

**Minutes of 1289th Meeting of the
Town Planning Board held on 24.2.2023**

Present

Permanent Secretary for Development
(Planning and Lands)
Ms Doris P.L. Ho

Chairperson

Mr Lincoln L.H. Huang

Vice-chairperson

Mr Wilson Y.W. Fung

Mr Stephen L.H. Liu

Dr C.H. Hau

Miss Winnie W.M. Ng

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Mr K.W. Leung

Professor Jonathan W.C. Wong

Mr Ricky W.Y. Yu

Professor Roger C.K. Chan

Dr Venus Y.H. Lun

Mrs Vivian K.F. Cheung

Mr Vincent K.Y. Ho

Mr Ben S.S. Lui

Mr Timothy K.W. Ma

Ms Bernadette W.S. Tsui

Chief Traffic Engineer (New Territories West)
Transport Department
Ms Carrie K.Y. Leung

Chief Engineer (Works),
Home Affairs Department
Mr Paul Au

Principal Environmental Protection Officer (Territory North)
Environmental Protection Department
Mr Stanley C.F. Lau

Director of Lands
Mr Andrew C.W. Lai

Director of Planning
Mr Ivan M.K. Chung

Deputy Director of Planning/District
Mr C.K. Yip

Secretary

Absent with Apologies

Mr Stanley T.S. Choi

Professor John C.Y. Ng

Dr Conrad T.C. Wong

Mr K.L. Wong

In Attendance

Assistant Director of Planning/Board

Ms Lily Y.M. Yam

Chief Town Planner/Town Planning Board

Ms Josephine Y.M. Lo (a.m.)

Ms Johanna W.Y. Cheng (p.m.)

Senior Town Planner/Town Planning Board

Ms Karen F.Y. Lam (a.m.)

Ms Kitty S.T. Lam (p.m.)

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1288th Meeting held on 10.2.2023

[The item was conducted in Cantonese.]

1. The draft minutes of the 1288th meeting held on 10.2.2023 were confirmed without amendment.

Agenda Item 2

[Open Meeting]

Matters Arising

[This item was conducted in Cantonese.]

(i) Approval of Draft Outline Zoning Plan/Urban Renewal Authority Development Scheme Plan

2. The Secretary reported that on 7.2.2023, the Chief Executive in Council (CE in C) approved the draft Cheung Sha Wan Outline Zoning Plan (OZP) (renumbered as No. S/K5/39) and the Urban Renewal Authority (URA) Cheung Wah Street/Cheung Sha Wan Road Development Scheme Plan (DSP) (renumbered as No. S/K5/URA3/2) under section 9(1)(a) of the Town Planning Ordinance (the Ordinance). The approval of the draft OZP and the draft DSP was notified in the Gazette on 17.2.2023.

(ii) Reference Back of Approved Outline Zoning Plans

3. The Secretary reported that on 7.2.2023, the CE in C referred the approved Fanling/Sheung Shui OZP No. S/FSS/26 and the approved Yau Ma Tei OZP No. S/K2/24 to the Town Planning Board (the Board) for amendment under section 12(1)(b)(ii) of the Ordinance. The reference back of the said OZPs was notified in the Gazette on 17.2.2023.

(iii) Hearing Arrangement for Consideration of Representations and Comments on Draft Outline Zoning Plan and the Draft Urban Renewal Authority Development Scheme Plan

4. The Secretary reported that the item was to seek Members' agreement on the hearing arrangement for consideration of representations and comments in respect of the draft Ma Tau Kok OZP No. S/K10/29 and the draft URA Nga Tsin Wai Road/Carpenter Road DSP No. S/K10/URA3/1.

5. The Secretary reported that the amendments to the draft OZP involved a site at Lung Kong Road, Kowloon City, while the draft DSP involved an area located in Kowloon City and was submitted by URA with Ove Arup & Partners Hong Kong Limited (ARUP) as one of the consultants of URA. A comment (C1) was submitted by URA. The following Members had declared interests on the item:

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| Mr Ivan M.K. Chung
(<i>as Director of Planning</i>) | - being a non-executive director of URA Board and a member of its Committee; |
| Mr Andrew C.W. Lai
(<i>as Director of Lands</i>) | - being a non-executive director of URA Board and a member of its Committee; |
| Mr Timothy K.W. Ma | - being a member of the Land, Rehousing & Compensation Committee of URA, a director of the Board of the Urban Renewal Fund, and a member of the Supervisory Board of the Hong Kong Housing Society (HKHS) which currently had discussion with URA on housing development issues; |
| Dr Conrad T.C. Wong | - having current business dealings with URA; his companies owning four properties in Ma Tau Kok and his daughter owning a property in Kowloon City; |

- Mr Lincoln L.H. Huang
(*Vice-Chairperson*) - being a former Deputy Chairman of the Appeal Board Panel of URA;
- Mr Ben S.S. Lui - being a former Executive Director of URA;
- Mr Ricky W.Y. Yu - being a director of the Board of Urban Renewal Fund, and a director and chief executive officer of Light Be (Social Realty) Co. Ltd. which was a licensed user of a few URA's residential units in Sheung Wan;
- Mr Wilson Y.W. Fung - being a former director of the Board of the Urban Renewal Fund;
- Ms Lilian S.K. Law - being a former director of the Board of the Urban Renewal Fund and a member of HKHS which currently had discussion with URA on housing development issues;
- Mr Daniel K.S. Lau - being a member of HKHS which currently had discussion with URA on housing development issues;
- Mr K.L. Wong - being a member and an ex-employee of HKHS which currently had discussion with URA on housing development issues;
- Mr Franklin Yu - having current business dealings with ARUP; and
- Ms Winnie W.M. Ng - her company owning two properties in Ma Tau Kok.

6. As the item for agreement on hearing arrangement was procedural in nature, all Members who had declared interests relating to the amendment items and/or the commenter under the respective draft OZP or draft DSP should be allowed to stay in the meeting. The Board noted that Dr Conrad T.C. Wong and Mr K. L. Wong had tendered apologies for being

not able to attend the meeting.

7. The Secretary introduced that on 28.10.2022, the draft OZP, which involved mainly a revision to the building height restriction of a site zoned “Government, Institution or Community” at Lung Kong Road, Kowloon City, and the draft DSP were exhibited for public inspection under section 5 of the Ordinance. During the two-month exhibition period, a total of 1 and 60 valid representations were received for the draft OZP and the draft DSP respectively. The valid representations were subsequently published on 20.1.2023 for three weeks and a total of 1 and 24 valid comments were received for the draft OZP and draft DSP respectively.

8. The Secretary reported that in view of the similar nature of the representations and comments of the draft OZP/draft DSP, the hearing of all valid representations and comments for the draft OZP/draft DSP was recommended to be considered by the full Board collectively in one group. To ensure efficiency of the hearings, a maximum of 10 minutes presentation time would be allotted to each representer/commenter for the draft OZP/draft DSP in the hearing session. Consideration of the representations and comments by the full Board was tentatively scheduled for April 2023.

[Messrs Franklin Yu and Ricky W.Y. Yu and Dr Venus Y.H. Lun joined the meeting at this point.]

Tuen Mun and Yuen Long West District

Agenda Item 3

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments in respect of the Draft Tuen Mun Outline Zoning Plan No. S/TM/36

(TPB Paper No. 10882)

[The item was conducted in Cantonese and English.]

9. The Secretary reported that Amendment Item A1 (Item A1) on the draft Tuen Mun Outline Zoning Plan No. S/TM/36 (draft OZP) involved rezoning of a site at Hoi Wong Road

in Tuen Mun Area 16 which was supported by a consultancy study commissioned by the Mass Transit Railway Corporation Limited (MTRCL), and AECOM Asia Company Limited (AECOM) was one of the consultants; Amendment Item D (Item D) involved a s.12A application with Ove Arup & Partners Hong Kong Limited (ARUP) as the consultant of the applicant; and Amendment Item E (Item E) involved a s. 12A application for columbarium use. A representation had been submitted by ARUP who was the agent of a representer (R1).

10. The following Members had declared interests on the item:

- Mr Franklin Yu - having current business dealings with ARUP;
- Dr C.H. Hau - having past business dealings with AECOM;
- Dr Conrad T.C. Wong - having current business dealings with MTRCL and AECOM;
- Mr Vincent K.Y. Ho - having current business dealings with AECOM;
- Mr. Lincoln L.H. Huang - being a member of Private Columbaria Appeal Board (PCAB); and
- Mr Timothy K.W. Ma - being a member of PCAB.

11. Members noted that Dr Conrad T.C. Wong had tendered apologies for being not able to attend the meeting. As Dr C.H. Hau and Messrs Franklin Yu and Vincent K.Y. Ho had no involvement in the OZP amendments and/or the submission of the relevant representation, they could stay in the meeting. Members also agreed that the interests of Messrs Lincoln L.H. Huang and Timothy K.W. Ma in relation to PCAB were considered indirect, and they could stay in the meeting.

Presentation and Question Sessions

12. The Chairperson said that notifications had been given to the representers 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 representers and commenters, Members agreed to proceed with the hearing of the representations and comments in their absence.

