

**Minutes of 1300<sup>th</sup> Meeting of the  
Town Planning Board held on 4.8.2023**

**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

Miss Winnie W.M. Ng

Mr Stanley T.S. Choi

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Mr K.W. Leung

Professor Jonathan W.C. Wong

Dr Venus Y.H. Lun

Dr Conrad T.C. Wong

Mrs Vivian K.F. Cheung

Mr Timothy K.W. Ma

Ms Bernadette W.S. Tsui

Mr K.L. Wong

Chief Traffic Engineer/New Territories West  
Transport Department  
Ms Carrie K.Y. Leung (Agenda Item 3)

Principal Assistant Secretary (Transport and Logistics) 3  
Transport and Logistics Bureau  
Mr Kirk H.Y. Yip (Agenda Item 4)

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

Director of Planning  
Mr Ivan M.K. Chung

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

Secretary

**Absent with Apologies**

Dr C.H. Hau

Ms Sandy H.Y. Wong

Mr Franklin Yu

Professor John C.Y. Ng

Mr Ricky W.Y. Yu

Professor Roger C.K. Chan

Mr Vincent K.Y. Ho

Mr Ben S.S. Lui

**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 1296<sup>th</sup> Meeting held on 24.7.2023 and the 1299<sup>th</sup> Meeting held on 21.7.2023

[The item was conducted in Cantonese.]

1. The draft minutes of the 1299<sup>th</sup> meeting held on 21.7.2023 were confirmed without amendment.
  
2. The draft minutes of the deliberation session of the 1296<sup>th</sup> meeting held on 24.7.2023 were sent to Members on 3.8.2023. Subject to any proposed amendments by Members, the minutes would be confirmed.

[Post-meeting Note: The minutes of the deliberation session of the 1296<sup>th</sup> meeting held on 24.7.2023, which had incorporated Members' comments, were confirmed on 7.8.2023 by circulation.]

[The Vice-chairperson joined the meeting at this point.]

## **Agenda Item 2**

[Open Meeting]

### Matters Arising

[The item was conducted in Cantonese.]

#### (i) Amendment to the Confirmed Minutes of the 1296<sup>th</sup> Meeting held on 14.6.2023

3. The Secretary reported that amendment to paragraph 19(a) on page 28 of the confirmed minutes of the 1296<sup>th</sup> meeting held on 14.6.2023 was proposed to reflect more accurately the personal information given by a representer (R3259). Members had no comment on the proposed amendment and the revised minutes incorporating the amendment would be uploaded to the Town Planning Board's website.

(ii) Hearing Arrangement for Consideration of Representations and Comments on Draft Urban Renewal Authority (URA) Development Scheme Plans (DSPs)

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 two DSPs including (i) the draft URA Ming Lun Street/Ma Tau Kok Road DSP No. S/K22/URA1/1; and (ii) the draft URA To Kwa Wan Road/Ma Tau Kok Road DSP No. S/K22/URA2/1.

5. The Secretary reported that the two DSPs involved areas located in Ma Tau Kok/Kowloon City and were submitted by URA. URA (C1) had submitted comments for both DSPs. Besides, representations had been submitted by the Hong Kong and China Gas Co. Ltd. (Towngas), a subsidiary of Henderson Land Development Co. Ltd. (HLD) for both DSPs (i.e. R244 for the draft URA Ming Lun Street/Ma Tau Kok Road DSP No. S/K22/URA1/1 and R3 for the draft URA To Kwa Wan Road/Ma Tau Kok Road DSP No. S/K22/URA2/1). In addition, a representation (R2) had been submitted by Kum Shing Group Limited for the draft URA To Kwa Wan Road/Ma Tau Kok Road DSP No. S/K22/URA2/1. The following Members had declared interests on the item:

