

**Minutes of 1290<sup>th</sup> Meeting of the  
Town Planning Board held on 24.3.2023**

**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

Dr C.H. Hau

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr Stanley T.S. Choi

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Mr K.W. Leung

Professor John C.Y. Ng

Professor Jonathan W.C. Wong

Mr Ricky W.Y. Yu

Professor Roger C.K. Chan

Dr Venus Y.H. Lun

Mr Vincent K.Y. Ho

Mr Ben S.S. Lui

Ms Bernadette W.S. Tsui

Mr K.L. Wong

Principal Assistant Secretary (Transport and Logistics) 3  
Transport and Logistics Bureau  
Miss Fiona W.S. Li

Chief Engineer (Works)  
Home Affairs Department  
Mr Paul Y.K. Au

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

Director of Lands  
Mr Andrew C.W. Lai

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

Secretary

**Absent with Apologies**

Mr Stephen L.H. Liu

Miss Winnie W.M. Ng

Dr Conrad T.C. Wong

Mrs Vivian K.F. Cheung

Mr Timothy K.W. Ma

Director of Planning  
Mr Ivan M.K. Chung

**In Attendance**

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

Chief Town Planner/Town Planning Board  
Ms Josephine Y.M. Lo

Senior Town Planner/Town Planning Board  
Ms Bonnie K.C. Lee

**Agenda Item 1**

[Open Meeting]

Confirmation of Minutes of the 1289<sup>th</sup> Meeting

[The item was conducted in Cantonese.]

1. The draft minutes of the 1289<sup>th</sup> meeting held on 24.2.2023 were confirmed on 22.3.2023 without amendment.

**Agenda Item 2**

[Open Meeting]

Matters Arising (MA)

[The item was conducted in Cantonese.]

(i) Hearing Arrangement for Consideration of Representations and Comments on Draft Outline Zoning Plans (OZPs)

2. The Secretary reported that the item was to seek Members' agreement on the hearing arrangement for consideration of representations and comments in respect of four OZPs, including (i) draft Kennedy Town and Mount Davis OZP No. S/H1/23; (ii) draft Fanling North OZP No. S/FLN/3; (iii) draft Kwu Tung North OZP No. S/KTN/3; and (iv) draft So Kwun Wat OZP No. S/TM-SKW/14.

3. The Secretary reported that the amendments of the draft Kennedy Town and Mount Davis OZP were mainly to take forward an agreed s.12A application No. Y/H1/2 submitted by the University of Hong Kong (HKU) for revising the building height restriction (BHR) of a site at Pokfield Road for a proposed sports and academic complex for HKU's School of Business. HKU (R1/C1) had also submitted a representation and a comment. The following Members had declared interests on the item:

- Mr Wilson Y.W. Fung - being the Chairman of the Accounting Advisory Board of School of Business, HKU;
- Dr C.H. Hau - being a Principal Lecturer of HKU and his spouse also being a Principal Lecturer of HKU;
- Ms Bernadette W.S. Tsui - being a Fellow of the Department of Social Work and Social Administration of HKU and having an honorary engagement with HKU's Faculty of Social Science;
- Professor Roger C.K. Chan - being an Honorary Associate Professor of HKU;
- Professor John C.Y. Ng - being an Adjunct Professor of HKU;
- Dr Conrad T.C. Wong - being an Adjunct Professor of HKU;
- Ms Lilian S.K. Law - being an Adjunct Associate Professor of HKU;
- Dr Venus Y.H. Lun - being an external examiner of one of HKU's programmes;
- Mr Stephen L.H. Liu - owning a property in Pok Fu Lam; and
- Professor Jonathan W.C. Wong - having close relative living in Pok Fu Lam.

4. The Secretary reported that the amendments of the draft Fanling North OZP mainly involved two public housing developments to be implemented by the Hong Kong Housing Authority (HKHA), of which the Housing Department (HD) was the executive arm. The proposed public housing developments were supported by various technical assessments conducted by the Civil Engineering and Development Department (CEDD). The following Members had declared interests on the item:

- Mr Andrew C.W. Lai  
(as Director of Lands) - being a member of HKHA;
- Mr Paul Y.K. Au  
(as Chief Engineer  
(Works), Home Affairs  
Department) - being a representative of the Director of Home  
Affairs who was a member of the Strategic Planning  
Committee and Subsidised Housing Committee of  
HKHA;
- Mr Franklin Yu - being a member of the Building Committee and  
Tender Committee of HKHA;
- Dr C.H. Hau - conducting contract research projects with CEDD;
- Dr Conrad T.C. Wong - having current business dealings with HKHA;
- Mr Timothy K.W. Ma - being a member of the Supervisory Board of the  
Hong Kong Housing Society (HKHS) which  
currently had discussion with HD on housing  
development issues;
- Mr Daniel K.S. Lau } being a member of HKHS which currently had  
Ms Lilian S.K. Law } discussion with HD on housing development issues;  
and
- Mr K.L. Wong - being a member and an ex-employee of HKHS  
which currently had discussion with HD on housing  
development issues.

5. The Secretary reported that the amendments of the draft Kwu Tung North OZP were mainly related to the recommendations of the Northern Metropolis Development Strategy, which were supported by various technical assessments conducted by CEDD with AECOM Asia Company Limited (AECOM) as one of the consultants; as well as to take forward a partially agreed s.12A application (No. Y/KTN/2) for rezoning a site near Yin Kong Village to facilitate a proposed private housing development. The following Members had declared

interests on the item:

- Dr Conrad T.C. Wong - having current business dealings with AECOM;
- Mr Vincent K.Y. Ho - having current business dealings with AECOM; and
- Dr C.H. Hau - conducting contract research projects with CEDD; having past business dealings with AECOM; and owning a property in Kwu Tung North.

6. As the item for agreement on hearing arrangement was procedural in nature, all Members who had declared interests relating to the amendment items, representer and/or commenter under the respective OZPs should be allowed to stay in the meeting. The Board noted that some of those Members had tendered apologies for not attending the meeting.