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

Government Representatives

Planning Department (PlanD)

- Mr Raymond H.F. Au - District Planning Officer/Tuen Mun and Yuen Long West (DPO/TMYLW)
- Ms Janet K.K. Cheung - Senior Town Planner/Tuen Mun and Yuen Long West (STP/TMYLW)
- Ms Ivy S.W. Chu - Town Planner/Tuen Mun and Yuen Long West

Highways Department (HyD)

- Mr Eddy K.Y. Kam - Senior Engineer/Railway Scheme

Representers and Commenter

R3 – Kwok Wah Cheong

R4 – Kwok Wah Inn

- Kwok Wah Inn - Representer and Representer's Representative

R5/C2 – Mary Mulvihill

- Mary Mulvihill - Representer and Commenter

14. The Chairperson extended a welcome. She then briefly explained the procedures of the hearing. She said that PlanD's representative would be invited to brief Members on the representations and comments. The representer, commenter, and representer's representative

would then be invited to make oral submissions. To ensure efficient operation of the hearing, each presenter, commenter, and presenter's representative would be allotted 10 minutes for making presentation. There was a timer device to alert the presenter, commenter, and presenter's representative 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 the presenter, commenter, presenter's representative had completed their oral submissions. Members could direct their questions to the government representatives or the presenter, commenter, and presenter's representative. After the Q&A session, the government representatives, the presenter, commenter, and presenter's representative would be invited to leave the meeting. The Board would then deliberate on the representations and comments in their absence and inform the presenters 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. With the aid of a PowerPoint presentation, Ms Janet K.K. Cheung, STP/TMYLW, briefed Members on the representations and comments, including the background of the draft OZP, the grounds/views of the presenters and commenters and PlanD's views on the representations and comments as detailed in TPB Paper No. 10882 (the Paper).

16. The Chairperson then invited the presenters, commenter, and presenter's representative to elaborate on their representations/comments:

R3 – Kwok Wah Cheong

R4 – Kwok Wah Inn

17. With the aid of a PowerPoint presentation, Mr Kwok Wah Inn made the following main points:

- (a) the residential portion for development at the site of Item A1 (Item A1 Site) should be reduced by at least 50% with major portion of it dedicated for commercial/office uses. With the provision of job opportunities at the Item A1 Site, the residents of Tuen Mun and nearby areas could be benefited by alleviating the need of long commuting time, i.e. three hours per day, to and from the central

business districts (CBDs) for work;

- (b) the overall home-job spatial planning in Hong Kong, with new housing supply mainly in the western part of the New Territories and new job opportunities in the eastern part of Hong Kong and Kowloon, was unreasonable. It was roughly estimated that there would be about 76,000 new flats and about 215,000 additional population in Tuen Mun area based on the known development projects in the next 10 years. With such huge population increase, the Government should refrain planning further residential developments in Tuen Mun area. Apart from meeting the pressing needs for housing, the Government should not overlook other social needs or problems which were yet to be resolved;
- (c) while the demand for commercial or office floor space might be market-driven, the Government should take the lead to relocate certain government offices and facilities from the main urban area to the New Territories, thereby improving the home-job spatial balance and alleviating the pressure on cross-district traffic in the long run;
- (d) PlanD claimed that about 150,000 job opportunities would be provided in Hung Shui Kiu (i.e. Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA)). However, most of the job opportunities would likely be taken up by the future population in HSK/HT NDA, sparing limited places for residents in other areas. Since land resumption was required for the implementation of HSK/HT NDA, the provision of job opportunities therein would likely be delayed, whereas Item A1 Site being a government land could be developed immediately for commercial/office uses in order to provide job opportunities;
- (e) comparing two pictures of the Victoria Harbour taken respectively in the 1960s and nowadays, it could be seen that the harbour nowadays was not as vibrant as in the 1960s in terms of the amount of vessels sailing therein. The function of the Victoria Harbour was diminishing and the need to protect and spare it from reclamation should be reviewed. To compensate for the loss of housing units at the Item A1 Site if it was to be developed for commercial uses, some water areas of the Victoria Harbour such as those near Yau Tong Bay, Kai Tak and Sai Wan

could be reclaimed for housing development. To this end, it was suggested to review the Protection of the Harbour Ordinance with a view to providing greater leeway for housing development and supply of housing units;

- (f) the development concept of CBDs should be abandoned, and some fringe areas of CBDs, e.g. North Point, Quarry Bay and Wong Chuk Hang, should be retained or converted for residential use. Also, more sites at Kai Tak Development Area should be reserved for residential use; and
- (g) to conclude, Members were invited to consider if the overall home-job spatial planning of the territory and the resulted three-hour commuting for work were reasonable; and if the concept of protection of Victoria Harbour should be abandoned.

[Ms Sandy H.Y. Wong joined the meeting during Mr Kwok's presentation.]

R5/C2 – Mary Mulvihill

18. With the aid of visualizer, Ms Mary Mulvihill made the following main points:

- (a) the future large development at the Item A1 Site would radically change the development pattern of the district. Rezoning the site for housing development was unnecessary since there was a lot of vacant housing units throughout the territory. Instead, the site should be rezoned for commercial development;
- (b) the Government had recently announced that lease conditions of providing starter homes and youth hostels would be included in some land sales sites. However, such conditions were not included for the sites to be developed by MTRCL or the URA. Such requirements should be consistently applied to both public and private development sites;
- (c) it was unacceptable to grant the Item A1 Site, which was a piece of government land, to MTRCL for private development for bridging the funding gap. The Item A1 Site should be developed to provide a mixture of public and private housing

units akin to the arrangement for the development site at Siu Ho Wan Depot;

- (d) the concept of iconic building at the Item A1 Site was doubtful. The community of commuting ardeids would be endangered by the proposed high-rise development at the site;
- (e) most Members of Tuen Mun District Council had been unanimously asking for more job opportunities in the district so that residents did not have to suffer from long commuting time to and from the main urban area for work. The business integration with the Mainland and the implementation of the Northern Metropolis would help shift job opportunities from Hong Kong Island to the New Territories North;
- (f) the proposed re-provisioned riverfront promenade along the Tuen Mun River Channel at the Item A1 Site would be similar to other waterfront developments in Hong Kong in that only casual food and beverage services would be provided. There were no requirements in the rezoning amendment that sufficient refreshment facilities at various cost levels and comfortable sitting out spaces would be provided;
- (g) the existing Tuen Mun Swimming Pool (TMSP) at the Item A1 Site to be affected by the proposed housing development was a complex with various types of pools which could not be fully reprovisioned at the Tuen Mun Golf Course, where the site was already occupied by other recreational facilities. Details on the reprovisioning of TMSP were insufficient. A swimming pool should be provided at the Item A1 Site serving not only the future residents thereat but also those living in the neighbourhood;
- (h) the approval of the rezoning application in relation to Item D was due to the decision of the Court of First Instance (CFI). The rezoning proposal would result in a development tower with limited government, institution and community (GIC) facility for the community. Hence, Item D should not be agreed and there could be alternatives such as retaining Item D Site as “Green Belt” (“GB”) and “Government, Institution or Community” (“G/IC”) zones; and

- (i) for Item E, as the number of niches had been doubled when compared with the rejected application (No. Y/TM/8) in 2013 and that the majority of the niches had not been sold, the traffic impact of the columbarium at Item E Site could not be ascertained based on the current condition of niches occupation.

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

Job Opportunities

20. Members raised the following questions:

- (a) noting that a non-domestic plot ratio of about 0.5 was stipulated for the Item A1 Site, the reason for not proposing any office use at the site to provide more job opportunities and how the need for jobs of future population at the Item A1 Site could be met;
- (b) the employment profile of the existing population in Tuen Mun and whether the population was engaged in local employment or worked in other districts;
- (c) with over 40% of the population in Tuen Mun traveling across districts for work, what the major transport means for commuting to the main urban area; and whether the carrying capacity of railway (i.e. Tuen Ma Line) and road (i.e. Tuen Mun Road) would be sufficient to cater for the future population; and
- (d) the type of jobs provided or to be provided in Tuen Mun, such as those in Tuen Mun Town Centre (TMTC) and HSK/HT NDA, and whether such job opportunities would match with the population profile of the Tuen Mun District; and information about the figures of commercial floor space and job opportunities

in TMTC and areas zoned “CDA” in the vicinity.

21. In response, Mr. Raymond Au, DPO/TMYLW, made the following main points:

- (a) the Item A1 Site was located in a well-established residential neighbourhood with various GIC and supporting facilities. With the newly planned railway station and public transport interchange (PTI), the accessibility of the Item A1 Site would be largely enhanced, rendering it a suitable site for mainly residential development under the transit-oriented development (TOD) concept. The proposed development with a non-domestic gross floor area (GFA) of 31,000 m² would enable the provision of a sizeable shopping mall and bring about a variety of job opportunities, such as those in retail and dining, services, and property management sectors;
- (b) since about half of the Tuen Mun District’s working population needed to travel across districts for work, Item A1 with the proposed commercial/residential development at the proposed new A16 station with a PTI would provide convenient transfer points to the town centre and various locations; and
- (c) regarding job opportunities in Tuen Mun, the major employment hub was located in TMTC where a large amount of commercial and industrial floorspaces were provided in the commercial complexes located along Tuen Mun Heung Sze Wui Road and Tuen Mun Road, and the Tuen Mun Industrial Area in Areas 9 and 12 respectively. There was no information on hand regarding the figures of commercial floor space and job opportunities in TMTC and areas zoned “CDA”. In the long term, HSK/HT NDA would provide various types of economic activities, offering about 150,000 job opportunities in commercial (i.e. 75,000 job opportunities), special industries (i.e. 61,000 job opportunities in industrial use, logistics facilities and storage use etc.) and community services sectors (i.e. 14,000 job opportunities), which would help redress the current shortfall of jobs in the North West New Territories.

