant, Messrs Kong Chee Cheung, Wong Him Sun, and Ms Wang Ya Qin, the applicant's representatives, made the following main points:

Proposed Use and Operation of the Application Sites

- (a) the application sites (the Sites) would be used for temporary carnival and flea market for three years mainly to serve the local residents, support the local economy and local employment, which was different from The Boxes (新田購物城) in San Tin or any theme park nature for profit-making. It comprised two portions: Site A would mainly be used for flea market and entertainment uses while Site B would be for agricultural use including an agricultural rehabilitation area, greenhouse and 20 parking spaces to support the operations on both Sites A and B. The two sites would be under single management and the stalls proposed would be rented to individuals, students, start-up businesses or organizations either free of charge or at low rental;
- (b) the Sites could offer cheap leisure and entertainment outlets for the locals and would enhance tourism. It was estimated that about 2,000 employment opportunities could be created. The provision of parking spaces could also meet the local demand to some extent;

- (c) for their application for an entertainment licence from the Food and Environmental Hygiene Department (FEHD), they were required to install temporary structures on the Sites and to demonstrate that there would be adequate installations for fire fighting purposes;

Land for Ingress/egress Point

- (d) they noted that the proposed ingress/egress point in the northwest portion of Site A was government land (about 3,000m²) which had been allocated to the Civil Engineering and Development Department (CEDD) as a works area (GLA-TDN 4444) (the GL portion) in January 2021 for CEDD's contractor to support the construction of Fanling Bypass Eastern Section. They had made efforts to liaise with the relevant government departments to explore the possibility to allow an ingress/egress point to Site A at the GL portion but in vain;
- (e) when they submitted the planning application in July 2020, they were not aware that the GL portion would be taken up as works area beyond 2020. The allocation of the GL portion as works area would block the access/emergency vehicular access (EVA) to both the Site and its surrounding areas to the south of Ng Tung River and the land resources thereat could not be utilized;
- (f) the government representatives had advised that the allocation of the GL portion to CEDD would not affect the TPB's consideration of the planning application and that the GL portion could be vacated upon short notice from the Lands Department (LandsD). They were very skeptical about that advice at that time;

Efforts on Addressing Departmental and Public Comments

- (g) the applicant had made a lot of efforts to address the departmental comments (e.g. conducting site visits, holding meetings with government

representatives and submission of traffic review). To address the strong objection of the Agriculture, Fisheries and Conservation Department (AFCD) to their initial proposal for public vehicle park (PVP) at Site B, they had changed Site B for agricultural uses with some ancillary car parking spaces. Currently, only comments of the Transport Department (TD) could not yet been addressed;

- (h) initially, they were given the understanding that there were not much outstanding problems in relation to the traffic impact of the proposed development. They first received comments from TD in August 2020 which requested a small scale traffic review. Subsequently, they made a submission to TD, but was advised that the traffic review should be prepared by a qualified traffic consultant to ensure the professional quality of the review. They then hired a traffic consultant to prepare the traffic review to further address TD's comments of 11.8.2020. However, after the GL portion had been allocated to CEDD, on 2.3.2021, TD provided new comments indicating that provision of access through the GL portion was not acceptable and new traffic arrangement and assessments were required. They did not agree with TD's views and in effect, their previous time and efforts had been wasted. They felt they were being treated unfairly;
- (i) they also did not agree with TD/PlanD in using the parking standard for 'retail' to assess their application as it was only a flea market (with small-size stalls only). The provision of parking spaces required by TD was similar to that for a permanent development but the proposed development was only for a temporary period of only three years, and targeted for local customers living nearby who would unlikely drive to the Sites. The applicant had also suggested to develop the Sites in phases to allow for monitoring the traffic condition but the proposal was not agreed by TD;

- (j) although PlanD's representative at the presentation earlier indicated that the unnamed local track was too narrow for two-way traffic, it should be noted that there would be a new mini-bus service using that local track;
- (k) to address the public comments, they had deleted the barbeque area in the area zoned "Open Space" ("O") in Site A and had changed it to a sitting-out area;
- (l) they had encountered difficulties and hurdles since the submission of the s.16 application especially under the pandemic situation. Thus, the applicant had requested several deferments during the s.16 application stage and had not submitted further information in support of the review application; and

Characteristics of Surrounding Areas

- (m) the Sites were located in the vicinity of Tin Ping Estate which accommodated about 20,000 residents, and the surroundings would be developed for public housing and would form part of Fanling North New Development Area (FLN NDA). They did not agree with PlanD's claim that the Sites and the surrounding areas were rural in local character.

38. As the presentations from PlanD's representative and the applicant's representatives had been completed, the Chairperson invited questions from Members. The Chairperson and some Members raised the following questions to the applicant's representatives:

Proposal and Operation

- (a) elaboration and clarification on the proposed uses;
- (b) estimation of the number of visitors and workers, and the minimum number of visitors required for viable operation of the proposed development;

- (c) whether Site B for agricultural rehabilitation would be implemented separately from Site A;
- (d) what structures erected on the Sites were and whether permission(s) for their erection had been obtained from the relevant authorities;

Traffic Assessment, Vehicular Access and Parking Facilities

- (e) the vehicular access for the cars currently parked at Site A;
- (f) whether the applicant had the expectation that the GL portion had to be made available to provide access for the Site A;
- (g) elaboration on what the applicant considered to be ‘unfair’ regarding the access arrangement to the Site A; and
- (h) whether alternative traffic proposal had been made for TD’s consideration after knowing that the GL portion might no longer be used as access.