7. The Secretary introduced the details as below:

- (a) on 18.11.2022, the draft Kennedy Town and Mount Davis OZP involving revision of BHR for a portion of the “Government, Institution or Community” (“G/IC”) zone at Pokfield Road from 4 storeys to 115mPD and 155mPD for a proposed sports and academic complex of HKU’s School of Business was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, 33 valid representations were received. The valid representations were subsequently published for three weeks and 10 valid comments were received;
- (b) on 21.10.2022, the draft Fanling North OZP involving mainly, (i) rezoning of two sites from “G/IC” to “Other Specified Uses” (“OU”) annotated “Logistics Facility” and “OU (Bus Depot)” respectively (Items A and B); (ii) rezoning of a site from “OU(Parking and Operation Facilities for Environmentally Friendly Transport System)” to “Residential (Group A)5” (for a proposed public housing development), “OU(Sewage Pumping Station)” and “G/IC” (for a proposed sports/leisure centre with other possible GIC uses) (Items C1 to C3); and (iii) other amendments related to rezoning various areas to merge

the planned open space with the adjoining promenade and to enlarge a planned public housing site respectively (Items C4 and C5), relaxing the BHR of a “G/IC” site from 5 storeys to 8 storeys (for various GIC uses including government clinic/health centre, community hall, etc.) (Item D) and reflecting the approved road alignment of Fanling Bypass (Eastern Section) (Items E1 to E3), was exhibited for public inspection under section 5 of the Ordinance. During the two-month exhibition period, seven valid representations were received. The valid representations were subsequently published for three weeks and one valid comment was received;

- (c) on 21.10.2022, the draft Kwu Tung North OZP involving mainly, (i) rezoning of two sites from “OU(Business and Technology Park)” to “Residential (Group B)1” for private residential uses (Items A1 and B1); (ii) relaxing the BHR for three “G/IC” sites from 8/10 storeys to 130mPD for government office/community complex (Item C), hospital and associated development (Items D1 and D2) and police station and associated facilities (Items E1 and E2); (iii) rezoning of two sites from mainly “G/IC” to “OU(Sewage Pumping Station)” and “OU(Railway Associated Facilities)” respectively for public facilities (Items F1 and F2); (iv) rezoning of two sites from “Comprehensive Development Area” to “Residential (Group B)2” (southern portion) and “Residential (Group C)1” (northern portion) respectively to take forward the partially agreed s.12A application (Items G1 and G2); and (v) other amendments arising from the revision of road design or reflecting the existing conditions (Items A2, B2, H1, H2, J1 to J3, K1, K2, L1, L2 and M1 to M3), was exhibited for public inspection under section 5 of the Ordinance. During the two-month exhibition period, 26 valid representations were received. The valid representations were subsequently published for three weeks and two valid comments were received; and
- (d) on 30.9.2022, the draft So Kwun Wat OZP involving mainly rezoning of a site at Hong Fai Road from “G/IC” and “Green Belt” to “G/IC(1)” with stipulation of BHR of 90mPD for Correctional Services Department’s departmental quarters development was exhibited for public inspection under section 5 of the Ordinance. During the two-month exhibition period, 841

valid representations were received. The valid representations were subsequently published for three weeks and three valid comments were received

8. The Secretary reported that the hearings of the four OZPs would be held separately. In view of the similar nature of the representations and comments of each OZP, the hearing of all valid representations and comments for each OZP 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 each OZP in the hearing sessions. Consideration of the representations and comments of the draft Fanling North OZP and the draft Kwu Tung North OZP by the full Board was tentatively scheduled for May 2023 and that for the draft So Kwun Wat OZP and the draft Kennedy Town and Mount Davis OZP was tentatively scheduled for June 2023.

9. After deliberation, the Board agreed to the respective hearing arrangements in paragraph 9 above.

(ii) Town Planning Appeal Decision Received

Town Planning Appeal No. 1 of 2021

Proposed House (New Territories Exempted House - Small House) in "Agriculture" and "Village Type Development" Zones, Lot 2964 S.B in D.D. 116, Kong Tau Tsuen, Yuen Long, New Territories

Application No. A/YL-TT/477

---

10. The Secretary reported that the subject appeal was against the Board's decision to reject on review an application (No. A/YL-TT/477) for a proposed house (New Territories Exempted House (NTEH) – Small House (SH)) at a site (the Site) zoned "Agriculture" ("AGR") and "Village Type Development" ("V") on the Tai Tong OZP.

11. The review application was rejected by the Board on 5.6.2020 for the following reasons:

- (a) the proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that there was no general shortage of land in meeting the demand for Small House development in the “V” zone of Kong Tau Tsuen, Kong Tau San Tsuen, Nga Yiu Tau and Tong Tau Po Tsuen; and
- (b) approval of the application would set an undesirable precedent for similar applications in the subject “AGR” zone resulting in a general degradation of the rural agricultural character of the area.

12. The appeal was heard by the Town Planning Appeal Board (TPAB) on 13.7.2022. On 15.2.2023, the appeal was allowed by TPAB on the following considerations:

- (a) Considerations Related to ‘Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories’ (the Interim Criteria)

While noting that there was no ‘village environs’ (‘VE’) for any recognised village(s) in the area that the application might not fulfil criterion (B)(b)<sup>1</sup> of the Interim Criteria for favourable consideration to be given, TPAB opined that favourable consideration itself was not decisive, but should be weighed against the relevant factors specified in the Interim Criteria and the general picture amongst all the relevant factual matrix. Relevant considerations were as follows –

- (i) Location of the Site: Approximately 49.4% of the Site and 53.1% of the footprint of proposed SH fell within the “V” zone. Only about 50.6% of the Site and 46.9% of the footprint of proposed SH fell within the “AGR” zone;

---

<sup>1</sup> if more than 50% of the proposed NTEH/SH footprint is located outside the ‘VE’, favourable consideration could be given if not less than 50% of the proposed NTEH/SH footprint falls within the “V” zone, provided that there is a general shortage of land in meeting the demand for SH development in the “V” zone and the other criteria can be satisfied.

- (ii) Existing Conditions of the Site: The Site had been paved and formed part of the private garden of an existing SH (which was built under an approved application No. A/DPA/YL-TT/12);
- (iii) Land Uses and Conditions in the Vicinity: The Site was situated in an area predominantly occupied by residential structures; and
- (iv) Relevant Departmental Comments: The Director of Agriculture, Fisheries and Conservation had no strong view on the application as the Site possessed low potential for agricultural rehabilitation. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) considered that the proposed use was not incompatible with the surrounding environment in view of existing village houses in the vicinity.

Based on the above, TPAB considered that the proposed development had complied with criteria (B)(f)<sup>2</sup>, (B)(g)<sup>3</sup> and (B)(h)<sup>4</sup> of the Interim Criteria.

(b) Would not Set an Undesirable Precedent

Based on the considerations as listed in paragraph 12 (a) (i) to (iv) above, together with the consideration that the Rural and New Town Planning Committee had approved an application for SH development at the adjoining site (i.e. No. A/DPA/YL-TT/12) thirty years ago mainly on the grounds that

---

<sup>2</sup> the proposed development should not frustrate the planning intention of the particular zone in which the application site is located.

<sup>3</sup> the proposed development should be compatible in terms of land use, scale, design and layout, with the surrounding area/development.

<sup>4</sup> the proposed development should not encroach onto the planned road network and should not cause adverse traffic, environmental, landscape, drainage, sewerage and geotechnical impacts on the surrounding areas. Any such potential impacts should be mitigated to the satisfaction of relevant government departments.

the proposed development was not incompatible with the surrounding area, TPAB considered that the Site was unique, and the proposed development would not set an undesirable precedent for similar applications in the subject “AGR” zone resulting in a general degradation of the rural agricultural character of the area.

13. The Secretary reported that the Department of Justice (DoJ) was of the view that the TPAB’s decision was based on factual findings and exercise of discretion, and it was not advisable, from legal point of view, to pursue judicial review against the TPAB’s decision.