22. The Chairperson remarked that the provision of job opportunities could also be perceived from a wider spatial context. Diversified job opportunities were provided or would

be provided not only in the Tuen Mun District, but also in other parts of the New Territories, such as the North West New Territories, North East New Territories and Northern Metropolis. The strategic road network with the planned Route 11 and the associated major roads would significantly improve the connections between Tuen Mun and other development nodes such as San Tin, Yuen Long and Lok Ma Chau. Internally, traffic congestion within the core area of Tuen Mun District could be alleviated when the planned Tuen Mun Bypass and the Tuen Mun South Extension (TME) of Tuen Ma Line were in place. When the transport networks and traffic conditions were improved, residents in Tuen Mun could commute to other districts in a shorter time. Besides, the latest completed Tuen Mun-Chek Lap Kok Link as well as the proposed strategic railway from the planned Kau Yi Chau Artificial Islands connecting Tuen Mun and Sunny Bay also served/would serve as additional strategic routes to connect with the Hong Kong International Airport where a wide range of job opportunities was available.

23. A Member asked Ms Mary Mulvihill (R5/C2) on how the private sector could be attracted to set up their businesses in Tuen Mun. In response, Ms Mulvihill said that the small-medium enterprises would prefer locations with more affordable premises. Also, people were now more used to working at home or having online office so that location preference would not be a main concern. That said, Tuen Mun also possessed locational advantage of being close to the Mainland which might be attractive for certain kinds of businesses. However, there was no assessment on what the private sectors were looking for in setting up business. The Government should take the lead to relocate government offices to Tuen Mun as an anchor for attracting businesses to move to the district.

Housing Supply

24. The Chairperson and a Member enquired about the public-private housing ratio of Tuen Mun District in light of the known planned housing developments in the district. In response, Mr. Raymond Au, DPO/TMYLW, said that taking into account all rezoned housing development sites on the Tuen Mun OZP, the public-private housing ratio was about 57:43 for the OZP area, whereas amongst the 20 sites rezoned for housing developments in Tuen Mun District from 2014 to 2021, about 35,100 flats were for public housing and about 8,200 flats for private housing with a public-private housing ratio of about 81:19.

25. A Member raised the following questions to Mr Kwok Wah Inn (R4 and R3's

representative):

- (a) whether the photos of Victoria Harbour Mr. Kwok shown to Members were taken at the same angle which could duly reflect the situations of the Victoria Harbour at different time horizons; and
- (b) in view of the current demand for housing and the existence of larger number of sub-divided units, on what basis the suggested removal of 8,000 units at the Item A1 Site was justified.

26. In response, Mr Kwok Wah Inn (R4 and R3's representative) made the following main points:

- (a) despite that the two photos were taken from the east and the west of the Victoria Harbour respectively, undeniably more vessels in the harbour were observed in the old days. Whilst the Victoria Harbour was arguably the precious natural asset of Hong Kong, the water areas outside the central part of the harbour such as Yau Tong Bay and Sai Wan could be reclaimed for residential development in order to compensate for the loss of units if the Item A1 Site was developed for commercial uses; and
- (b) the pressing demand for housing was not the only problem that the Government needed to resolve, and the issue of sub-divided units would not be eliminated by the increase of housing supply. There was concentration of sub-divided units in Sham Shui Po due to the presence of job opportunities in the area. It was considered worthwhile to rezone the Item A1 Site for commercial use in view of the need for more job opportunities in Tuen Mun.

Re-provisioning of Affected Facilities

27. Some Members raised the following questions:

- (a) the interim arrangement for the facilities affected by Items A1 and B; and

(b) details of the reprovisioning of TMSP in terms of quantity and quality.

28. In response, Mr. Raymond Au, DPO/TMYLW, made the following main points:

(a) according to MTRCL's proposal, it was their intention to reprovision the TMSP at the existing putting green area of Tuen Mun Golf Centre prior to the demolition of TMSP. Besides, the services of Tuen Mun Clinic would be temporarily reprovisioned in other areas in Tuen Mun during the construction period and would be reprovided with enhanced services at the site in long term; and

(b) the new TMSP would be developed as a multi-storey swimming pool complex with improved facilities and increased number of seats at the spectator stands. Compared with the existing TMSP, the total surface water of the swimming pools would increase despite the number of swimming pools would be reduced by one. The reprovisioning of the TMSP would be subject to detailed design by MTRCL in accordance with the requirements of the Leisure and Cultural Services Department (LCSD).

29. A Member noted that a portion of the Construction Industry Council (CIC) Tuen Mun Training Ground would be affected by the proposed development at the Item A1 Site, and asked about the relocation arrangement for the Training Ground and if there was any long term planning for the Training Ground site. In response, Mr. Raymond Au, DPO/TMYLW, said that the area to the south of the Item A1 Site would be developed into a sports ground by LCSD to be completed by 2027/2028 tentatively. Relevant government departments would help identify a suitable site for the reprovisioning of the CIC Training Ground.

GIC Facilities

30. Some Members, having noted that there would be shortfalls in the provision of RCHE, community care services facilities and child care centres (the concerned facilities) in the area according to the population-based planning standards for these facilities under the Hong Kong Planning Standards and Guidelines (HKPSG), enquired whether the remark of a long-term target assessed on a 'wider spatial context' (as shown in Annex VII of the Paper) implied that the differences in provision of concerned facilities amongst different areas with

reference to HKPSG had been taken into account, and how such shortfall in Tuen Mun District could be met. In response, Mr. Raymond Au, DPO/TMYLW, said that in applying HKPSG for assessment of provision of the concerned facilities, the spatial distribution and differences in the provisions of such facilities among different areas, as well as the demand for such facilities as a result of population growth and demographic changes would be considered by the Social Welfare Department (SWD). As the HKPSG requirements for the concerned facilities were a long-term goal, the actual provision would be subject to consideration of the SWD in the planning and development process as appropriate. PlanD and SWD would maintain close liaison to identify suitable sites or premises for provision of social welfare facilities to address the shortfalls. The policy initiative of providing floor area of not less than 5% of the domestic GFA of public housing development for provision of social welfare facilities could also help meeting the shortfalls.

31. In response to a Member's question on the provision of GIC facilities at the Item A1 Site with reference to paragraph 4.1.4 of the Paper, Mr. Raymond Au, DPO/TMYLW, said that there would be 150 new places for RCHE and 30 places of day care units for the elderly at the proposed development at the Item A1 Site; and 200 new RCHE places at the redeveloped Tuen Mun Clinic site at the Item B Site.

Riverfront Promenade and Pedstrian Connectivity

32. Some Members raised the following questions:

- (a) opening hours of the section of riverside promenade within the Item A1 Site;
- (b) pedestrian connectivity of the Item A1 Site and the surrounding areas upon development; and
- (c) noting that the existing riverside promenade would be partially covered by the proposed A16 Station and the viaduct of TME, how the aesthetic value of the proposed structures and the riverside promenade could be enhanced and the potential noise impacts arising from the railway could be mitigated.

33. In response, Mr. Raymond Au, DPO/TMYLW, made the following main points:

- (a) the promenade would be open for public access on a 24-hour basis;
- (b) for the Item A1 Site, MTRCL had proposed a comprehensive pedestrian network with footbridges and pedestrian (with or without covered) walkways/crossings connecting the proposed development with the adjoining areas. At the ground level, pedestrians could gain access to the Item A1 Site via Tuen Mun River promenade in the west, the future A16 Sports Ground in the south and pedestrian crossings at Hoi Wong Road in the east. Ground floor entrances of the proposed A16 Station would be connected to the promenade and the internal pedestrian access within the proposed development. To further enhance pedestrian connectivity among the proposed A16 Station, the PTI, retail and community facilities within the proposed development and the nearby neighbourhoods, six new footbridges were also proposed at the podium level of the proposed development at the Item A1 Site; and
- (c) the detailed design of the TME viaduct, A16 Station as well as the riverside promenade would be determined under the TME project by MTRCL. The potential noise impact arising from TME had been assessed in the Environmental Impact Assessment (EIA) report for the TME project under the EIA Ordinance. During the construction of the proposed development and TME, environmental impacts in terms of air and noise would be mitigated with appropriate measures such as the provision of noise barriers, and the site would not be subject to adverse noise impact from the future railway.

Amendment Item D

34. Regarding the agreed s.12A application No. Y/TM/20 in relation to Item D, a Member asked if the decision making of the Board in considering similar application in future would be bounded by the CFI's ruling. In response, Mr. Raymond Au, DPO/TM&YLV, said that the said application for rezoning the site from "GB" to "Residential (Group A)27" to facilitate a proposed residential development with social welfare facility was originally rejected by the Rural and New Town Planning Committee (RNTPC) of the Board in 2020 on the grounds of setting an undesirable precedent, causing adverse cumulative impacts on the surrounding

areas, and failing to adopt comprehensive planning approach for the site and the adjoining lots. Subsequently, the applicant lodged a judicial review (JR) application against the decision of RNTPC. In 2021, the CFI allowed the JR and ordered to remit the matter to the Board for reconsideration on the grounds that the rezoning application should be assessed based on its own merits and circumstances, the adoption of a comprehensive planning approach should not be insisted upon, and approval of the application would unlikely set a new precedent on land use compatibility in light of the fact that high-rise and high-density residential buildings were present and planned in the surroundings of the site. On 22.4.2022, the RNTPC reconsidered and agreed to the application on the considerations that the proposed development was not incompatible with the surroundings in terms of land use, landscape character, and the technical assessments undertaken by the applicant demonstrated that the proposed development would not cause significant adverse impacts on the surroundings in terms of traffic, visual and air ventilation aspects. The decision making of the Board in considering future similar case would not be bounded by the CFI's ruling as each case should be considered on its individual merit.