39. In response, Messrs Mr Wong Tit Fong, Kong Chee Cheung and Wong Hin Sun, the applicant and the applicant’s representatives, made the following main points:

Proposal and Operation

- (a) Site A would be used for a low-end small-scale flea market with stall of about 60 ft² each and at a low rental cost (about \$10,000 for 3 months) to meet the needs of the local community and encourage start-up businesses. Site B was originally proposed for provision of 100 to 200 public car parking spaces to serve the locals as there was serious illegal parking problem in the area. To address AFCD’s comment, Site B had later been proposed for a greenhouse for growing new species of agricultural products. There would be ancillary parking spaces in Site B to cater for the needs of proposed uses at both Sites A and B;

- (b) it was roughly estimated that the number of visitors and stall keepers for Site A would be about 1,000 per day (about 350 to 500 visitors for each morning, afternoon and evening sessions). In the morning session, the stalls would be offered free of charge to farmers to sell their organically grown products. In the afternoon session, there might be stalls for commodity exchanges. The flea market would be open in phases, starting with say 100 stalls. About 1,000 visitors per day would be required for the operation of the market to be financially viable;
- (c) Sites A and B could be implemented separately. Preparation work for Site B had started (e.g. provision of water sources for irrigation), and would go ahead as planned even if the subject review application was not approved by the Board;
- (d) there were only temporary structures erected on Site A as required for licence application for operation of a carnival on Site A. Permissions from various authorities had been obtained except Electrical and Mechanical Services Department (EMSD). Currently, the licence was still being processed;

Traffic Assessment, Vehicular Access and Parking Facilities

- (e) currently, vehicular access to Site A was not using the GL portion. The existing access was a service road along the southern side of Ng Tung River, which was managed by the Drainage Services Department (DSD). If that service road was locked up, there would be no vehicular access to Site A;
- (f) to the applicant's understanding, the original intention was for CEDD to use the GL portion until December 2020, and the land would be returned to LandsD afterwards. The applicant was aware that there was no obligation for the Government to make available the GL portion for access to Site A;

- (g) the applicant could prove in the traffic review that the proposed use would not generate adverse traffic impact on the surrounding areas. However, TD insisted that as the GL portion was not available to provide access for Site A, and hence, the validity of the traffic review provided by the applicant could not be established. The applicant was of the view that it was not based on technical ground that TD did not support their submission; and
- (h) it was based on PlanD and TD requirements that vehicular access and car parking spaces were proposed for the uses under application. It was not the applicant's intention to provide vehicular access and parking facilities as they did not prefer the public to drive to the Sites. For similar flea market uses, there was no parking facilities. Additional traffic would not be attracted to the Sites should there be no provision of parking facilities.

40. Regarding the temporary structures already erected on Site A, Mr. Andrew C.W. Lai, Director of Lands, reminded the applicant that no structures would be allowed unless prior permission was given by the relevant authorities.

41. The Chairperson and some Members raised the following questions to PlanD's representatives:

The Sites and Proposed Uses

- (a) the parties submitting the approximate 2,000 supporting comments at the s.16 application stage and what their major views were;
- (b) clarification on the applied uses;
- (c) clarification on the definitions of 'Market'/'Flea Market' and 'Retail'/'Shop and Services' in accordance with the Definition of Terms (DoT);

- (d) information on Enforcement Cases No. E/NE-FLN/006 and 008 as indicated on Plan R-3;
- (e) clarification on whether the Sites fell within FLN NDA, and its relevance to one of the rejection reasons indicating that the Sites and their surrounding area in a rural character;
- (f) if Site B was to be developed separately for agricultural rehabilitation with car parking spaces, whether planning permission from the Board would be required;

Vehicular Access to the Sites

- (g) clarification on the current vehicular access to the Sites;
- (h) clarification on the claim made by the applicant that government representatives had advised them that the allocation of the GL portion to CEDD would not affect the Board's consideration of the application;
- (i) whether access to Site B needed to pass through government land, and whether such passageway would require permission from the relevant authorities;
- (j) whether EVA must be provided for the Sites, taking into account the numbers of workers and visitors estimated by the applicant; and
- (k) the party responsible for providing a vehicular access to the Sites.