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| Mr Ivan M.K. Chung<br>(as Director of Planning) | - being a non-executive director of the URA Board and a member of its Committee;   |
| Mr Andrew C.W. Lai<br>(as Director of Lands)    | - being a non-executive director of the URA Board and a member of its Committee;   |
| Mr Timothy K.W. Ma                              | - being a member of the Land, Rehousing & Compensation Committee and Development Project Objection Consideration Committee of URA, a director of the Board of the 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; his companies owning four properties in Ma Tau Kok and his daughter owning a property in Kowloon City; and Build King - Kum Shing Joint Venture was a client of his firm;
- Mr Lincoln L.H. Huang - being a former Vice-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 the HKHS which currently had discussion with URA on housing development issues;
- Mr Daniel K.S. Lau - being a member of the 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;
- Miss Winnie W.M. Ng - her company owning two properties in Ma Tau Kok;
- Dr C.H. Hau - being an employee of the University of Hong Kong (HKU) which had received donation from a family member of the Chairman of HLD before, and having past business dealings with HLD;
- Mr Stephen L.H. Liu - being a former member of the Council of the Hong Kong Polytechnic University which had obtained sponsorship from HLD before;
- Ms Bernadette W.S. Tsui - being a former employee of HKU which had received donation from HLD before; and
- Mr Vincent K.Y. Ho - having business dealings with HLD.

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

7. The Secretary introduced the details as below:

- (a) on 3.3.2023, the draft URA Ming Lun Street/Ma Tau Kok Road DSP No. S/K22/URA1/1, with the development scheme (DS) area designated as “Residential (Group A)” (“R(A)”) zone and an area shown as ‘Road’ and with the “R(A)” zone subject to domestic and non-domestic plot ratio (PR) restrictions of 6.5 and 1.0 respectively and building height restriction (BHR)

of 120mPD, was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, 247 valid representations were received. The valid representations were subsequently published for three weeks and five valid comments were received; and

- (b) on 3.3.2023, the draft URA To Kwa Wan Road/Ma Tau Kok Road DSP No. S/K22/URA2/1, with the DS area designated as “R(A)” zone and an area shown as ‘Road’ and with the “R(A)” zone subject to domestic and non-domestic PR restrictions of 6.5 and 1.0 respectively and BHR of 120mPD, was exhibited for public inspection under section 5 of the Ordinance. During the two-month exhibition period, five valid representations were received. The valid representations were subsequently published for three weeks and 29 valid comments were received.

8. The Secretary reported that the hearings of the two DSPs would be held separately. In view of the similar nature of the representations and comments of each DSP, the hearing of all valid representations and comments for each 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 each DSP in the hearing sessions. Consideration of the representations and comments of the two DSPs by the full Board was tentatively scheduled for September 2023.

9. After deliberation, the Board agreed to the respective hearing arrangements in paragraph 8 above.

(iii) New Town Planning Appeal Received

Town Planning Appeal No. 2 of 2023

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

(Application No. A/YL-NTM/447)

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10. The Secretary reported that a Notice of Appeal was received by the Appeal Board Panel (Town Planning) on 24.5.2023 against the decision of the Town Planning Board (the Board) on 24.2.2023 to reject on review an application (No. A/YL-NTM/447) for proposed temporary open storage for a period of three years and filling of land at Lots 2273, 2277 and 2278 in D.D. 102, Ngau Tam Mei, Yuen Long (the Site). The Site fell within “Green Belt” (“GB”) zone on the approved Ngau Tam Mei Outline Zoning Plan No. S/YL-NTM/12 currently in force and at the time of s.16 and s.17 application submissions.

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

- (a) the proposed use and filling of land were not in line with the planning intention of the “GB” zone which was 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 was a general presumption against development within this zone. There was 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 were 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 were incompatible with the surrounding area and would affect the landscape character; and
- (c) the proposed use and filling of land were 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 was no previous planning approval for the proposed use at the site and there were adverse departmental comments on landscape aspect.

12. Members noted that the hearing date of the appeal had yet to be fixed and agreed that the Secretary would act on behalf of the Board in dealing with the appeal in the usual manner.