35. As Members had no further questions to raise, the Chairperson said that the Q&A session was completed. She thanked government representatives and the representers, commenter and the representer's representative for attending the meeting. The Board would deliberate the representations and comments in closed meeting and would inform the representers and commenters of the Board's decision in due course. The government representatives and the representers, commenter, representer's representative left the meeting at this point.

[Mrs. Vivian K.F. Cheung left the meeting temporarily during the Q&A Session.]

[The meeting was adjourned for a 5-minute break. Miss Winnie W.M. Ng left the meeting during the break.]

Deliberation Session

36. The Chairperson remarked that there were several amendments items which included the proposed development at A16 station of TME (Item A1), redevelopment of the Tuen Mun Clinic site with relaxation of building height restriction (Item B), rezoning of two

sites to take forward the agreed s.12A applications (Item D and Item E) with one of which involving a JR, and other amendments to reflect the as-built conditions. In relation to Item A1, the Chairperson made the following main points:

- (a) the proposed development at the Item A1 Site was based on the “Rail-plus-Property development” (“R+P”) model which would bring about significant benefits in optimising the integration between property developments and railway infrastructures while bridging the funding gap for the construction of TME. Tuen Mun was a highly built-up area and it would be very difficult to identify a suitable “R+P” site. Item A1 Site being a piece of government land of about 6 hectares offered a very good opportunity for such development. Besides, having regard to the public-private housing ratio of about 6:4 ratio for Tuen Mun OZP area and the site context, the Item A1 Site was proposed for private housing development;
- (b) currently the spatial distribution of population and employment was imbalanced in the New Territories West. High percentage of Tuen Mun residents needed to commute for long hours across districts for work. While such imbalanced distribution could not be rectified by rezoning a site or two to commercial uses in Tuen Mun, it could be improved through encouragement of local employment in a wider geographical context by better integrating land use planning with development of industries, improving the transport connectivity of different regions, and optimising the planning of major economic development nodes such as San Tin Technopole in the Northern Metropolis so as to facilitate the redistribution of job places and to provide more diversified employment opportunities in the New Territories; and
- (c) concerning the provision of GIC facilities, some social welfare facilities would be provided at the Item A1 Site. Moreover, under the latest policy initiative, equivalent to 5% of domestic GFA of new public housing projects would be set aside for the provision of social welfare facilities, such as those most needed ones for elderly and disabled, as far as practicable. With the various ongoing public housing projects in Tuen Mun, it was envisaged that the deficit in various social welfare facilities could be better met in the next five years.

37. The Chairperson then invited views from Members. While Members generally supported the amendments to the draft OZP, they had the following major views.

Item A1

38. The Vice-chairperson remarked that the funding arrangement of TME was only a background information for the proposed development at the Item A1 Site which should not be a material consideration of the Board. The Board should consider mainly the suitability and compatibility of the site for the proposed commercial/residential development.

39. Some Members remarked that the TOD concept was a successful development model in Hong Kong, and the Item A1 Site being situated in an established area of high-rise high-density residential developments was considered suitable for developing into a commercial/residential development integrated with A16 station of TME and a PTI. Such railway station with topside development would provide a precious opportunity to unlock the development potential of the area. The implementation of the proposed development at the Item A1 Site should be expedited. A Member considered that the irregular southern boundary of the Item A1 Site was undesirable and suggested that it be rationalised if possible.

Cross-district Employment

40. A Member expressed that a balanced spatial distribution of population and employment was important and this would require comprehensive planning and Government's policy initiative to decentralise commercial uses to other parts of the territory. For instance, the development of HSK/HT NDA would provide a wide spectrum of job opportunities. Notwithstanding that, major government facilities/offices would be a driving factor for the enterprises in considering where to establish or relocate their businesses, which in turn would become a source of job opportunities. Hence, the Government should consider moving some of their facilities/offices to the New Territories so as to create such driving factor.

41. Some Members considered that some people might not necessarily like to work and live within the same district for various reasons. Hence, shortening the commuting time for work for Tuen Mun residents would also be important to provide more choices of work

locations.

GIC Facilities and TMSP

42. A Member, whilst noting the population-based standards in the HKPSG in respect of various facilities and services, suggested that different standards could be applied for different districts taking into account their individual circumstances and population profile etc. A Member echoed and added that there had been an increasing demand for elderly facilities as a result of ageing population and keen local demand for child care services. The Government, including the Development Bureau, PlanD and SWD, should work closely together in the planning and development process to address the acute shortfall in various social welfare facilities.

43. A Member noted that the reprovisioning of TMSP would result in the reduction of one swimming pool and asked if it was possible to open the private swimming pool in the future development at the Item A1 Site for public use.

Riverside Promenade and Landscaping

44. Some Members expressed concern on the design of the section of riverside promenade within the Item A1 Site in relation to the proposed A16 station and viaduct of TME. The current design as presented in the Paper was not appealing, with part of the promenade partially covered by the proposed A16 station, resulting in a large enclosed area with many columns. MTRCL should refine the design at the detailed design stage with a view to creating a riverside promenade with extensive landscaping and facilities and providing a spacious environment for the visitors to relax and enjoy the view of the Tuen Mun River Channel. A Member suggested that consideration could be given to extending the promenade by provision of boardwalk over the river channel so as to make the promenade more interesting and vibrant.

45. A Member expressed that with a relatively large site area, MTRCL should be able to achieve a better landscaping design with urban diversity for the future development at the Item A1 Site. Impacts on the egretty in the vicinity should also be taken into consideration.

Item D

46. In response to some Members' enquiries, the Secretary briefly recapitulated the background of the s. 12A application No. Y/TM/20 in relation to Item D, including the application site, the rezoning proposal, RNTPC's consideration and decision, as well as CFI's decision.

47. A Member considered that the rezoning proposal under application No. Y/TM/20 was merely a high density residential development without much planning gain. Noting the planning intention of "GB" was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl and there was a general presumption against development within the zone, the rezoning of the site might set an undesirable precedent for similar applications within the "GB" zone, hence defeating the planning intention and purpose of "GB" zoning.

48. A Member opined that the area to the west of the "GB" zone across Castle Peak Road already formed part of a well-established residential area. As such, the proposed residential development at the site was not incompatible with the surroundings and approval of the rezoning application was not unreasonable. That said, a more cautious approach should be adopted for considering rezoning of "GB" zones located further away from Castle Peak Road.

49. The Chairperson informed that over 40% of the land of the territory was designated as country parks and there were about 16 000 hectares of "GB" zones acting as the buffer between country park and developed areas. The Government had been undertaking review on "GB" zones for increasing housing land supply and only those "GB" zones found to be relatively less valuable would be proposed for housing development. The Board had performed the gatekeeper role in considering various proposals for rezoning "GB" for housing developments in the past few years. Whether a "GB" could be rezoned for other developments would depend on the context and condition of that "GB" zone, and such rezoning proposal should be considered on a case-by-case basis.

50. In view of Members' views and concerns, the Chairperson made the following main points:

- (a) to achieve a better balance between population and employment and attract the relocation of businesses to other parts of the territory, the Government had started to take the initiative to plan for moving some government offices to new development areas, e.g. some offices in Queensway Government Offices to be moved to Kwu Tung North. The Government would continue such efforts for relocating those offices which needed not be located in the main urban areas;
- (b) it was difficult to open a private swimming pool within a private residential development for public use at the Item A1 Site. As demonstrated in a previous relevant project, i.e. reprovisioning of Kennedy Town Swimming Pool for the construction of West Island Line extension which was highly praised by the users, MTRCL should be capable of making proper design and arrangement for the reprovisioning of TMSP;
- (c) SWD could be invited to brief Members on the current planning of social welfare facilities in addressing the need and shortfalls; and
- (d) MTRCL should be advised to enhance the design of the riverside promenade in relation to the proposed A16 station with a view to improving the visual quality and utilization of the space thereat. Besides, a master layout plan for the proposed development at the Item A1 Site would be required as an administrative measure under the lease to ensure the site would be developed and designed in an integrated manner.

51. Members considered that the OZP amendments were appropriate. Members also agreed that there was no need to amend the draft OZP to meet the adverse representations and that all 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 the government representative at the meeting.