42. With the aid of PowerPoint slides, Mr Anthony K.O. Luk, DPO/FS&YLE, made the following main points:

The Sites and Proposed Uses

- (a) as indicated in paragraph 11.2 of Annex A of the Paper, there were 2,177 supporting comments from the Chairman and Vice-chairman of Sheung Shui District Rural Committee, Chairman of San Tin Rural Committee, village representative of Yin Kong Tsuen and other individuals submitted in three standard letter formats. In gist, their views were that the proposed uses would offer spaces for cultural, retail and entertainment activities, create a local landmark, and provide employment opportunities;
- (b) Site A (about 2.1 ha) was proposed for ‘Shop and Services’ with four ‘Market Halls’ (with some entertainment activities such as karaoke and children playgrounds) with ancillary parking spaces and loading/unloading bays at the GL portion. There would be 42 structures to be erected on the Site (non-domestic GFA of about 5,480m²). Site B (about 0.8 ha) was previously proposed solely for parking spaces but later proposed for greenhouse development and agricultural rehabilitation with reduction in the number of parking spaces to address the comments of AFCD;
- (c) according to the DoT adopted by the Board, the proposed retail and catering services were considered as ‘Shop and Services’ use and there was no differentiation on ‘low-end’ or ‘high-end’ retail facilities under the DoT. Unlike carnivals which might not be held very often, the proposed ‘Shop and Services’ use, including catering services, would be operated daily from morning till night for a period of three years. Hence, TD considered that adequate parking and loading/unloading facilities should be provided to support the subject application;
- (d) Enforcement Case No. E/NE-FLN/006 was against barbecue use at the site without planning permission and its operation had ceased after the Planning Authority had issued an enforcement notice. Another Enforcement Case No. E/NE-FLN/008 was against a PVP without

planning permission and the site concerned was still being used for parking purpose;

- (e) according to the planned uses of FLN NDA, part of the Sites would be developed into a Government, institution and community (GIC) hub with clinic, indoor recreation centre, community hall and social welfare facilities etc. A central park of FLN NDA was planned to the south of the Sites which would be connected to the riverside of Ng Tung River. However, the existing condition of the Sites and their surroundings, adjoining Ng Tung River to the north and Shek Wu San Tsuen to the south, were considered to be rural in character;
- (f) Site B fell within the “AGR” zone, under which greenhouse or agricultural rehabilitation uses were always permitted. No planning permission was required if the parking spaces were ancillary to the agricultural uses and the number of parking spaces to be provided should be on par with the scale of the proposed uses. For agricultural rehabilitation use, the provision of 20 ancillary parking spaces was considered to be on the high side, and AFCD’s comments in this regard would be sought. It should however be noted that as the proposed car parking spaces in Site B was also for supporting the uses at Site A, Site B was therefore included in the application;

Vehicular Access to the Sites

- (g) currently, Site A could be accessed via the service road of about 4m wide along the south side of Ng Tung River. However, DSD indicated that no public access to the service road would be allowed. There was no other vehicular access for Site A;
- (h) about ten meetings had been held between relevant government departments and the applicant to discuss the application. The applicant was advised that they should delineate the site boundary appropriate to fit their operation which might include some government land. Some

government departments might be concerned about the inclusion of government land during their assessment for technical reasons. However, the Board would consider each application based on the land use planning considerations and without being bound by land status;

- (i) the access to Site B also passed through a piece of government land and LandsD had advised the applicant to exclude such area from Site B or the applicant would need to apply for short term tenancy to use that piece of government land. Otherwise, the applicant had to explore an alternative vehicular access to Site B;
- (j) comments of the Fire Services Department (FSD) had not clearly indicated that there must be an EVA provided for the Sites but if the application was approved, approval conditions requiring the submission and implementation of fire services installations proposal to the satisfaction of FSD were recommended; and
- (k) Site A was held under Block Government Lease, and LandsD had clearly indicated that there was no guarantee of right of access for the Sites, which was originally used for agricultural purpose without vehicular access. In general, each private development should have the respective vehicular access proposed and arranged by the project proponent at his/her own expenses and such access would be subject to approval by relevant departments including TD and the Highways Department. There was no obligation for the Government to provide a vehicular access or ingress/egress point for the Sites.

43. In response to a Member's enquiry, Mr. W.H. Poon, Chief Traffic Engineer (New Territories East), TD advised that TD had requested the applicant to submit a traffic assessment or review for the proposed uses and based on the findings of the assessment, the applicant might need to propose mitigation measure(s) as appropriate to address any adverse impact on the surrounding areas in terms of increased pedestrian or traffic flows, if any. Besides, the applicant was also advised to make reference to traffic flow generated from similar uses when assessing the traffic impact of the proposed uses.

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

[Mr K.K. Cheung and Ms Sandy H.Y. Wong left the meeting temporarily and Mr Thomas O.S. Ho and Miss Winnie W.M. Ng left the meeting during the Q&A session.]

Deliberation Session

45. The Chairperson recapitulated that the Sites were held under the Block Government Lease (demised for agricultural use), and the applicant did not have the right under lease to pursue the proposed uses, except for the proposed agricultural activities at Site B. Based on the information provided by the applicant, the flea market was not of a small scale and adequate parking spaces and loading/unloading bays would be required for its daily operation. In the near future, the Sites and their surrounding areas would be developed as part of the FLN NDA, and the applicant could not expect that the Government would reserve land for the provision of a vehicular access for the Sites. Members were invited to consider the application taking into account the above.

46. Members generally agreed with PlanD's assessment and did not support the review application. The proposed uses were excessive in scale considering the existing surrounding rural character. The applicant had also failed to demonstrate that there would be no adverse traffic impacts. A Member remarked that without a vehicular access, the proposed uses might pose potential safety concern to the large number of visitors attracted to the Sites.

47. The Chairperson suggested and Members agreed that rejection reason (a) should be suitably amended to reflect that the scale of the proposed use was considered excessive against the background of the 'existing' rural character of the Sites and their surrounding areas, rather than the future character upon development of the area into a NDA.

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

- “ (a) the proposed retail and entertainment uses are excessive in scale considering the **existing** rural character of the application sites and their surrounding areas; and
- (b) the applicants fail to demonstrate that the proposed development would not result in adverse traffic impacts on the surrounding areas.”