14. Members noted the decision of the TPAB and agreed with the advice of DoJ.

(iii) Appeal Statistics

15. The Secretary reported that as at 14.3.2023, a total of seven cases had yet to be heard by TPAB and the decisions of seven cases were outstanding. Details of the appeal statistics were as follows:

Allowed	40
Dismissed	169
Abandoned/Withdrawn/Invalid	213
Yet to be Heard	7
Decision Outstanding	7
<hr/> Total	436

[Ms Bernadette W.S. Tsui and Dr Venus Y.H. Lun joined the meeting during the MA item.]

**Kowloon District**

**Agenda Item 3**

[Open Meeting (Presentation and Question Sessions only)]

Submission of the Draft Urban Renewal Authority Kau Pui Lung Road/Chi Kiang Street Development Scheme Plan No. S/K10/URA2/A Prepared under Section 25 of the Urban Renewal Authority Ordinance

(TPB Paper No. 10886)

---

[The item was conducted in Cantonese.]

16. The Secretary reported that the Draft Urban Renewal Authority Kau Pui Lung Road/Chi Kiang Street DSP No. S/K10/URA2/A (the draft DSP) involved a site in Ma Tau Kok (the Site) and was submitted by the Urban Renewal Authority (URA). The following Members had declared interests on the item:

Mr Ivan M.K. Chung - being a non-executive director of the URA Board and  
(as Director of a member of its Committee;  
*Planning*)

Mr Andrew C.W. Lai - being a non-executive director of the URA Board and  
(as Director of Lands) 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 Urban Renewal Fund, and a member of the  
Supervisory Board of 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 and his  
companies owning four properties in Ma Tau Kok;

- Mr Ben S.S. Lui - being a former Executive Director of URA and had involved in the subject Development Scheme (DS);
- Mr Lincoln L.H. Huang - being a former Deputy Chairman of the Appeal Board Panel 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 Urban Renewal Fund;
- Ms Lilian S.K. Law - being a former director of the Board of 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; and
- Miss Winnie W.M. Ng - her company owning two properties in Ma Tau Kok.

17. Members noted that Messrs Ivan M.K. Chung and Timothy K.W. Ma, Miss Winnie W.M. Ng and Dr Conrad T.C. Wong had tendered apologies for not being able to attend the meeting, and Mr Ben S.S. Lui, whose interest was direct, had not yet joined the meeting. As the interest of Mr Andrew C.W. Lai was direct, Members agreed that he should be invited to leave the meeting temporarily for the item. Members also agreed that as the interests of

Messrs Lincoln L.H. Huang, Ricky W.Y. Yu and Wilson Y.W. Fung were indirect, and Messrs Daniel K.S. Lau and K.L. Wong, and Ms Lilian S.K. Law had no involvement in the DSP, they could stay in the meeting.

### Presentation and Question Sessions

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

#### **PlanD's Representatives**

Ms Vivian M.F. Lai	- District Planning Officer/Kowloon (DPO/K)
Mr Jon C.H. Mak	- Senior Town Planner/Kowloon (STP/K)

#### **URA's Representatives**

Mr Wilfred C.H. Au	- Director
Mr Mike Y.F. Kwan	- General Manager
Ms Mable M.P. Kwan	- Senior Manager
Ms Charis Leung	- Assistant Manager

19. The Chairperson extended a welcome and explained the procedures of the meeting. She then invited the representatives of PlanD and URA to brief Members on TPB Paper No. 10886 (the Paper).

#### *Draft DSP*

20. With the aid of a PowerPoint presentation, Mr Jon C.H. Mak, STP/K, PlanD, briefed Members that URA had submitted the draft DSP to the Board for consideration in accordance with section 25(5) of the Urban Renewal Authority Ordinance (URAO). He then briefed Members on the draft DSP as detailed in the Paper, including the background, the current status and surrounding context of the Site, and the proposed zonings and development parameters on the draft DSP.

21. With the aid of a PowerPoint presentation, Mr Mike Y.F. Kwan, URA, made the following main points:

- (a) in response to the Policy Addresses 2018 and 2019, URA was invited to identify one or two clusters of Civil Servants' Co-operative Building Society (CBS) Scheme sites suitable for high-density development as pilot sites, and explore the redevelopment mode in accordance with the usual project implementation approach adopted by URA;
  
- (b) on 22.5.2020, URA published the notification of commencement in the Government Gazette for two pilot CBS redevelopment projects, namely Shing Tak Street/Ma Tau Chung Road Development Project (CBS-1) and Kau Pui Lung Road/Chi Kiang Street Development Scheme (CBS-2) under URAO. CBS-1 was implemented by way of a development project in accordance with section 26 of URAO. As the proposed land use and development parameters of CBS-1 were in compliance with the development restrictions of the concerned "Residential (Group A)" ("R(A)") zone on the Ma Tau Kok Outline Zoning Plan (OZP), submission to the Board for OZP amendments was not required. URA had already completed the acquisition process for CBS-1, and site clearance and construction works would be proceeded. For CBS-2 (the DS), URA submitted the draft DSP to the Board for consideration in accordance with section 25(5) of URAO;
  
- (c) the DS covered an area of about 1.65 hectares and involved 28 CBSs and 462 households. URA had consulted the Housing and Development Planning Committee of the Kowloon City District Council (KCDC) on the original draft DSP on 23.6.2020, and KCDC members generally supported the original draft DSP. However, during the two stages of public consultation between May and July 2020 when the original draft DSP was exhibited for public inspection, over 1,200 public comments were received, of which around 70% objected to the DS. In view of the complexity of land matters of CBS and public comments received, URA needed more time to resolve the land matters and make responses to address public concerns. To further ascertain the views of affected CBS members, URA conducted nine briefing sessions and an opinion survey for the 462 affected households in November 2021. 407 out of the 462 affected households (about 88%) responded to the

opinion survey. It was found that about 69% of the surveyed households supported the DS, about 15% opposed and the remaining 16% had no comment/response;

- (d) in view that most of the comments/concerns received during public consultations were related to CBS issues, especially on land matters of the undissolved CBS, URA consulted various relevant government bureaux/departments including Civil Service Bureau, Lands Department, Agriculture, Fisheries and Conservation Department, etc., to resolve the land issues and address the related comments/concerns. An information summary on the dissolution, acquisition and resumption arrangements had been issued to the affected CBS members to clarify the CBS related issues in October 2022;
- (e) in tandem, URA had taken the opportunity to review the original draft DSP in response to the policy directives under the Policy Addresses 2020 and 2021 that URA should actively provide more Starter Home (SH) units or other types of subsidised sale flats in redevelopment projects. URA took initiatives to refine the original draft DSP which involved a change in housing type in the southern portion of the Site from public housing to SH units. When compared with the original scheme that the southern portion of the Site be handed over to the Government for public housing development, URA now proposed to develop the Site as a whole under the refined scheme, with not less than 950 SH units be provided and the location of which would be subject to review at the detailed design stage;
- (f) as regards the proposed development parameters, the DS would adopt a total plot ratio (PR) of 9 (domestic PR of 8 and non-domestic PR of 1) and provide about 1,374 private housing units and about 950 SH units. The total flat production was about five times the number of existing flats in the Site. The assumed average flat size for both private housing units and SH units was about 53 m<sup>2</sup>. The DS would also provide a Gross Floor Area (GFA) of about 2,500 m<sup>2</sup> for GIC uses, about 611 ancillary car parking spaces and about 164 public car parking spaces;