52. After deliberation, the Board noted the supportive views of **R1(Part)** and **R5(Part)** and the views of **R2** and decided not to uphold **R1(Part)**, **R3 to R5(Part)**, and agreed that the draft OZP should not be amended to meet the representations for the following reasons:

Item A1

- “(a) the Item A1 Site is located in a well-established residential neighbourhood with various Government, institution and community (GIC) and supporting facilities in Area 16. Positioning as the southern gateway of Tuen Mun New Town with the new planned railway station and public transport interchange (PTI), the accessibility of the Item A1 Site will be largely enhanced, and the site is suitable for mainly residential development under the transit-oriented development concept. As an integrated development of residential and commercial uses cum railway facilities and PTI with open space and GIC facilities, the Item A1 site is zoned “Other Specified Uses” annotated “Commercial/Residential Development with Public Transport Interchange” on the outline zoning plan to facilitate the proposed development. A master layout plan would be required from the project proponent as an administrative measure under the lease for the proposed development to ensure the site would be developed and designed in an integrated manner (**R3, R4 and R5(Part)**);
- (b) a rezoning study with technical assessments on the potential impacts of various aspects, including traffic, visual, air ventilation, landscape, environmental, ecological and infrastructural, has been carried out and confirmed that no insurmountable technical problem is envisaged for the proposed development at the site. Under the rezoning study, relevant mitigation measures have been proposed to minimise the potential impacts of the proposed development (**R3, R4 and R5(Part)**);
- (c) the existing facilities affected by the Tuen Mun South Extension (TME) railway project and Item A1 include the section of riverside promenade within the site, Tuen Mun Swimming Pool (TMSP), Hoi Wong Road Garden and Tuen Mun Community Green Station. The section of riverside promenade within the Item A1 Site will be re-provisioned and revitalised for creating a vibrant and unique promenade environment for enjoyment of the public under the proposed development. TMSP, Hoi Wong Road Garden and Tuen Mun Community Green Station will be re-provisioned at the practice greens in Tuen Mun Golf Centre, the government land adjacent to the Tuen Mun River (Eastern Bank) Garden and the landscape site at Lung Chak Road underneath the Lung Fu Road

flyover respectively. Re-provisioning of TMSP, Hoi Wong Road Garden and Tuen Mun Community Green Station will continue to be followed up under the TME Railway Project by Mass Transit Railway Corporation Limited (MTRCL). The planned sports ground to the immediate south of Item A1 Site will not be affected by Item A1 (**R3, R4 and R5(Part)**);

- (d) given that the primary purpose of granting property development right to MTRCL is to provide funding for railway projects, pursuing private housing development at the site would help optimise the value of the development site. There is a need to adopt a multi-pronged approach to identify suitable land to meet the need for both public and private housing (**R5(Part)**);

Item D

- (e) Item D is to take forward the decision of the Rural and New Town Planning Committee on the agreed s.12A application No. Y/TM/20. The rezoning of the Item D Site from “GB”, “G/IC” and area shown as ‘Road’ to “R(A)27” subject to a maximum domestic PR of 6 or non-domestic PR of 9.5 and a maximum BH of 100mPD to facilitate a high-density residential development with social welfare facility is considered not incompatible with the surrounding areas. The technical assessments on the potential impacts of various aspects, including traffic, visual, air ventilation, landscape, environmental and infrastructural undertaken by the applicant have demonstrated that the proposed development would not cause significant adverse impacts to the surroundings (**R5(Part)**);
- (f) R1’s suggestion is related to another s.12A application (No. Y/TM/30) which is still being processed in accordance with the relevant provisions of the Town Planning Ordinance and no decision by the Rural and New Town Planning Committee has yet been made (**R1(Part)**);

Item E

- (g) Item E is to take forward the decision of the Rural and New Town Planning Committee on the agreed s.12A application No. Y/TM/23. The rezoning of the site from “GB” to “G/IC(2)” subject to a maximum BH of 2 storeys and a maximum number of niches for the existing columbarium is considered

appropriate to facilitate columbarium use. The technical assessments undertaken by the applicant have demonstrated that the proposal would not have significant traffic, noise, air quality, sewerage, drainage, landscape and visual impacts on the surroundings (**R5(Part)**); and

Others

(d) the planned GIC facilities are generally sufficient to meet the demand of the planned population in the Tuen Mun District in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG) and the requirements by relevant Government bureaux/departments, except for hospital beds, clinic/health centre, some elderly, childcare and rehabilitation services/facilities and sports centre. The proposed developments under Items A1, B and D would provide appropriate social welfare, clinical/healthcare and other GIC facilities to meet the needs of the future residents in the Tuen Mun District. The provision of community facilities will be closely monitored by the relevant Government bureaux/departments. The planned local and district open space provisions in the Tuen Mun District are also sufficient to meet the relevant requirements under HKPSG (**R2** and **R5(Part)**).”

53. The Board also agreed that the draft OZP, together with its 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.

Shatin, Tai Po & North District

Agenda Item 4

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-KLH/611

Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 857 RP in D.D. 9, Tai Wo Village, Tai Po

(TPB Paper No. 10883)

[The item was conducted in Cantonese.]

Presentation and Question Sessions

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

PlanD

- | | |
|-----------------------|---|
| Ms Margaret H.Y. Chan | - District Planning Officer/Shan Tin, Tai Po & North District (DPO/STN) |
| Mr Harris K. C. Liu | - Senior Town Planner/Shan Tin, Tai Po & North District (STP/STN) |

Applicant's Representatives

- | | |
|-----------------|-----------------------------------|
| Mr Ip Kwoon Fat | - the then Village Representative |
| Mr Fung Ho Kee | - Rocky Fung Surveying Company |

55. 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.

56. With the aid of a PowerPoint presentation, Mr Harris K. C. Liu, STP/STN, briefed Members on the background of the review application including the application site (the Site) and the surrounding areas, the applicant's proposal and justifications, departmental and public comments, the decision of the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board), and planning considerations and assessments as detailed in TPB Paper No. 10883 (the Paper). PlanD maintained its previous view of not supporting the application.

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

58. With the aid of the visualiser, Mr Fung Ho Kee, the applicant's representative, made

the following main points:

- (a) the Site was the subject of a previous application No. A/NE-KLH/275 for the same use, i.e. Small House (SH), which was approved with conditions by RNTPC in 2001. However, the applicant of application No. A/NE-KLH/275 did not pursue the SH development at the Site nor apply for a renewal of the planning approval before its expiry in 2005. With an understanding that SH development at the Site was previously allowed, the current applicant acquired the Site in 2010 for such purpose;
- (b) since 2013, the applicant of the current application had submitted four applications for SH development at the Site which were all rejected by the RNTPC or the Board. For one of the rejection reasons related to the Drainage Services Department's concern of having no public sewers available nearby for connection with the Site, the applicant had submitted sewerage connection proposal to address such concern under the recent previous application;
- (c) as noted from paragraph 7.3 of the Paper, the total number of outstanding SH applications for Yuen Leng, Kau Lung Hang and Tai Wo Villages was 124 while the 10-year SH demand forecast was 894, and about 8.3 ha of land (equivalent to about 331 SH sites) were available within the "Village Type Development" ("V") zones of the concerned villages. Hence, it was considered that there was insufficient land available within the "V" zones in meeting the 10-year Small House demand forecast of 894. There was actually a shortfall of two-thirds of the demand. Hence, the rejection reason related to sufficient land supply for SH development in the "V" zones was unreasonable;
- (d) there were existing SHs to the immediate north and northeast of the Site. Other domestic structures could also be found in the vicinity. It was considered that the Site was in a location in close proximity to existing village cluster which was highly and orderly developed as illustrated in Plan R-3 of the Paper and Plan A-2a of the Annex A of the Paper;
- (e) Tai Wo Village in the south and Yuen Leng Village in the north were physically

separated by an access road and the administrative management of the two villages were independent from each other. Cross-village application for SH development would only be possible if it was agreed by all villagers of the receiving village. Hence, while the applicant was an indigenous villager of Tai Wo Village, as the Site was located to the north of the said access road, cross-village application (from Tai Wo Village to Yuen Leng Village) for SH development had to be agreed by all villagers of Yuen Leng Village; and

- (f) with regard to another rejection reason related to the planning intention of “Agriculture” (“AGR”) zone, it should be noted that, when comparing two photos of the Site taken respectively in 2012 and 2022, the Site had been hard-paved and left vacant for many years. There were no agricultural activities on the Site and it was a waste of land resources for leaving the Site vacant.

59. With the aid of the visualiser, Mr Ip Koon Fat, the applicant’s representative, made the following main points:

- (a) the information on the application presented by PlanD was fragmented;
- (b) in response to an enquiry from a Member during a review of a previous application, the PlanD’s representative agreed that a SH would have been built at the Site under the previously approved application No. A/NE-KLH/275 in 2001 if the approval did not lapse in 2005;
- (c) the reasons for rejecting the previous applications were unreasonable. Regarding the rejection reason that the Site possessed potential for agricultural rehabilitation, it was noted that the Agriculture, Fisheries and Conservation Department (AFCD) raised such concerns only on the most recent previous application in 2021;
- (d) regarding the rejection reason that the Site would not be able to be connected to the planned sewerage system in the area, it should be noted that the applicant had submitted sewerage connection proposal to address such concern under the recent previous application. As shown on a photo of the Site, there was

flooding occurred at the Site and such condition could be improved by the proposed development for which a drainage proposal would be required; and

- (e) regarding the rejection reason that land was still available for SH development within the “V” zones of Yuen Leng, Kau Lung Hang and Tai Wo three villages, it should be noted that the three villages were independent from one another and it was unreasonable to combine the “V” zones of the three villages in estimating the land available for SH development. Besides, there was no prior public consultation on the adoption of a more cautious approach by the Board in approving applications for SH development in August 2015.