49. The meeting was adjourned for lunch break at 1:10 p.m.

[Ms Bernadette H.H. Linn, Messrs Wilson Y.W. Fung, L.T. Kwok, Dr Lawrence K.C. Li and Dr Roger C.K. Chan left the meeting at this point.]

50. The meeting was resumed at 2:15 p.m.

51. The following Members and the Secretary were present at the resumed meeting:

Mr Lincoln L.H. Huang Vice-chairperson

Mr Stephen L.H. Liu

Dr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Mr K.K. Cheung

Dr C.H. Hau

Professor T.S. Liu

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Mr K.W. Leung

Professor John C.Y. Ng

Dr Venus Y.H. Lun

Mr C.H. Tse

Dr Conrad T.C. Wong

Mr Y.S. Wong

Chief Transport Engineer (New Territories East)

Transport Department

Mr W.H. Poon

Chief Engineer (Works)

Home Affairs Department

Mr Gavin C.T. Tse

Assistant Director (Environmental Assessment)
Environmental Protection Department
Mr Terence S.W. Tsang

Director of Lands
Mr Andrew C.W. Lai

Director of Planning
Mr Ivan M.K. Chung

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

Sha Tin, Tai Po and North District

Agenda Item 5

[Open meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-KLH/591

Proposed Two Houses (New Territories Exempted Houses) in “Green Belt” Zone, Lot 784 (Part) in D.D. 9, Kau Lung Hang, Tai Po
(TPB Paper No. 10767)

[The item was conducted in Cantonese.]

52. Members noted that the Chairperson had tendered an apology for being unable to attend the afternoon session of the meeting. The Vice-chairperson took the chair of the meeting at this point.

Presentation and Question Sessions

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

PlanD

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

Ms Jenny S.M. Chan - Town Planner/CPE2

Applicant

Mr Chan Chit Shun

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

55. With the aid of a PowerPoint presentation, Mr Tony Y.C. Wu, STP/CPE, briefed Members on the background of the review application including the consideration of the application by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board), departmental and public comments, and planning considerations and assessments as detailed in TPB Paper No. 10767 (the Paper).

56. The Vice-chairperson then invited the applicant to elaborate on the review application.

57. Mr Chan Chit Shun, the applicant, made the following main points:

- (a) a rent for 0.02 acre of 'House' at the application site (the Site) had all along been paid to the Government as shown in the Government Rent Roll record. He wondered why two houses could not be built at the Site and asked whether the Government recognised the building entitlement of the Site;
- (b) about eight Small House applications within the same "Green Belt" ("GB") zone were approved by the Board between 2000 and 2014. The sites under those approved applications were located in less than 10m from the stream course while the Site was located further away, i.e. with a buffer distance of about 50m to 100m from the stream course. In the past hundred years or so, his family and relatives had practiced farming in the area. A drain was built to collect rainwater at the Site, which would then be discharged to the sea direct. Besides, the area was mainly fallow agricultural land instead of vegetated land as shown in the aerial photos presented by PlanD. The proposed houses would not adversely affect the environment. He, being a manager of the Tso/Tong, did not understand why an ancestral house could not be built on Tso/Tong land for their descendants; and
- (c) if the Government considered that the area should be zoned "GB", the concerned land should be resumed for such purpose.

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

58. As the presentations of PlanD's representative and the applicant had been completed, the Vice-chairperson invited questions from Members.

Lease Entitlement

59. The Vice-chairperson asked whether the applicant was entitled to build houses at the Site based on the Government Rent Roll record provided by the applicant. In response, Mr Tony Y.C. Wu, STP/CPE, said that according to the record from the Lands Department, the Site was an old schedule agricultural lot held under Block Government Lease. There were currently no concrete documentary or survey records to support that there had been a conversion of the Site from agricultural use to house use. Other information such as aerial photos, land registry and other historical records would be considered to ascertain whether there was any structure/house on the Site. The Government Rent Roll record as claimed by the applicant as an evidence of "House" use served only one of the factors to be considered. There was insufficient evidence to demonstrate a building/house entitlement of the Site at the present stage.

60. In response to the Vice-chairperson's question regarding the timing of the existence of the houses at the Site, Mr Chan Chit Shun, the applicant, said that he was not sure when the houses existed at the Site. However, the Government Rent Roll record showed a collection of rent for 0.02 acre of "House" at the Site.

"GB" Zone and Water Gathering Grounds (WGG)

61. Some Members raised the following questions:

- (a) the conditions of the subject "GB" zone;
- (b) noting that some structures were found in the vicinity, whether they were permitted structures;
- (c) the extent of the WGG, whether there was any approved planning application within the WGG, and the main considerations for such application(s); and

- (d) whether planning permission was required if the applicant could demonstrate a building/house entitlement of the Site.