- (g) whilst responding to the directives of the Policy Addresses to meet housing needs, the DS sought to achieve wider planning gains through redevelopment, including (i) maximising development potential of the Site; (ii) enhancing connectivity and walkability of the district; (iii) improving local environment and urban design; and (iv) providing more Government, institution and community (GIC) facilities to meet the community needs;
- (h) with regard to maximising development potential of the Site, while maintaining a total PR of 9, the adjustment in the domestic and non-domestic PR split from 7.5/1.5 to 8/1 could unleash the site potential for providing more housing units;
- (i) on the aspect of enhancing connectivity and walkability of the district, through restructuring and re-planning of the road networks and land parcels, not less than 2,400 m<sup>2</sup> of pedestrianised avenue/event plaza would be provided. In addition to the at-grade pedestrianised avenue/event plaza, an underground shopping street was proposed to connect two entrances/exits of the MTR To Kwa Wan Station at the basement level. The proposed connection to the MTR To Kwa Wan Station was subject to further liaison with Mass Transit Railway Corporation Limited (MTRCL) at the detailed design stage;
- (j) as for improving local environment and urban design, two major wind enhancement features would be provided, i.e. a minimum 15m-wide breezeway along Maidstone Road (i.e. the proposed pedestrianised avenue) for north-south wind flow; and a minimum 20m-wide podium separation along Kiang Su Street for east-west wind flow. The relevant requirements had been specified in the Explanatory Statement (ES) of the draft DSP. Besides, with a view to striking a balance between opening up considerable area for public use and minimising disturbance to the future residents of the proposed development, a minimum 3m-wide area within the proposed north-south pedestrianised avenue and the proposed east-west pedestrian connection was proposed to be opened 24 hours daily for public use, subject to further liaison

with the Government at the detailed design stage;

- (k) in respect of providing more GIC facilities to meet the community needs, not less than 2,500 m<sup>2</sup> GFA was proposed for GIC facilities, including elderly and child care services, in the proposed three-storey GIC block. The GIC block was designed to be located adjacent to the event plaza and an exit of MTR To Kwa Wan Station. In addition, an underground public vehicle park (PVP) of 164 parking spaces was proposed;
- (l) in view of the revisions made to the original draft DSP, URA had further consulted KCDC on 2.3.2023, and KCDC members generally supported the DS; and
- (m) concerning the tentative implementation programme, subject to the Board's approval and subsequent Chief Executive in Council (CE in C)'s approval of the draft DSP, URA would issue acquisition offers to the affected CBS households in the second quarter of 2024. It was anticipated that construction work for the DS would commence in around 2028 for completion in 2033.

[Mr Franklin Yu joined the meeting during URA's presentation.]

22. With the aid of a PowerPoint presentation, Mr Jon C.H. Mak, STP/K, PlanD, continued to brief Members on the planning assessment of the draft DSP, as detailed in paragraph 11 of the Paper, that PlanD had no objection to the draft DSP.

23. As the presentations of the representatives of PlanD and URA had been completed, the meeting proceeded to the Q&A session. The Chairperson reminded Members that according to the Town Planning Board Guidelines No. 29B, the Board's decision on the DSP would be kept confidential for three to four weeks after the meeting and would be released when the DSP was exhibited for public inspection. Members were reminded to exercise due care when asking questions in the open session of the meeting so as to avoid inadvertent divulgence of their views on the DSP's boundaries to the public. She then invited questions from Members.

*Concerns of and Consultation with the Affected CBS Members*

24. Two Members raised the following questions:

- (a) noting that some affected CBS members objected to the DS, what their opposing views were and the measures adopted by URA to address their concerns; and
- (b) noting from paragraph 10.5 of the Paper that some public comments criticized URA for not organising public briefing to the affected CBS members, what consultations URA had conducted.

25. In response, with the aid of some PowerPoint slides, Messrs Wilfred C.H. Au and Mike Y.F. Kwan, URA, made the following main points:

- (a) about 15% of the surveyed households (i.e. 62 affected households) objected to the DS and their opposing views were mainly related to that the CBS Scheme should be a permanent benefit to them; that they could not enjoy spacious living spaces if they moved out; unwillingness to dissolve the CBSs; and request for a higher acquisition price, etc.;
- (b) in view of the complexity of the CBS-related matters, URA had made its best endeavours to launch five new initiatives, which had also been adopting for CBS-1, to cater for the needs of CBS members. These initiatives included:
  - (i) free legal service was provided to facilitate dissolution of CBSs. From the experience of CBS-1, with the provision of free legal service, the whole process of dissolution of CBSs could be shortened from two/three years to about one year;
  - (ii) URA facilitated the Government to adopt 'existing use land value' of old CBS buildings, instead of 'redevelopment value' of the concerned buildings, as the basis in assessing the amount of land premium. As

such, the land premium needed to be paid by the CBS members would be reduced by about 40 – 50%;

- (iii) URA facilitated the CBS members to settle land premium in a timely manner. From the experience of CBS-1, the Civil Service Bureau had issued Temporary Waiver for Removal of Alienation Restrictions letter to all CBS owners upon URA's issuance of acquisition offers. For a period of 24 months from the date of the said letter, the Government waived the restrictions on alienation but only to the extent of not objecting CBS owners to entering into an agreement for sale and purchase of their properties with URA. That said, the CBS owners did not need to pay land premium to the Government before the CBS owners and URA signed the sale and purchase agreements. The CBS owners would only need to pay land premium to the Government when their units were sold. This allowed more time for the CBS owners to settle the land premium issue;
- (iv) URA facilitated the waiving arrangement of the administrative fee for the removal of alienation restriction and remission of Special Stamp Duty relating to the conveyancing of the eligible CBS properties; and
- (v) flexibility was allowed in the arrangement of replacement flats to cater for the need of 'extra-large families', which were usually composed of two or three-generation families. Considering that a portion of the compensation amount offered by URA might be used to repay the outstanding land premium, the Government and URA had made special arrangement for eligible ex-CBS members (i.e. the CBSs had to be dissolved at that time) to purchase replacement flats. They were allowed to purchase the subsidised sale flats at the HKHS's dedicated rehousing estate (DRE), the in-situ 'Flat-for-Flat' units or the private housing units at URA's self-developed residential project 'De Novo' (煥然壹居) in Kai Tak. Flexibility would be given to enable eligible ex-CBS members to purchase a maximum of any two flats of the said

three types of replacement units to cater for the need of ‘extra-large families’;

- (c) with reference to the experience of CBS-1 which had 164 affected households, the Development Bureau (DEVB), as to date, had already approved the applications of 22 eligible households for replacement units. Among them, 13 households had chosen one subsidized sale flat at the HKHS’s DRE while three households had chosen one subsidized sale flat at the HKHS’s DRE, plus one ‘Flat-for-Flat’ unit at the CBS-1 site. It demonstrated that URA had made its best endeavours to address CBS members’ needs; and
- (d) regarding public consultation, project briefing videos instead of public briefing were provided to the affected households in May 2020 due to the climax of Covid-19 pandemic. With the gradual relaxation of Covid-19 prevention measures in June/July 2020, three physical public briefing sessions were immediately organised by URA with the presence of government representatives on 6 and 7 July 2020 for affected households. URA also conducted nine physical public briefing sessions and the opinion survey for the affected households in November 2021.