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

61. Members raised the following questions:

- (a) with regard to AFCD’s comments on the previous application No. A/NE-KLN/570, whether there was potential for agricultural rehabilitation at the Site, and the location of the active agricultural activities in the vicinity of the Site;
- (b) with reference to Plan R-3 of the Paper, the existing use of an area to the southeast and south of the Site across the access road, as well as the status of the domestic structures abutting the northern boundary of the Site;
- (c) whether it was the prevailing practice to combine more than one village in the assessment of available land within “V” zones for SH development; and
- (d) regarding the previously approved application No. A/NE-KLH/275, whether the application was submitted by a different applicant and the planning approval granted in 2001 had lapsed in 2005.

62. In response, Ms Margaret H.Y. Chan, DPO/STN, with the aid of some plans and photos, made the following main points:

- (a) while AFCD had no objection to the previous application No. A/NE-KLN/570 in 2019, AFCD did not support the subsequent application No. A/NE-KLH/595 in 2021 and considered that the Site possessed potential for agricultural rehabilitation, taking into account that there were active agricultural activities in the vicinity and agricultural infrastructure such as road access and water source was available for the Site as observed during a site inspection in February 2021. For the current application, AFCD maintained its views based on the site inspection in July 2022. As shown on the plans and photos, there were active agricultural activities such as hobby farms in the vicinity, and agricultural infrastructures such as road access and water source were available;

- (b) as shown on Plan R-3 of the Paper, the area to the southeast of the Site across the access road was a piece of fallow farmland currently used for parking of vehicles and the area to the south comprised mainly fallow farmlands with clusters of trees/vegetation and some agricultural activities. With reference to Plan R-2a of the Paper, the domestic structures to the immediate north of the Site within the same “AGR” zone were covered by planning approval granted in 2001 before the adoption of a more cautious approach in considering applications for SH development by the Board;

- (c) the Site fell within the village ‘environs’ (‘VE’) of Tai Wo. Since the ‘VE’ of Tai Wo overlapped with that of Yuen Leng, Kau Lung Hang San Wai and Lo Wai (which shared the same ‘VE’), the “V” zones of the three villages were combined in assessing the land available for SH developments for the three villages to avoid doublecounting. Notwithstanding that the assessment was undertaken by combining the “V” zones of the three villages, the land available for SH development within individual “V” zone of each village was sufficient in meeting the outstanding SH applications of the respective village as provided by the Lands Department; and

- (d) the previously approved application No. A/NE-KLH/275 was submitted by a different applicant and the planning permission granted in 2001 lapsed in 2005. Since this previous application was considered in 2001 before the formal adoption of a more cautious approach by the Board in August 2015, the planning

considerations of this application were not applicable to the current application.

63. Mr Ip Koon Fat, the applicant's representative, supplemented the following main points:

- (a) agricultural activities in the area were extremely limited, with mainly sporadic hobby farms of limited scale visited by 'weekend farmers'. Only a handful of trees could be found in the vicinity of the Site, and most of the lands were fallow agricultural land covered with grass/shrub without agricultural rehabilitation potential;
- (b) regarding land availability for SH development, PlanD had undertaken the assessment by combining the "V" zones and SH demand of the three villages. However, as he stated in a previous town planning appeal case, the three villages were independent villages with regard to their individual village boundaries for election of village/resident representative, postal addresses and catchment areas for medical services. PlanD's assessment on the land availability for SH development with the three villages combined was not appropriate; and
- (c) cross-village application for SH development would only be possible if it was agreed by all villagers of the receiving village. Yuen Leng villagers did not accept cross-village applications for SH development made by other villages.

64. As Members had no further question to raise, the Chairperson thanked PlanD's representatives and the applicant's representatives for attending the meeting. They left the meeting at this point.

[Mr Ricky W.Y. Yu and Ms Lilian S.K. Law left the meeting during the Q&A session.]

Deliberation Session

65. The Chairperson remarked that in considering the current application, while the agricultural rehabilitation potential of the Site might not be high, more weight should be given to the more cautious approach adopted by the Board in approving applications for SH

development since 2015 in that more weight should be put on meeting the outstanding SH application (rather than the combined estimate of outstanding SH application and 10-year SH demand forecast) when considering land availability within “V” zone. The Chairperson then invited views from Members.

66. Two Members considered that while agricultural infrastructures such as road access and water source were available, the Site had already been hard-paved and left vacant for years. There were not many active agricultural activities in the close proximity of the Site. Hence, the agricultural potential of the Site was not high. The two Members also tendered sympathetic consideration to the application, having considered that there was a cluster of SHs to the north of the Site.

67. A Member opined that despite its relatively small area, the Site was located within a large piece of “AGR” zone and there were active agricultural activities in the southern part of the “AGR” zone. While the hobby farms might be small in scale with limited agricultural value, it was a common leisure farming style in Hong Kong. However, there was an emergence of ‘unauthorized development’ within the “AGR” zone, such as parking of vehicles on the fallow farmland to the south of the Site. Further spoiling of the integrity of the “AGR” zone by allowing the sprawl of SH developments should not be encouraged.

68. The Vice-chairperson remarked that while he shared some Members’ views on the limited agricultural rehabilitation potential of the Site, the Board should be cautious, as observed from some similar cases, in that despite sufficient land for SH development within “V” zone, some applicants would still apply for SH development within other zones rather than utilising the land available within “V” zone. It was suspicious that if such practice was intended to pave the way for creating a cluster of SHs, which might be a favourable planning consideration for applications for SH. For the current application, although the agricultural rehabilitation potential might not be high and the proposed SH development was not incompatible with surrounding land uses, the Board’s intention to confine SH developments within “V” zone for more orderly development pattern and efficient use of land with regard to the principles under the more cautious approach and the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories should not be compromised. Most Members shared the views of the Vice-chairperson that the Board’s principle should be continuously and persistently held. One Member supplemented

that since there were still land available for SH development within the “V” zones, there was no strong justification for allowing SH development outside the “V” zones.

69. In response to a Member’s enquiry on the sympathetic consideration for some SH applications involving sites located within existing village clusters recently approved by the Board, the Secretary supplemented that unlike the Site under the current application which was situated at the fringe of existing village cluster, those sites were considered as infill sites located ‘within’ existing village clusters, i.e. the sites were encircled by existing SHs from all sides.

70. A Member remarked that one of the applicant’s representatives, the then Village Representative, should all along be aware of the mechanism of cross-village application and PlanD’s assessment on land availability for SH development and should be able to offer reasonable advice to the applicant. The fact that the applicant had already acquired the lot should not be a planning consideration.

71. The Chairperson remarked that the Board should be mindful that given that land was still available within the “V” zones of the three villages to meet the outstanding SH application, if the current application was approved, a precedent might be set for similar applications and the cumulative impact of some 1,000 SHs, if both the outstanding SH applications (124) and the 10-year SH demand forecast (894) were taken into account, would be substantial.

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

“(a) the proposed development is not in line with the planning intention of the “Agriculture” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention; and

(b) land supply is still available within the “Village Type Development” (“V”)

zones of Yuen Leng, Kau Lung Hang and Tai Wo Villages which are primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zones for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

[Ms Sandy H.Y. Wong left the meeting during the deliberation session.]

Fanling, Sheung Shui & Yuen Long East District

Agenda Item 5

[Closed Meeting]

Continuation of the Deliberation of Review of Application No. A/YL-SK/322

Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) in “Agriculture” Zone for a Period of 3 Years, Lot 361 S.B RP (Part) in D.D. 112, Shek Kong, Yuen Long, New Territories

(TPB Paper No. 10884)

[The item was conducted in Cantonese.]

73. The Chairperson remarked that the item was a continuation of the deliberation session of the subject review application (the application) as the decision on which was deferred by the Town Planning Board (the Board) on 13.5.2022 for there was insufficient information about the security concern of the Security Bureau (SB) for the Board to decide on the application. The Board also requested the Planning Department (PlanD) to clarify with SB certain matters before further considering the application. The Chairperson then invited the Secretary to recapitulate the background of the application and report the latest position to Members.

74. The Secretary recapitulated the background of the application and reported that after the deferment, PlanD had conveyed Members’ views to SB and apprised SB on the particulars of the application. In particular, PlanD had solicited SB’s views on whether the security concerns were related to the proposed use and its operation, the proposed structures,

the distance of the Site from the Shek Kong Barracks, or the possible aggregate number of approvals for temporary uses within a particular area from the Barracks, and whether there were ways to alleviate SB's concerns. SB had considered Members' views and recently advised PlanD that their previous views on the application, as recapitulated below, remained valid without further comment:

“the Site was in close proximity to the Shek Kong Barracks. Due to the security concerns, the application was not supported.”

75. Some Members appreciated the applicant's vision and passion to promote sustainability and eco-friendly living through the proposed hobby farm use. However, the security concerns should not be compromised having noted SB's latest position of maintaining the previous views. Should the applicant wish to identify other suitable location for pursuing the proposed hobby farm, assistance from Government departments should be rendered.

76. Noting Members' views, the Chairperson said that PlanD would follow up with the applicant and offer planning advice as appropriate if the applicant intended to identify another location for the proposed use.

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

“the Site is in close proximity to the Shek Kong Barracks. Approval of the application may result in security concerns.”

[The meeting was adjourned for lunch break at 1:15pm.]