62. In response, Mr Tony Y.C. Wu, STP/CPE, made the following points with the aid of some PowerPoint slides:

- (a) while the aerial photos taken in March 2014, January 2018 and January 2021 showed that there had been vegetation clearance in the “GB” zone, the aerial photos taken in most of the other years showed that the “GB” zone was mainly vegetated without development. The “GB” zone had well served its function to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl, the planning intention for which was stipulated in the Kau Lung Hang Outline Zoning Plan (OZP);
- (b) there were some temporary structures to the south of the Site within the “GB” zone, which were not covered by planning permission. Enforcement Notices had been issued by the Planning Authority against some of those structures involving unauthorized developments. The remaining structures were also put under close monitoring. Should there be sufficient evidence on any unauthorized development, further planning enforcement action would be taken, as appropriate;
- (c) the WGG covered almost the whole Planning Scheme Area of the Kau Lung Hang OZP except the northern tip near Fanling. There had been nine applications for Small House development approved within the WGG since the first publication of the Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories (the Interim Criteria) on 24.11.2000. Seven of them were approved before criterion (i) of the Interim Criteria came into effect on 23.8.2002, which stipulated that a proposed development within WGG should be able to be connected to the existing or planned sewerage system in the area. The remaining two approved applications, covering the same site and submitted by the same applicant, were approved in 2010 and 2014 mainly because the application site was able to be connected to the planned sewerage system in the area and was the subject of previous planning

permission. Apart from those approved applications, five applications were rejected by RNTPC/the Board between 2010 and 2019. The Board was consistent in applying criterion (i) of the Interim Criteria in their assessment to ensure that no adverse impact on water quality in the WGG would be caused by developments; and

- (d) 'House' within the "GB" zone was a Column 2 use requiring planning permission no matter whether there was building entitlement of the concerned site. According to the covering Notes of the Kau Lung Hang OZP, the use of any land or building which was in existence immediately before the first gazettal of the relevant interim development permission area (IDPA) plan and had continued since it came into existence would be considered as 'existing use' to be tolerated without the need to seek planning permission. For the subject application, no house was found at the Site according to the land use survey conducted in 1990 immediately before the publication of the relevant IDPA plan. As such, planning permission was required for the proposed houses.

Land Ownership

63. A Member asked whether the application was for Small House development. In response, Mr Tony Y.C. Wu, STP/CPE, said that the application was not for Small House development by indigenous villagers. Mr Chan Chit Shun, the applicant, supplemented that the current application was not for Small House development but to seek permission to build two houses at the Site on behalf of their Tso/Tong for descendants' use. The same Member further asked whether the consideration of the application would be different if the proposed houses were for self-use or Tso/Tong use. Mr Wu responded that the ownership of the Site/future users of the houses was not a major consideration of the application.

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

[Ms Sandy H.Y. Wong rejoined and Mr Stephen L.H. Liu left the meeting during the question and answer session.]

Deliberation Session

65. Members generally considered that the application could not be supported. Two Members noted LandsD's advice that while the applicant had claimed that there was a building entitlement on the private lot for "House" use, in processing each application, other information such as aerial photos, land registry and other historical records would be considered to ascertain whether there was any structure on the Site. In that regard, there was currently insufficient evidence to demonstrate a building/house entitlement of the Site.

66. At the invitation of the Vice-chairperson, the Secretary explained that in general, the building entitlement under the lease would be respected when considering applications for proposed house development in the "GB" zone or other environmentally sensitive zones. That said, it did not necessarily follow that such application should be approved, and each application would be considered on its individual planning circumstances, taking into account the Interim Criteria and relevant TPB Guidelines. According to the covering Notes of the Kau Lung Hang OZP, it was stated that (i) rebuilding of NTEH or (ii) replacement of an existing domestic building, i.e. a domestic building which was in existence on the date of the first publication in the Gazette of the notice of the IDPA plan, by a NTEH was always permitted on land falling within the OZP. In gist, planning permission was not required for redevelopment of an existing house into a NTEH at the Site.

67. Mr Andrew C.W. Lai, Director of Lands, pointed out that the Government Rent Roll record as claimed by the applicant in his submission as an evidence of "House" use served only as one of the factors to be considered. However, there were currently no concrete documentary or survey records to support the applicant's claim as no house was found at the Site and the applicant failed to demonstrate whether houses did exist at the Site before and if so, the timing. In any event, in considering the subject application, the building entitlement of the Site was only one of the factors to be considered.

68. Members noted that building entitlement was only one of the factors to be considered for such application, and the assessment criteria set out in the Interim Criteria such as the impact on the WGG should also be taken into account. Members generally agreed that there was no strong justification to depart from RNTPC's decision and the rejection reasons as set out in paragraph 7.1 of the Paper were appropriate.

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

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong justification given in the submission for a departure from the planning intention of the “GB” zone; and
- (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the site located within water gathering grounds would not be able to be connected to the existing or planned public sewerage system in the area. The applicant fails to demonstrate that the proposed development would not cause adverse water quality impact on the area.”

[Dr Frankie W.C. Yeung joined the meeting during the deliberation session.]

Tuen Mun and Yuen Long West District

Agenda Item 6

[Open meeting (Presentation and Question Sessions only)]

Review of Application No. A/YL-LFS/393

Proposed Filling of Land for Permitted Agricultural Use in “Coastal Protection Area” Zone, Lot 7 in D.D. 129, Lau Fau Shan, Yuen Long
(TPB Paper No. 10768)

[The item was conducted in Cantonese.]