### *Building Height*

26. A Member raised the following questions:

- (a) the rationale for relaxing the BH restriction from 120mPD to 140mPD for the Site, noting that there were some developments with much higher BHs in the locality, such as Celestial Heights (半山壹號) to its northwest and the residential developments in Hung Hom to its south; and
- (b) whether the development potential of the Site was limited by the proposed BH restriction of 140mPD, resulting in the need for land excavation for accommodating carpark and other facilities underground.

27. In response, with the aid of a PowerPoint slide, Ms Vivian M.F. Lai, DPO/K, made the following main points:

- (a) the general BH profile in the area gradually descended from about 140mPD in the inland area to about 120/100mPD at the waterfront. For example, the BH restrictions for the site of Lok Man San Tsuen to the immediate west of the Site and another URA's development scheme at To Kwa Wan Road/Wing Kwong Street (KC-016) to the southeast of the Site was 140mPD while that for sites near/at the waterfront were generally 120/100mPD. Developments with relatively higher BHs such as Celestial Heights of 150mPD (to the northwest of the Site) and Grand Waterfront (翔龍灣) of 176mPD (at the waterfront) were already planned/committed developments before the incorporation of BH restrictions on the OZP and they were exceptional cases which were not recommended to be adopted as benchmarks for determination of the BH of the Site. Besides, the quoted residential developments in Hung Hom with higher BH restrictions were located in the southern part of Hung Hom which were further away from the Site; and
- (b) at-grade space in the urban area was precious. Should it be technically feasible, beneficial use of underground space should be fully utilised. Under the refined scheme for the Site, underground space was proposed for the provision of PVP and shopping street for meeting the local demand for public car parking spaces and improving the connectivity and walkability of the district.

28. Messrs Wilfred C.H. Au and Mike Y.F. Kwan, URA, supplemented that the proposed relaxation of BH restriction from 120mPD to 140mPD had taken into account the local character of the area, existing BH profile, urban design concept, and findings of relevant assessments such as air ventilation assessment (AVA). The proposed increase in BH could provide design flexibility, making a considerable width of at-grade passageway for comfortable pedestrian movement and provision of two ventilation/visual corridors possible, as well as allowing the massing of the buildings be carefully designed to minimize site coverage of the development.

*Layout Design, Pedestrianised Avenue, Pedestrian Connection and Underground Shopping Street*

29. Some Members raised the following questions:

- (a) noting that the Site was proposed to be divided into a number of small and elongated land parcels by two major ventilation corridors or pedestrianised avenue/pedestrian connection which might undermine the development potential of the Site and confine the disposition and configuration of the proposed building blocks, whether there was possibility of refining the layout design such as adjusting the alignments of the ventilation corridors or pedestrianised avenue/pedestrian connection to achieve better site utilisation and blocking layout;
- (b) details of the design and management of the pedestrianised avenue/pedestrian connection, including the proposed 3m-wide areas which would be opened for public use 24 hours daily could be properly arranged within the proposed north-south pedestrianised avenue of not less than 15m in width and the proposed east-west pedestrian connection of not less than 20m in width;
- (c) whether there were design measures to integrate at-grade and underground pedestrian connections; and if the proposal of utilising underground shopping street to connect the two entrances/exits of MTR To Kwa Wan Station was finally not agreed by MTRCL, whether there were alternative design options for providing underground pedestrian connection;
- (d) noting that the eastern boundary of the Site abutted the back lanes of a row of aged buildings along Ma Tau Wai Road, whether URA had taken into account the conditions of back lanes when designing the layout and disposition of the proposed residential blocks, and whether URA had any proposals to improve the conditions of back lanes;
- (e) whether there were design measures to preserve the character of the community neighbourhood; and

- (f) interface issue of podium garden with public open spaces.

30. In response, with the aid of some PowerPoint slides, Messrs Wilfred C.H. Au and Mike Y.F. Kwan, URA, made the following main points:

- (a) according to the findings of AVA, designation of two ventilation corridors in north-south and east-west directions of considerable width was required. These ventilation corridors also served as major pedestrian passageways in north-south direction between Lok Shan Road and Chi Kiang Street, and in east-west direction between Lok Man San Tsuen and inner To Kwa Wan area, where major GIC facilities such as To Kwa Wan Market and Government Offices were located. While the scope of adjusting the east-west ventilation corridor was limited, there might be scope to adjust the north-south one. Members' views/suggestions would be considered at the detailed design stage;
- (b) the proposed north-south pedestrianised avenue/east-west pedestrian connection would be provided with retail shops along both sides, hard and soft landscaping, event spaces/pocket open spaces and sitting areas for public enjoyment. Cohesive landscaping and tree planting would be explored to create a pedestrian friendly environment and foster a sense of place. Through appropriate design of street furniture, planting, as well as paving and landscaping, rather than setting up bollards/chains, the design of the 3m-wide areas opened for public use 24 hours daily could be properly integrated with the whole pedestrianised avenue/pedestrian connection and the local environment. URA would further liaise with the Government on the exact width of the areas required to be opened for public use round the clock at the detailed design stage. In addition, URA had experience in designing and managing public open areas, such as the pedestrian passageway at Grand Central (凱滙) in Kwun Tong Town Centre which was opened for public use round the clock and served as a major pedestrian connection to Park Metropolitan (觀月·樺峯) located to its northeast;
- (c) the adoption of sunken plaza, which could integrate basement level with at-grade level, with suitable architectural design such as glass ceiling for

penetration of natural sunlight, could be explored at the detailed design stage. If the proposal of connecting the two entrances/exits of MTR To Kwa Wan Station by an underground shopping street was finally not agreed by MTRCL, URA would continue to explore alternative design options to improve pedestrian connectivity and enhance pedestrians' walking experience. Provision of sunken plaza was one of the possible design options;

- (d) URA would take initiatives to liaise with concerned stakeholders in improving the conditions of back lanes. The prescribed windows of the proposed residential blocks at the Site were designed not facing the back lanes and the adjoining residential buildings which were of about 70/80mPD in height;
- (e) URA would try its best endeavours to create community ambience. Through restructuring and re-planning of land parcels and road networks, the potential of the Site could be optimized to provide more residential flats in modern standard and with smart design. Walkability and connectivity of the district could be enhanced, and street vibrancy could also be enhanced through the provision of pedestrianised avenue/pedestrian connection with retail shops along both sides. The overall environment of the community could be greatly improved; and
- (f) integrated landscaping design would be adopted at-grade and at podium levels to address the interface issues, if any.