78. The meeting was resumed at 2:30 p.m.

79. The meeting was resumed at 2:30 p.m.

80. The following Members and the Secretary were present in the afternoon session:

Mr Lincoln L.H. Huang Vice-chairperson

Dr C.H. Hau

Mr Franklin Yu

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Mr K.W. Leung

Professor Jonathan W.C. Wong

Professor Roger C.K. Chan

Dr Venus Y.H. Lun

Mr Vincent K.Y. Ho

Mr Timothy K.W. Ma

Mrs Vivian K.F. Cheung

Mr Ben S.S. Lui

Ms Bernadette W.S. Tsui

Chief Traffic Engineer/New Territories West

Transport Department

Ms Carrie K.Y. Leung

Chief Engineer (Works)

Home Affairs Department

Mr Paul Y.K. Au

Principal Environmental Protection Officer (Territory North)

Environmental Protection Department

Mr Stanley C.F. Lau

Director of Lands

Mr Andrew C.W. Lai

Tuen Mun & Yuen Long West District

81. 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.

Agenda Item 6

[Open meeting (Presentation and Question Sessions only)]

Review of Application No. A/ YL-LFS/443

Proposed Temporary Open Storage of Building Materials for a Period of 3 Years in “Green Belt” Zone, Lot 2842 RP in D.D.129, Sha Kong Wai, Lau Fau Shan, Yuen Long (TPB Paper No. 10877)

[The item was conducted in Cantonese.]

Presentation and Question Sessions

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

Mr Raymond H.F. Au - District Planning Officer/Tuen Mun & Yuen Long West (DPO/TM&YLW), PlanD

Hing Yip Realty Advisory Ltd.]

Ms Mincy M.S. Wong] Applicant’s representatives

Professional Properties Co.]

Mr Herrick K.Y. Lee]

83. 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.

84. With the aid of a PowerPoint presentation, Mr Raymond H.F. Au, DPO/TM&YLW, PlanD, briefed Members on the background of the review application including the proposed use, 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 the planning considerations and assessments as detailed in the TPB Paper No. 10877 (the Paper).

[Ms Lilian S.K. Law rejoined the meeting during PlanD's presentation.]

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

86. Mr Herrick K.Y. Lee, the applicant's representative, made the following main points:

- (a) the proposed use would provide public benefit to serve the community, e.g. provision of toilets on the application site (the Site) that could serve public needs;
- (b) there were a lot of existing logistics businesses in the area and logistics uses had all along been prevalent in the Hung Shui Kiu, Tuen Mun and Tin Shui Wai areas. Approval of the application was in line with the Government's policy of fostering Hong Kong's role as a logistics hub; and
- (c) the area proposed to be covered with structures was minimal and given the temporary nature of the proposed open storage use, it would not have adverse traffic or noise impacts on the surrounding areas.

87. As the presentations from the representative of PlanD and the applicant's representatives were completed, the Vice-chairperson invited questions from Members.

88. A Member raised the following questions:

- (a) whether the local track connecting the Site and Tin Wah Road as shown on Plan R-3a of the Paper was concrete-paved and managed by the Government; and
- (b) noting that there were vehicle parks to the west and southwest of the Site, whether there were heavy goods vehicles using the local track.

89. In response, Mr Raymond H.F. Au, DPO/TM&YLW, PlanD, said that the local track leading to the Site was concrete-paved and it was mainly used by small vehicles. The local track was not a public road managed by the Government. Mr Herrick K.Y. Lee, the applicant's representative, supplemented that only a small number of vehicles would use the local track and that would have limited environmental impacts.

90. The Vice-chairperson and some Members raised the following questions to the applicant's representatives:

- (a) the intended overall duration of the proposed temporary use and the applicant's plan for the Site after three years;
- (b) noting that there were residential dwellings in the vicinity of the Site (the closest one being about 85m away), how the adverse impacts on sensitive receivers nearby, e.g. noise and vibrations of heavy goods vehicles were proposed to be mitigated;
- (c) the proposed public benefits provided by the proposed use; and
- (d) when the owner bought the land and whether he was aware that the Site was zoned "Green Belt" ("GB") at the time of purchase.

91. In response, Mr Herrick K.Y. Lee, the applicant's representative, made the following main points:

- (a) the application was to seek planning permission for the proposed temporary open storage use for a period of three years and no major structures would be

erected on the Site. After three years, the applicant would decide on the future use on the Site taking account of Government's prevailing policy at that time;

- (b) the proposed temporary use was small in scale and with minimal covered area. It would not generate nuisances to the surrounding areas;
- (c) the applicant proposed to provide toilets on the Site to serve the public; and
- (d) there was no information on when the owner bought the land nor whether he was aware of the "GB" zoning of the Site at the time of purchase.

92. 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's representatives and inform the applicant of the Board's decision in due course. The Vice-chairperson thanked PlanD's representative and the applicant's representatives for attending the meeting. They left the meeting at this point.

Deliberation Session

93. A Member considered that the applicant had failed to provide strong planning justifications for the proposed use on the Site. Another Member pointed out that similar to some other cases, the applicant had not provided valid planning grounds to substantiate the review application. The Vice-chairperson remarked that the issue was being addressed in the current review of the Town Planning Ordinance.

94. In response to enquiries from two Members on whether there were unauthorized developments (UDs) on the Site, the Vice-chairperson said that according to the Paper, the existing vehicle park use would be subject to enforcement action. The Secretary supplemented that filling of land in "GB" zone required planning permission from the Board. The Site was the subject of a previously approved planning application for pond filling for agricultural use (Application No. A/YL-LFS/9) that had lapsed. Regarding whether enforcement action would be taken for the filling of land, the Planning Authority (PA) had to

ascertain when the pond was filled and whether the filling of land was related to a planning permission. The PA would monitor the case closely and take follow-up action as appropriate.

95. The Vice-chairperson concluded that Members generally agreed with the decision of RNTPC to reject the application as there had been no material change in the planning circumstances since rejection of the s.16 application and the applicant had not provided strong justifications to support the review application.

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

- “(a) the proposed use is not in line with the planning intention of the “Green Belt” (“GB”) zone, which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the proposed use is not in line with the Town Planning Board Guidelines for ‘Application for Development within the Green Belt zone under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 10) in that the proposed use is considered not compatible with the surrounding areas, and the applicant fails to demonstrate that the proposed use would not have significant adverse environmental and landscape impacts on the surrounding areas;
- (c) the proposed use is not in line with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No. 13F) in that the Site falls within Category 4 areas and there is no previous planning approval for open storage use; and there are adverse departmental comments on environmental and landscape aspects; and

- (d) approval of the application would set an undesirable precedent for similar applications for open storage use within the “GB” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area”

Agenda Item 7

[Open Meeting]

Review of Application No. A/YL-NTM/447

Proposed Temporary Open Storage for a Period of 3 Years and Filling of Land in “Green Belt” Zone, Lots 2273, 2277 and 2278 in D.D. 102, Ngau Tam Mei, Yuen Long
(TPB Paper No. 10885)

[The meeting was conducted in Cantonese.]

Presentation and Question Sessions

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

Mr Anthony K.O. Luk	-	District Planning Officer/Fanling, Sheung Shui & Yuen Long East (DPO/FSYLE), PlanD
Mr Gary T.L. Lam	-	Town Planner/Yuen Long East (TP/YLE), PlanD
Mr Man Yick Yeung]	
Mr Man Fu Wan]	Applicant’s representatives
Ms Yeung Po Yan]	

98. 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.

99. With the aid of a PowerPoint presentation, Mr Gary T.L. Lam, TP/YLE, PlanD, briefed Members on the background of the review application including the proposed use, 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 the planning considerations and assessments as detailed in the TPB Paper No. 10885 (the Paper).

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

101. With the aid of some aerial photographs, Ms Yeung Po Yan, the applicant's representative, made the following main points:

- (a) the application site (the Site) was already concrete-paved and was not green rural land when the owner bought it in 2015. The chicken farm with two structures that existed on the Site when the Interim Development Permission Plan (IDPA) Plan No. IDPA/YL-NTM/1 was gazetted on 14.9.1990 should be regarded as an existing use (EU). As shown on the aerial photographs, there were already large-scale developments in the surrounding areas in 1982 and 1990. The Site had been left vacant for a long time and had resulted in a waste of land resources;
- (b) the Site was subject to previous enforcement action. The Planning Authority (PA) issued an Enforcement Notice (EN) to the concerned parties requiring the discontinuance of the unauthorised storage and workshop uses at the Site in December 2018. The unauthorised car repair workshop that was operated by the former tenant had ceased operation since then. However, it was unclear why a chicken farm use was permitted whilst open storage of furniture was not permitted. In fact, both uses utilised the existing structures and involved the use of vehicles for transportation and should have similar impacts. The previous chicken farm with storage of farm equipment was of a similar nature as the proposed storage use. The proposed open storage use would not have adverse visual and environmental impacts on the surrounding areas. The Board should advise the applicant how the Site and the existing structures could be utilised;

- (c) the proposed use was temporary in nature and would not affect long-term land use planning of the Site and its surrounding areas. There were no major adverse comments from relevant Government departments on the proposed use. The applicant was law abiding and was prepared to implement any measures required by relevant Government departments to address any environmental, noise, traffic, fire safety and/or drainage issues. Relevant Government departments could take enforcement actions if there was any breach of requirements in future;
- (d) the ingress/egress (about 6m-wide) of the Site was accessible to Kwu Tung Road via a local track. There would only be one private car parking space and one light goods vehicle parking space;
- (e) when the applicant submitted the planning application, the Secretariat advised him that the application should include filling of land even though the applicant had explained that no further filling of land would be required because the Site had been filled and concrete-paved; and
- (f) the Civil Engineering and Development Department (CEDD) indicated in Annex A (paragraph (b) of Appendix V) of the Paper that the Site was within the proposed boundary of San Tin/Lok Ma Chau Development Node (STLMC DN). According to the latest tentative development programme of STLMC DN, the construction work and land resumption would commence tentatively by 2024. Thus, the Site which was within the boundary of STLMC DN would probably be required for clearance and construction. Whilst the Government considered that open storage use on the Site (within “GB” zone) would generate visual and environmental impacts, the Government’s large-scale development plan covering the Site would similarly jeopardise the planning intention of the “GB” zoning. Approval of the proposed temporary use would not upset the long-term planning objectives for the Site.