Presentation and Question Sessions

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

Planning Department (PlanD)

Mr Kepler S.Y. Yuen - District Planning Officer/Tuen Mun and Yuen Long West (DPO/TM&YLW)

Agriculture, Fisheries and Conservation Department (AFCD)

Mr Chow Wing Kuen - Senior Fisheries Officer

Ms Ma Chui Ying Teresa - Fisheries Officer

Applicant

Mr Tang Tak Hong

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

72. With the aid of a PowerPoint presentation, Mr Kepler S.Y. Yuen, DPO/TM&YWL, briefed Members on the background of the review application including the consideration of the application by the Rural and New Town Planning Committee of the Town Planning Board (the Board), departmental and public comments, and planning considerations and assessments as detailed in TPB Paper No. 10768 (the Paper).

73. The Vice-chairperson then invited the applicant to elaborate on the review application.

74. Mr Tang Tak Hon, the applicant, made the following main points:

- (a) he had been living and in operation of a pigsty in the area for decades but the pigsty had subsequently been closed. Due to eviction by the landowner(s), he moved from the adjoining lot (i.e. Lot 9 in D.D. 129) to Lot 7 and started to operate a fish farm there. As approvals had been obtained from relevant government departments for erection of agricultural structures, site formation and building works, as well as drainage works on the application site (the Site), he was not aware that planning permission was required for filling of land until an Enforcement Notice requiring discontinuance of the unauthorized development involving such filling works was received. The Site had already been reinstated in accordance with the Government's requirement;
- (b) alternative methods had been explored for site formation, such as using bricks and sand. Part of the Site needed to be concrete paved for providing a stable platform as a foundation for erecting the poles of shade sheds and preventing the sheds from blowing down during typhoons. Whilst paving the Site by concrete could facilitate the movement of fish ponds/tanks for fish grading/sorting and cleaning for effective operation of the fish farm, the land filling area had been minimised to cover the sheds only under the review application; and
- (c) he was living nearby and the Site was located near the coast which was a suitable location for fish farming. Allowing the relocation of a fish farm

from an adjoining site to the Site was not unreasonable. The relocation of the fish farm within the same “Coastal Protection Area” (“CPA”) zone as in the current case was very unique, and would not set any undesirable precedent. He only wished to make effort in operating a small scale fish farm at the Site by breeding, raising and harvesting good quality fish for the community. The Board was requested to give sympathetic consideration to the application.

75. As the presentation of PlanD’s representative and the applicant had been completed, the Vice-chairperson invited questions from Members.

76. Some Members raised the following questions:

- (a) the definition of land filling;
- (b) whether there was any other fish farm within the same “CPA” zone; and
- (c) whether filling of land was allowed within the “CPA” zone, and the rationale for restricting land filling works in the “CPA” zone.

77. In response, Mr Kepler S.Y. Yuen, DPO/TM&YLW, made the following main points with the aid of some PowerPoint slides:

- (a) according to the definitions of terms used in statutory plans, filling of land meant the depositing or placing of earth, gravel or any other substances on land, which resulted in an elevation of ground level. As the applicant’s proposal involved concrete paving, it was regarded as land filling works;
- (b) according to AFCD’s record, two fish farms were located to the northeast and southeast of the Site. Both of them involved fish farming in ponds. There was no record of approval for other fish farm within the same “CPA” zone adopting similar operation mode as the current application; and
- (c) the Site was located within the “CPA” zone on the draft Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan. The “CPA” zone was intended to

conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value with a minimum of built development. According to the Remarks of the Notes of the “CPA” zone on the OZP, any filling of land/pond or excavation of land, including that to effect a change of use to those specified in Columns 1 and 2, required planning permission from the Board as such activities might cause adverse drainage impact and adverse impact on the natural environment. The Board would consider each application involving filling of land on a case by case basis, including the extent of land filling area. Although the applicant had reduced the land filling area to 160m², planning permission from the Board was still required.

78. Some Members raised the following questions regarding the operation of the fish farm to the applicant:

- (a) whether excavation works were needed for the provision of fish pond, and the differences between fish pond and fish tank;
- (b) the reasons for the Site to be filled by concrete, and apart from the four areas marked in Drawing R-1 of the Paper, whether the rest of the area would be filled by concrete;
- (c) other than filling concrete at the Site, whether other alternative methods had been explored;
- (d) whether the fish farm could be operated without concrete paving; and the impact on financial viability if the Site was not paved; and
- (e) whether there was any assistance or advice from AFCD on the operation of the fish farm.

79. In response, Mr Tang Tak Hong, the applicant, made the following main points with the aid of the visualiser:

- (a) by referring to a photo showing the fish pond and the fish tank, he explained that the fish pond was made by canvas similar to a plastic swimming pool and could be placed on the ground without involving excavation works while the fish tank, which was generally smaller than fish pond, was similar to a plastic box for fish breeding and water storage use;
- (b) the proposed land filling by concrete was required to provide a stable platform for deposition of fish ponds/tanks; facilitating the movement of fish ponds/tanks for fish grading/sorting and cleaning; facilitating the movement of fish feed and tools; serving as the foundation of the poles of shade sheds and preventing the sheds from being blown away during typhoons; and keeping the ground relatively dry to avoid electric shock. Other than the areas under application for filling of concrete, he had no intention to fill the rest of the Site;
- (c) movable concrete stand had been placed for holding the shade sheds. In view of the site constraints, it was not practicable to place several concrete stands at the Site. Apart from that, bricks might be used to form a hard-surface ground. However, the uneven ground could not facilitate easy movement of fish ponds/tanks within the Site;
- (d) if the site was paved by concrete, it would be easier to transfer sorted fish from one pond/tank to another and there was no need to spend much time and effort on the constant care and mowing. Works could be done more efficiently, which could help reduce the manpower cost. Without concrete pavement within the Site, the operation of the fish farm was still possible but would be less efficient. If land filling was not allowed, it was expected that intensive labour works would be involved in transferring fish. Operating the fish farm under such circumstance might not be financially viable and last long; and
- (e) he had consulted AFCD regarding the design and operation details of the fish farm prior to obtaining approval for the erection of agricultural structures on

the Site from the Lands Department.