#### *Provision of GIC Facilities*

31. Some Members raised the following questions:

- (a) the rationale of the provision of a GFA of 2,500 m<sup>2</sup> for GIC facilities which only accounted for about 2% of the total domestic GFA of the proposed redevelopment and was comparatively lower than those provided in public housing developments;

- (b) whether additional GIC facilities could be provided in the Site, having regard to stronger demand of the residents in the old urban district for GIC facilities and the convenient location of the Site being located next to MTR station which could serve more residents;
- (c) having noted that there was a considerable number of elderly living in the old urban district and the issue of ageing population, whether it was possible to incorporate elderly facilities such as Residential Care Home for the Elderly (RCHE) in the proposed redevelopment;
- (d) the overall provision of GIC facilities in the Ma Tau Kok area, and whether change in demographic composition and increase in population had been taken into account in the provision of GIC facilities, and whether there were plans to provide GIC facilities in a timely manner to meet the needs of the population; and
- (e) noting that when Lok Man San Tsuen was to be redeveloped in future and the GIC facilities thereat would inevitably be displaced, whether there was a general mechanism/principle regarding the provision/re-provision of GIC facilities.

32. In response, with the aid of some PowerPoint slides, Messrs Wilfred C.H. Au and Mike Y.F. Kwan, URA, made the following main points:

- (a) it was clarified that, unlike the case of HKHA/HKHS's public housing developments, there was no hard requirement for URA to set aside a GFA equivalent to about 5% of domestic GFA for GIC facilities in redevelopment projects;
- (b) the proposed 2,500 m<sup>2</sup> GFA for GIC facilities included a Neighbourhood Elderly Centre (606 m<sup>2</sup> GFA), a 60-place Day Care Centre for the Elderly (716 m<sup>2</sup> GFA), an Integrated Family Service Centre (313 m<sup>2</sup> GFA) and a Special Child Care Centre (818 m<sup>2</sup> GFA). The above welfare facilities were requested by the Social Welfare Department (SWD) and the floor area

requirements had been initially confirmed by SWD. To proceed with the proposed redevelopment, the minimum GFA requirement for provision of GIC facilities had been stipulated in ES and would be stipulated in relevant land document later. To encourage the provision of GIC facilities in the proposed development, the floor area of GIC facilities as required by the Government would be exempted from PR calculation. Subject to the request/confirmation by relevant government departments at the detailed design stage, URA was willing to provide additional GIC facilities in the proposed development;

- (c) from design perspective, the footprint and height of the proposed GIC block was about 1,300 m<sup>2</sup> and three storeys respectively under the notional scheme. As the proposed GIC block had yet attained the BH reference (i.e. at a height of not more than 24 metres above ground level) where many welfare facilities were required to be located, there was still scope to increase the floorspaces for accommodating additional GIC facilities, where necessary, at the detailed design stage;
- (d) noting that there were no community facilities such as community hall within the 500m-radius of the Site, consideration could be given to incorporating such kind of facilities in the proposed redevelopment, subject to further liaison with relevant government departments;
- (e) URA, with the assistance of PlanD, would further liaise with concerned government departments to consider incorporating additional GIC facilities in the redevelopment at the detailed design stage; and
- (f) the Territorial Population and Employment Data Matrix (TPEDM) compiled by PlanD provided estimates on territorial distributions of population and employment in the future years which was adopted as reference by government departments and stakeholders involved, such as URA, in the planning of developments and services. It was noted that population and employment generated by long-term planned development projects in the area had generally been factored in TPEDM.

33. In response, Ms Vivian M.F. Lai, DPO/K, made the following main points:

- (a) in applying the Hong Kong Planning Standards and Guidelines (HKPSG) for assessment of provision of RCHE, the spatial distribution and differences in the provision level 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 SWD. According to the HKPSG, 21.3 subsidised beds per 1,000 elderly persons aged 65 or above should be provided. Although there was shortfall in RCHE and some other social welfare facilities in the area, the provision of these facilities was a long-term goal and the actual provision would be subject to the consideration of SWD in the planning and development process as appropriate. These facilities should be carefully planned/reviewed by relevant government departments and premises-based GIC facilities could be incorporated in future development/redevelopment when opportunities arose;
- (b) as for the overall provision of GIC facilities and open space in the Ma Tau Kok area, based on a planned population of about 145,000 persons, including the population of the planned residential developments, the planned provision of some GIC facilities was inadequate to meet the need of the planned population. Moreover, not all GIC facilities were suitable to be incorporated in the proposed redevelopment as specific requirements, such as location, size, operational needs, and the catchment areas/threshold population varied amongst different kinds of GIC facilities. Concerted effort was required among the Government (including PlanD and SWD), URA and other service providers to work closely together in the planning and development process to address the acute shortfall in social welfare facilities and to provide the necessary facilities at the right place and at the right time. In respect of public open space, the provision of planned district open spaces was adequate while there was a slight shortfall in the provision of planned local open spaces;
- (c) when considering the provision of GIC facilities, reference had been made to the HKPSG requirements for the provision of GIC facilities and TPEDM

regarding the planned population. The change in demographic composition and increase in population had been factored in TPEDM; and

- (d) if Lok Man San Tsuen was redeveloped in future, the affected GIC facilities thereat had to be reprovisioned with modern standards. Besides, based on a district-based planning approach, due regards would be given on whether there was opportunity to incorporate additional facilities in the redeveloped site(s). As for the subject Site, no GIC facilities would be affected by the proposed redevelopment, yet URA took initiatives to provide not less than 2,500 m<sup>2</sup> GFA for GIC uses.

34. The Chairperson shared Members' views/suggestions of providing more GIC facilities in the Site to help meet the needs of the residents in the old urban district, and remarked that PlanD would continue to offer assistance to URA to seek relevant government departments' views on whether additional GIC facilities, such as community hall and RCHE, could be incorporated in the proposed redevelopment. Besides, the proposed GIC block would be suitably designed and fully utilised to incorporate more GIC facilities where necessary and appropriate.

#### *Traffic Aspect*

35. Two Members raised the following questions:

- (a) whether there were proposed measures to improve the existing traffic conditions in the area, which was currently characterized by busy road traffic on narrow roads/streets coupled with frequent on-street parking and minibus/school bus pick-up/drop-off;
- (b) location of the proposed ingress(es)/egress(es) and the route plan for vehicles entering/leaving the proposed redevelopment; and
- (c) the considerations of providing 611 ancillary car parking spaces and 164 public car parking spaces in the proposed redevelopment, having noted that the Site was located conveniently next to MTR To Kwa Wan Station.