102. As the presentations from the representatives of PlanD and the applicant’s

representatives had been completed, the Vice-chairperson invited questions from Members.

[Mrs Vivian K.F. Cheung rejoined the meeting during the presentation of the applicant's representatives.]

Proposed Storage Use

103. In response to a question from the Vice-chairperson on the homewares to be stored at the Site, Ms Yeung Po Yan, the applicant's representative said that the Site would be used for storing sofa, boxes, cabinets and documents from the applicant's off-site office. The total floor area of the two structures for such storage was about 600m².

Existing Use on the Site

104. With regard to the claim of the applicant's representative that the proposed open storage should be considered as EU, the Vice-chairperson invited PlanD's representatives to explain the definition of EU. He also enquired if the applicant had operated other agricultural uses other than a chicken farm at the Site, whether it would still be regarded as EU.

105. With the aid of some aerial photographs, Mr Anthony K.O. Luk, DPO/FSYLE, PlanD, made the following main points:

- (a) the Site was for agricultural use (chicken farm) when the Ngau Tam Mei IDPA Plan No. IDPA/YL-NTM/1 was notified in the gazette on 14.9.1990. According to the aerial photograph taken in September 1990, there were farm structures and a pond at the southern part and northern part of the Site respectively;
- (b) the subject application was for open storage and storage of homewares, that was not for agriculture purpose and could not be regarded as EU even though part of the structures might have existed at the time of gazettal of the IDPA Plan; and

- (c) whether other agricultural use could be regarded as EU would depend on circumstances of the proposed use.

Permitted Uses

106. The Vice-chairperson and a few Members raised the following questions to PlanD's representatives:

- (a) noting that there were structures on the Site in 1990, whether there was a change of use within those structures in the past few decades;
- (b) the permitted uses under Column 1 of the "GB" zone; and
- (c) whether planning permission was required for concrete paving of the Site.

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

- (a) there was a change of use within the structures. The PA issued an EN in 2018 requiring the discontinuance of the unauthorised use of the chicken farm structures for storage and workshop uses;
- (b) according to the Notes of the "GB" zone, 'Agricultural Use' and 'On-Farm Domestic Structure' were always permitted amongst various uses under Column 1. Agricultural activities, including growing of crops/plants and rearing of animals, were regarded as 'Agricultural Use'. 'On-farm Domestic Structure' was small in scale and had prescribed size, and must be ancillary to an on-site agricultural use; and
- (c) the Remarks to the Notes of the "GB" zone stipulated that any filling of pond or filling/excavation of land required planning permission from the Board. As the Site had been filled with concrete without valid planning permission, the applicant was advised to apply for both open storage use and filling of land to regularise the latter.

The Application Site

108. In response to a Member's question, Mr Man Fu Wan, the applicant's representative, said that the applicant was not aware of the uses that were permitted on the Site when he bought Lot 2273 in 2015. The lot was then occupied by a chicken farm with structures for domestic and storage uses. The PA issued an EN to all three lots in the Site (Lots 2273, 2277 and 2278) in 2018 and all the operations thereat had ceased. His current proposal was to store homewares of his family only on Lot 2273 which should be considered as a continuation of the previous uses. However, the Secretariat advised him to include all three lots when he submitted the application.

109. The Vice-chairperson invited PlanD's representatives to explain the rationale for advising the applicant to include all three lots under the planning application. Mr Anthony K.O. Luk, DPO/FS&YLE, PlanD, explained that in addition to storage of homewares within a shed at Lot 2273, the applicant also proposed to include open storage use and carparking spaces at the other two lots (Lots 2277 and 2278). If the applicant decided to exclude the two lots and only proposed storage of homewares within the shed at Lot 2273, planning permission was still required since the proposed warehouse use could not be considered as an EU.

110. Noting from the aerial photograph that previously there was a pond on the Site in 1990, a Member enquired whether the owner would be required to reinstate the concerned area to a pond if the subject review application was rejected and enforcement action was undertaken. In response, Mr Anthony K.O. Luk, DPO/FS&YLE, PlanD, with the aid of some PowerPoint slides, said that there was no information at hand on when the pond was filled. In general, the PA would accord priority to initiate enforcement action on sensitive areas with higher conservation or landscape values. For the subject case, even if enforcement action was undertaken, the PA would require cessation of the unauthorised development but might not require reinstatement to the conditions in 1990 (i.e. with a pond).

111. Mr Man Fu Wan, the applicant's representative, said that there was no fish pond on the Site in 1990. The pond shown on the aerial photograph was for storing pig manure. He reiterated that the use under application would not involve filling of land. The covered area on the Site would be used for storing homewares for his family and not for commercial purpose.

He could not understand why the Government could proceed with large-scale development in 2024 but did not allow the proposed temporary use on his land.

112. 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's representatives and inform the applicant of the Board's decision in due course. The Vice-chairperson thanked PlanD's and the applicant's representatives for attending the meeting. They left the meeting at this point.

Deliberation Session

113. A Member said that the Site was not previously used for open storage and the applicant did not ascertain the uses that were permitted when he bought the land. There was no strong planning justification to approve the application. Another Member concurred and said that the rejection reasons of the section 16 application were still valid and did not support the review application.

114. A Member did not support the review application and enquired whether the application for filling of land and open storage use needed to be considered separately by the Board. The Vice-chairperson said that inclusion of filling of land in the application was to regularise the filling of land if planning permission was granted for the proposed use. The Vice-chairperson and another Member said that as the filling of land was for the proposed open storage use, the two should be considered together. If the Board decided not to approve the proposed open storage use, the application for filling of land should not be separately considered for approval. The Secretary supplemented that there was no previous approval for filling of land on the Site. The applicant was required to apply for filling of land that was for the open storage use since relevant Government departments might have concerns on the potential drainage impact of land filling. In other cases, the applicant might apply for filling of land only if the proposed use was permitted under Column 1 of "GB" zone.

115. A Member enquired whether the development plan for STL MC DN, which covered the Site, was a relevant planning consideration for the subject application. The Secretary said that there were a number of on-going studies for new development areas in the New

Territories, e.g. Northern Metropolis. Upon completion of those feasibility studies, the concerned areas would be rezoned to reflect the planned land uses on the outline zoning plans (OZPs). However, planning applications should be considered based on the land use zonings on the extant OZP (in the subject case being the “GB” zoning), but not the future planning that was yet to be confirmed.

116. A Member did not support the application and pointed out that the structures on the Site seemed to have been extended since 1990 and it was not convincing that the proposed storage use would only be for storage of homewares. The same Member asked whether enforcement action would be taken if the Site was to be occupied by a chicken farm but predominantly with open storage use without planning permission. The Secretary said that ‘Agricultural Use’ was always permitted in the “GB” zone whilst open storage was not allowed without planning permission. In undertaking enforcement action, the PA would need to follow the established guidelines with due consideration of site circumstances and relevant facts, including empirical evidence to determine the genuine use of the site.

117. Mr Andrew C.W. Lai, Director of Lands, said that structures were generally not allowed for land demised for agricultural use under lease in the New Territories. Lands Department (LandsD) would take enforcement actions against unauthorised structures. Surveyed squatters by LandsD or farm structures permitted by the Agriculture, Fisheries and Conservation Department (AFCD) as part of a farm would be tolerated by LandsD. There was currently no information on the subject case for ascertaining whether the structures were authorized.

118. In response to a Member’s enquiry, the Secretary said that there was restriction on roof-over area for ‘On-Farm Domestic Structure’ according to the Definitions of Terms adopted by the Board. Mr Andrew C.W. Lai, Director of Lands, supplemented that the land owner had to seek permissions from LandsD and AFCD before erecting on-farm structures. The permitted structures should primarily be used for storing farm equipment and as a temporary rest place for farmers. They were also subject to restrictions on roof-over area and building height.

119. The Vice-chairperson concluded that Members generally agreed with the decision of RNTPC as there had been no material change in the planning circumstances since rejection

of the s.16 application, the applicant had not provided strong justifications to support the review application and the review application should be rejected.

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

- “(a) the proposed use and filling of land are not in line with the planning intention of the “Green Belt” zone which is intended 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 and there is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the proposed use and filling of land are not in line with the Town Planning Board Guidelines for ‘Application for Development within Green Belt zone under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 10) in that the proposed use and filling of land are incompatible with the surrounding area and will affect the landscape character; and
- (c) the proposed use and filling of land are not in line with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13F) in that there is no previous planning approval for the proposed use at the Site and there are adverse departmental comments on landscape aspect.”

Agenda Item 8

Any Other Business

[Open Meeting]

121. There being no other business, the meeting was closed at 4:10 p.m.