[Professor John C.Y. Ng and Mr Ivan M.K. Chung left the meeting during the question and answer session.]

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

Deliberation Session

81. A Member expressed that whilst filling of land within the "CPA" zone should not be encouraged, given the small size of the area to be filled (about 160m² only) to support the operation of the fish farm, sympathetic consideration might be given to the application.

82. Some Members, however, did not support the application as filling of land with concrete, regardless of scale, would induce adverse impacts and affect the ecology of the "CPA", and approval of the application would set an undesirable precedent for similar applications for filling of land in the "CPA" zone. Two Members considered that the proposed concrete filling was not the only option to facilitate the operation of the fish farm but merely an economical way from business point of view.

83. Two Members appreciated the applicant's effort to venture into the fish farming industry and suggested that AFCD should take the initiative to assist the applicant in running his fish farm in an effective way, with a view to encouraging those who were interested in fish farming to join the industry. The Vice-chairperson remarked that PlanD could be requested to convey the Members' suggestion to AFCD for consideration.

84. The Vice-chairperson concluded that a majority of the Members did not support the application as the application was not in line with the planning intention of the "CPA" zone, the proposed filling of land would generate adverse landscape impact and approval of the application would set an undesirable precedent for filling of land in the "CPA" zone, and considered that the

rejection reasons as stated in paragraph 8.1 of the Paper were appropriate.

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

- “(a) the proposed filling of land is not in line with the planning intention of the “Coastal Protection Area” (“CPA”) zone which is to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment with a minimum of built development. There is a general presumption against development in this zone. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the applicant fails to demonstrate that the proposed filling of land would not have significant adverse landscape impacts on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for similar applications for filling of land within the “CPA” zone and the cumulative effect of approving such applications would result in a general degradation of the natural environment of the area.”

[Ms Lilian S.K. Law left the meeting during the deliberation session.]

Agenda Item 7

[Open meeting (Presentation and Question Sessions only)]

Request for Deferment of Review of Application No. A/TM-LTTY/337-1

Proposed Extension of Time for Commencement of the Approved Flat and Minor Relaxation of Building Height Restriction for a Period of 2 Years until 23.6.2023 in “Residential (Group E)” Zone, Lots 464 A.A ss.1, 464 S.B, 465, 472 S.A RP and 472 S.B RP in D.D. 130, San Hing Road, Lam Tei, Tuen Mun

(TPB Paper No. 10770)

[The item was conducted in Cantonese.]

86. The Secretary reported that the applicant’s representative requested on 11.8.2021 deferment of consideration of the review application for two months so as to allow more time to prepare a planning review report. It was the first time that the applicant requested deferment of the review application.

87. After deliberation, the Town Planning Board (the Board) decided to defer a decision on the review application as requested by the applicant pending the submission of further information from the applicant. The Board agreed that the review application should be submitted for its consideration within three months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the review application could be submitted to an earlier meeting for the Board’s consideration. The Board also agreed to advise the applicant that two months were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

Procedural Matters

Agenda Item 8

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments on the Draft Kwun Tong (South) Outline Zoning Plan No. S/K14S/23

(TPB Paper No. 10771)

[The item was conducted in Cantonese.]

88. The Secretary reported that amendments to the draft Kwun Tong (South) Outline Zoning Plan No. S/K14S/23 (the draft OZP) were supported by the Planning and Engineering Study on the Kwun Tong Action Area – Feasibility Study (the Study) commissioned by the Energizing Kowloon East Office, Development Bureau. AECOM Asia Company Limited (AECOM) was one of the consultants of the Study and representations/comments had been submitted by the Hongkong and Yaumati Ferry Company Limited (R13), a subsidiary of Hong Kong Ferry (Holdings) Company Limited (HKF) and Ms Mary Mulvihill (R11/C3). The following Members had declared interests on the item:

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|-------------------|---|
| Mr Thomas O.S. Ho | - having current business dealings with AECOM; |
| Mr K.K. Cheung | - his firm having current business dealings with HKF, and hiring Mary Mulvihill on a contract basis from time to time; |
| Mr Alex H.T. Lai | - his former firm having current business dealings with HKF, and hiring Mary Mulvihill on a contract basis from time to time; and |
| Dr C.H. Hau | - having past business dealings with AECOM. |

89. Members noted that Messrs Thomas O.S. Ho and Alex H.T. Lai had already left the meeting. As the item was procedural in nature, Members agreed that the other Members who had declared interests could stay in the meeting.

90. The Secretary briefly introduced TPB Paper No. 10771. On 19.3.2021, the draft OZP was exhibited for public inspection under s.5 of the Town Planning Ordinance. During the two-month exhibition period, sixteen representations were received. The representations were subsequently published for three weeks and five comments were received.