36. In response, with the aid of some PowerPoint slides, Mr Mike Y.F. Kwan, URA, made the following main points:

- (a) according to the findings of the submitted Traffic Impact Assessment (TIA) report, the proposed redevelopment, with the implementation of traffic improvement measures, would not have adverse traffic impact on the surrounding areas, and it was anticipated that the existing traffic condition could be improved through the proposed redevelopment. Three major road junction improvement works would be carried out, including (i) revising the traffic light signal at the junction of Tin Kwong Road/Kau Pui Lung Road; (ii) amending the road marking at the junction of Tin Kwong Road/Ma Tau Wai Road/Ma Hang Chung Road; and (iii) converting the section of Chi Kiang Street between Ko Shan Road and Ma Tau Wai Road from westbound to eastbound;
- (b) it was preliminarily designed to locate two ingresses/egresses at Kau Pui Lung Road, each for the proposed development at the northern portion and the southern portion of the Site. The proposed route plan had also been incorporated and assessed in the TIA;
- (c) URA would liaise with the Transport Department (TD) at the detailed design stage to examine any other traffic improvement measures required, the location of the proposed ingresses/egresses, and the proposed route plan; and
- (d) an underground PVP of 164 parking spaces was proposed to compensate the 100 affected on-street parking spaces at Maidstone Road (63), Kiang Su Street (10) and Kau Pui Lung Road (27), and to provide additional public car parking spaces to meet the local demand. Although the spaces along Kau Pui Lung Road to be released after removing the on-street parking spaces were outside the boundary of the Site, URA would explore with concerned government departments to utilize these solution spaces for enhancing pedestrian environment in the vicinity.

37. In response, Ms Vivian M.F. Lai, DPO/K, supplemented that while proximity and convenience for access to MTR station was one of the major considerations in determining the number of car parking spaces required, as advised by TD, the prevailing demand/supply conditions, traffic conditions, etc. of the area would also need to be taken into account.

*Provision of SH Units*

38. Some Members asked about the details of provision of SH units, and queried why the location of the SH units would be subject to review and might not necessarily be provided in the southern portion of the Site as initiated by URA. In response, Mr Wilfred C.H. Au, URA, said that since the Site as a whole would be developed as one site, flexibility would be allowed for URA in exploring mixed development of private housing and SH units within the Site in order to facilitate inclusionary housing. In any case, not less than 950 SH units would be provided in the Site.

39. The Chairperson remarked that the mixed development mode of private housing and SH units was not a novel idea. It was being tried out in a land sale site at Anderson Road sold by Government to private developer. When compared with the case that private developers might have greater concern on cash flow management for mixed development of private housing and SH units as they could not conduct pre-sale of uncompleted units, there may be more room for URA to adopt mixed development of private housing and SH units in the Site as both types of flats would be sold through URA with minimal involvement from Government.

*Impacts on Surrounding Areas*

40. A Member noted that there were many aged and dilapidated buildings nearby, particularly those adjoining the northern, eastern and southern boundaries of the Site, and asked whether there were special arrangements during the construction stage. In response, Mr Wilfred C.H. Au, URA, said that construction vehicles would use the two ingresses/egresses at Kau Pui Lung Road at the western boundary of the Site, and hence the impacts on the adjoining aged buildings at the east should not be significant. Besides, all construction works would be carried out in compliance with relevant legislations and regulations on the noise and dust control perspectives.

*Overall Planning Approach for the DS and Other URA's Projects in the Ma Tau Kok Area*

41. A Member asked about URA's overall planning approach in the Ma Tau Kok area and how the Site could be integrated with other URA's projects in the area such as those redevelopment projects to its southeast.

42. In response, Mr Wilfred C.H. Au, URA, made the following main points:

- (a) to the southeast of the Site was a cluster of URA's redevelopment projects (To Kwa Wan District-based Development Sites) which was launched under the planning-led and district-based approach that allowed URA to undertake broader scale restructuring and re-planning to improve the built environment and create opportunities for designing a pedestrian friendly neighbourhood;
- (b) an open space (i.e. Ma Tau Wai Road/To Kwa Wan Road Garden) and some major roads were located between the Site and To Kwa Wan District-based Development Sites. URA had been liaising with TD and relevant government departments to explore the possibility of connecting the Site with To Kwa Wan District-based Development Sites at-grade (such as street beautification works) and at basement level (such as connection of underground shopping streets), facilitating pedestrian connectivity between the two regenerated communities; and
- (c) development agreements would be signed between URA and the developers under which URA could scrutinize and monitor the design of the proposed redevelopment to ensure that a coherent and integrated design would be achieved.

*Others*

43. Some Members raised the following questions:

- (a) whether the proposed redevelopment would be developed solely by URA;

- (b) whether there were measures to enhance social inclusiveness; and
- (c) the rationale for assuming an average flat size of 50 m<sup>2</sup> and whether different sizes of flats would be provided to meet different market demands.

44. In response, Messrs Wilfred C.H. Au and Mike Y.F. Kwan, URA, made the following main points:

- (a) whether the proposed redevelopment would be developed by URA or its joint ventures was subject to further consideration;
- (b) there was an event plaza in the proposed redevelopment, welcoming various place-making activities; and URA in collaboration with Social Venture Hong Kong (a social organization) had been preparing a booklet on community-making setting out guidelines on integration of new and old communities. URA was glad to share the booklet to Members for reference once ready; and
- (c) an average flat size of 50 m<sup>2</sup> was assumed for private housing units while an average flat size of 58 m<sup>2</sup> was assumed for SH flats for the proposed redevelopment. From the experience of URA's residential projects, i.e. 'De Novo' and 'eResidence' (煥然懿居), SH flat buyers preferred flats of larger size, and hence a larger average flat size of 58 m<sup>2</sup> was assumed for the proposed SH flats. In any case, different sizes of flats would be provided in the proposed redevelopment to meet different market demands.

[Ms Sandy H.Y. Wong joined the meeting during the Q&A session.]

45. As Members had no further questions to raise, the Chairperson thanked the representatives of PlanD and URA for attending the meeting. They left the meeting at this point.

46. The deliberation session was recorded under confidential cover.

[Mr Ben S.S Lui joined the meeting at this point.]

**Fanling, Sheung Shui and Yuen Long East**

**Agenda Item 4**

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/YL-KTN/862

Proposed Two Houses (New Territories Exempted Houses – Small Houses) in “Agriculture” Zone, Lot 672 S.B (Part) in D.D. 109, Kam Tin North, Yuen Long  
(TPB Paper No. 10887)

---

[The item was conducted in Cantonese.]

**Presentation and Question Sessions**

47. The following representatives of the Planning Department (PlanD), the applicants and the applicants’ representatives were invited to the meeting at this point:

***PlanD***

Mr Anthony K.O. Luk - District Planning Officer/Fanling, Sheung Shui  
and Yuen Long East (DPO/FS&YLE)  
Ms Loree L.Y. Duen - Town Planner/Yuen Long East (TP/YLE)

***Applicants***

Mr Tang Sai Kit (鄧世傑) ] Managers (司理) of 鄧鐸英祖  
Mr Tang Sai Lok (鄧世樂) ]

***Applicants’ Representatives***

Mr Tang Chong Ket (鄧創基)  
*M&D Planning and Surveyors Consultant Limited –*  
Mr Yiu Sai Hoi (姚世鎧)

48. The Chairperson extended a welcome and explained the procedures of the review hearing. She then invited PlanD’s representatives to brief Members on the review application.

49. With the aid of a PowerPoint presentation, Ms Loree L.Y. Duen, TP/YLE, briefed Members on the background of the review application including the consideration of the application by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board), departmental and public comments, and the planning considerations and assessments as detailed in TPB Paper No. 10887 (the Paper). PlanD maintained its previous view of not supporting the application.

50. The Chairperson then invited the applicants and the applicants' representatives to elaborate on the review application.

51. Mr Yiu Sai Hoi, the applicants' representative (the consultant), made the following main points:

- (a) having noted relevant departmental comments as incorporated in the Paper, the applicants were willing to employ professionals to conduct technical assessments on drainage, traffic, landscape and fire safety aspects to demonstrate that the proposed Small House (SH) developments would not induce adverse impacts on the surrounding environment;
- (b) although the application site (the Site) fell entirely within "Agriculture" ("AGR") zone, it was located in close proximity to "Village Type Development" ("V") zone; and
- (c) the applicants did not own any land within the "V" zone, and hence they could only develop SHs on their own agricultural land within the "AGR" zone.

52. Mr Tang Sai Kit, one of the applicants, made the following main points:

- (a) he, Mr Tang Sai Lok (his younger brother) and Mr Tang Chong Ket (his son) were indigenous villagers;
- (b) land currently available for SH development within the "V" zone was owned by other Tso(s)/Tong(s), which would not sell the land to outsiders for SH development;

- (c) they could only use their own agricultural land within the “AGR” zone for building SHs;
- (d) building SHs on land owned by them would not involve any public resources. If they could not develop their SHs on their land to meet their imminent housing need, for instance, his son after being married might need to apply for a public housing unit which would in turn incur burden on the Government in respect of public housing provision; and
- (e) since they, as the land owners, would address all the technical issues properly, the proposed SHs would not have adverse impacts on the surrounding area.

53. As the presentation of PlanD’s representative, the applicant and the applicants’ representative had been completed, the Chairperson invited questions from Members.

54. Members had no question to raise. The Chairperson said that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application. The Chairperson thanked PlanD’s representatives, the applicants and the applicants’ representatives for attending the meeting. They left the meeting at this point.

#### Deliberation Session

55. Members generally agreed with the decision of RNTPC, and that the review application should be rejected. Members had the following questions/views/suggestions:

#### *Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/SH in New Territories*

56. A Member noted that the Site fell entirely within the “AGR” zone and enquired about the interpretation of ‘more than 50% of the footprints of the two proposed SHs fell outside the “V” zone’ as stated in the Paper. In response, the Secretary explained that the Interim Criteria for Consideration of Application for NTEH/SH (the Interim Criteria) would be applied in processing applications for SH development. The Interim Criteria specified that if more than

50% of the proposed NTEH/SH footprint was located outside the ‘village environs’ (‘VE’), favourable consideration could be given if not less than 50% of the proposed NTEH/SH footprint fell within the “V” zone, provided that there was a general shortage of land in meeting the demand for SH development in the “V” zone and the other criteria could be satisfied. The Interim Criteria also specified that development of NTEH/SH with more than 50% of the footprint outside both the “V” zone and ‘VE’ would normally not be approved. The Site under the subject application fell entirely outside both the “V” zone and the ‘VE’, and hence the proposed SH development should not be approved in accordance with the Interim Criteria. The District Lands Officer/Yuen Long (DLO/YL) of Lands Department (LandsD) also stated that SH applications with sites falling outside any ‘VE’ of a recognised village and “V” zone which encircled a recognised village would not be considered under the SH Policy even if the application was approved by the Board.

#### *Land Ownership within “V” Zone*

57. A Member, while agreeing with the RNTPC’s decision of not approving the application, said that the land owned by different Tso(s)/Tong(s) within the “V” zone might make it difficult for the applicants to acquire a piece of land for their SH development. The Secretary clarified that, only if the site/the footprint of proposed SH fell partly within “V” zone/‘VE’, land availability within “V” zone for meeting the demand for SH development would need to be considered. However, for cases with application sites falling entirely outside “V” zone and ‘VE’, as for the subject application, it was not necessary for the Board to take into account the land availability consideration under the Interim Criteria. In other cases when land availability needed to be considered, there was an established practice that the possible area available for new SH development, regardless of its land ownership, was estimated mainly by deducting the area of land occupied by or reserved for other uses, while land ownership, which was a factor subject to change, was not a material consideration in such estimation.

#### *Mechanism of Planning Application*

58. Some Members cast doubt that, the applicants, who were the managers of Tso/Tong, and their planning consultant should be familiar with the SH Policy, the Interim Criteria and the Board’s principles on consideration of applications for SH development, yet they chose to submit the application even though the chance of getting the Board’s approval was very slim.

In this regard, the Secretary said that PlanD had conveyed to the applicants/the applicants' representatives about the major considerations of the Board on the application as well as DLO/YL's stance that the SH application would not be considered under the SH Policy even if planning approval was granted by the Board, as summarized in the previous RNTPC paper.

59. A Member raised concern if it was an abuse of the review application mechanism and a waste of public resources to allow the applicants to go for a review without providing any further justifications to support the review application or to address the RNTPC's concerns, particularly noting DLO/YL's stance of not approving the SH application. The same Member asked whether there were means to avoid such kind of review applications to be submitted for the Board's consideration.

60. The majority of Members were of the view that applicants' right to apply for a review of the RNTPC/Metro Planning Committee (MPC)'s decision and make presentation to the Board at a hearing meeting should be respected, and the procedural justice as laid down in the Town Planning Ordinance (the Ordinance) should be upheld. It was also suggested that the Government could conduct more publicity works in order to facilitate the public/the applicants to understand more of the major principles and considerations of the Board in considering planning applications.

61. The Chairperson remarked that under the current practice, an applicant who was aggrieved by the RNTPC/MPC's decision over a planning application might apply in writing for a review. Despite the observation that some applicants lodged a review as a matter of course without providing any grounds in writing and some might even not attend the hearing meeting, it was the applicant's right to apply for a review under the Ordinance and such right should be respected and upheld. The Government was currently working on the streamlining of statutory planning process, under which a requirement for the applicant to set out the grounds for lodging a review application was proposed. Such requirement, if agreed and implemented, would enable the Board to focus on matters which warranted attention or reconsideration during the review hearing and help achieve more effective use of public resources. In any case, PlanD would continue to maintain communications with the applicants and convey to them the major considerations of the Board in considering planning applications.

62. After deliberation, the Board decided to reject the application for the following

reasons:

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone which is 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) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that more than 50% of the footprints of the two proposed Small Houses fall outside the “Village Type Development” (“V”) zone and ‘village environs’ of Shui Tau Tsuen and Shui Mei Tsuen. There is no general shortage of land in meeting the demand for Small House development in the concerned “V” zone. ”

### **Agenda Item 5**

[Open Meeting] [The item was conducted in Cantonese.]

### **Any Other Business**

63. There being no other business, the meeting was closed at 12:45 p.m.