91. In view of the similar nature of the representations and comments, the hearing of all the representations and comments was recommended to be considered by the full Town Planning Board (the Board) collectively in one group. To ensure efficiency of the hearing, a maximum of 10 minutes presentation time would be allotted to each representer/commenter in the hearing session. Consideration of the representations and comments by the full Board was tentatively scheduled for October/November 2021.

92. After deliberation, the Board agreed that:

- (a) the representations and comments should be considered collectively in one group by the Board; and
- (b) a 10-minute presentation time would be allotted to each representer/commenter.

Agenda Item 9

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments on the Draft Urban Renewal Authority Shantung Street/Thistle Street Development Scheme Plan No. S/K3/URA4/1 and the Draft Mong Kok Outline Zoning Plan No. S/K3/33 (TPB Paper No. 10772)

[The item was conducted in Cantonese.]

93. The Secretary reported that the draft Development Scheme Plan (DSP) was located in Mong Kok (K3) and submitted by the Urban Renewal Authority (URA). AECOM Asia Company Limited (AECOM) was one of the consultants of URA for the DSP and representations/comments had been submitted by Ms Mary Mulvihill (R2 of DSP and R1 of Outline Zoning Plan (OZP)) and URA (C1 for both DSP and OZP). The following Members had declared interests on the item for having affiliation/business dealings with URA or its consultants and the representer, and/or owning properties in the Mong Kok area:

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| Mr Y.S. Wong | - being a non-executive director of the URA Board and a member of its Committees; |
| Mr Andrew C.W. Lai
(as Director of Lands) | - being a non-executive director of the URA Board and a member of its Committee; |
| Mr Ivan M.K. Chung
(as Director of Planning) | - being a non-executive director of the URA Board and a member of its Committee; |
| Mr Lincoln L.H. Huang
(Vice-chairperson) | - being the deputy chairman of Appeal Board Panel of URA; |
| Mr Ricky W.Y. Yu | - being a director of the Board of Urban Renewal Fund of URA, and a director and chief executive officer of Light Be (Social Realty) Company Limited which was a licensed user of a few |

URA's residential units in Sheung Wan;

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|-----------------------|---|
| Dr Lawrence W.C. Poon | - being a former non-executive director of the URA Board and its Committees' former chairman/member, and a former director of the Board of the Urban Renewal Fund of URA; |
| Mr Wilson Y.W. Fung | - being a former director of the Board of the Urban Renewal Fund of URA; |
| Ms Lilian S.K. Law | - being a former director of the Board of the Urban Renewal Fund of URA; |
| Mr Peter K.T. Yuen | - being a member of the Board of Governor of the Hong Kong Arts Centre which received funding from the Urban Renewal Fund of URA; |
| Mr Thomas O.S. Ho | - having current business dealings with URA and AECOM; |
| Dr Conrad T.C. Wong | - having current business dealings with URA and his spouse owning a flat at Prince Edward Road West; |
| Mr K.K. Cheung | - his firm having current business dealings with URA and AECOM, and hiring Mary Mulvihill on a contract basis from time to time; |
| Mr Alex T.H. Lai | - his former firm having current business dealings with URA and AECOM, and hiring Mary Mulvihill on a contract basis from time to time; |
| Dr C.H. Hau | - having past business dealings with AECOM; |

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| Mr Daniel K.S. Lau | - being a member and an ex-employee of Hong Kong Housing Society which was currently in discussion with URA on housing development issues; |
| Mr L.T. Kwok | - the institution he was serving had received sponsorship from URA; |
| Mr Stephen L.H. Liu | - co-owning with spouse a flat and his company owning another flat at Sham Mong Road; |
| Mr Stanley T.S. Choi | - his spouse being a director of a company which owned a property at Nathan Road; and |
| Mr C.H. Tse | - owning a flat at Canton Road. |

94. Members noted that Messrs Ricky W.Y. Yu and Stanley T.S. Choi had tendered apologies for being unable to attend the meeting, and Dr Lawrence W.C. Poon, Messrs Wilson Y.W. Fung, Thomas O.S. Ho, Alex T.H. Lai, L.T. Kwok, Stephen L.H. Liu and Ivan M.K. Chung, and Ms Lilian S.K. Law had already left the meeting. As the item was procedural in nature, Members agreed that the other Members who had declared interests could stay in the meeting.

95. The Secretary briefly introduced TPB Paper No. 10772. On 16.4.2021, the draft URA Shantung Street/Thistle Street DSP No. S/K3/URA4/1 and the draft Mong Kok OZP No. S/K3/33 were exhibited for public inspection under s.5 of the Town Planning Ordinance (the Ordinance). A total of two representations and two comments were received on the DSP, and one representation and two comments were received on the OZP.

96. Since the representations and comments received on the DSP and the OZP were all related to the URA projects of similar nature, the hearing of all the representations and comments was recommended to be considered by the full Town Planning Board (the Board) collectively in one group. To ensure efficiency of the hearing, a maximum of 10 minutes presentation time

would be allotted to each representer/commenter in the hearing session. Consideration of the representations and comments by the full Board was tentatively scheduled for October 2021.

97. After deliberation, the Board agreed that:

- (a) the representations and comments on both the DSP and the OZP should be considered collectively in one group by the Board; and
- (b) a 10-minute presentation time would be allotted to each representer/commenter.

Agenda Item 10

[Open Meeting]

Any Other Business

98. There being no other business, the meeting was closed at 4:05 p.m.