(iv) Appeal Statistics

13. The Secretary reported that as at 31.7.2023, a total of six cases had yet to be heard by the Appeal Board Panel (Town Planning) and six decisions were outstanding.

14. Details of the appeal statistics were as follows:

Allowed	43
Dismissed	170
Abandoned/Withdrawn/Invalid	213
Yet to be Heard	6
Decision Outstanding	6
Total	438

(v) Complaint Lodged by an Individual

15. The Secretary reported that a complaint was received from an individual at the Town Planning Board (the Board) meeting held on 21.7.2023. The complaint was that the individual's two recent requests for circulating her e-mails to Members were denied by the Secretariat of the Board (the Secretariat) and she asked for the reasons behind. The said meeting agreed that pending further investigation, the case would be reported to Members.

16. The Secretary reported that an investigation had been conducted and the email correspondences between the individual and the Secretariat were tabled at the meeting for Members' information. The individual was a representer/commenter in respect of two statutory plans (i.e. Kennedy Town and Mount Davis Outline Zoning Plan (OZP) and Urban Renewal Authority (URA) Nga Tsin Wai Road/Carpenter Road Development Scheme Plan (DSP)). For the case of Kennedy Town and Mount Davis OZP, the representations and comments were considered at the Board meeting on 16.6.2023 and the Board agreed not to amend the OZP to meet the representations. After the hearing, on 27.6.2023, the individual sent an email to the Secretariat supplementing some information about her concern on the implementation and construction of another development in the campus of the University of Hong Kong which was considered by her as relevant for the Board regarding its decision on

the representations/comments. For the case of URA Nga Tsin Wai Road/Carpenter Road DSP, the representations and comments were considered at the Board meeting on 14.4.2023 and the Board agreed not to amend the DSP to meet the representations. After the hearing, on 7.5.2023, the individual sent an email to the Secretariat reiterating her views which she had presented in the hearing, i.e. on the abuse of 'Single Site, Multiple Use' policy by URA and the encroachment onto the Carpenter Road Park as a result of the proposed development of a Government, institution and community (GIC) block within the Park.

17. The Secretary remarked that the submission of representations/comments under the plan-making process should be made in accordance with the statutory provisions under the Town Planning Ordinance (the Ordinance). Under the Ordinance, any amendment to statutory plan would be exhibited for public inspection and during the two-month exhibition period, any person might make representation to the Board in respect of statutory plan or amendment to the plan. Such representation would be made available for public inspection as soon as reasonably practicable after the expiry of the two-month period. During the first three weeks of the public inspection period of the representations, any person might make comment on the representations to the Board. It was stated in the Ordinance that any representation/comment had to be made within the statutory time limit, and those which were made after the expiration of their respective statutory time limits should be treated as not having been made. There was no provision under the Ordinance for submission of further information to supplement a representation/comment after their respective statutory time limits.

18. The Secretary continued to explain that since the two emails were submitted by the individual after the Board had heard the respective representations/comments and made a decision on the said OZP and DSP, they were not sent to Members based on the consideration above and the fact the hearing of the representations/comments had already been conducted in accordance with the Ordinance, and the individual was advised of the reasons accordingly. Yet the individual insisted that the Secretariat had to circulate her emails to Members.

19. Members noted the findings of the investigation and that the Secretariat would issue a reply to the individual on the investigation. Moreover, to facilitate the Secretariat to handle similar requests from the public in circulating their letters/emails to Members, Members reconfirmed the following circumstances when the Secretariat needed not to accede to such

requests in future:

- (a) submissions that were received within the statutory exhibition period of statutory plans/representations or statutory publication period of planning applications since such submissions would be included in the papers that would be submitted to the Board for consideration; and
- (b) submissions that were received 'out of time', i.e. outside the statutory exhibition period of statutory plans/representations or statutory publication period of planning applications and/or after the Board had made a decision since there was no provision under the Ordinance for the Board to consider such submissions.

20. A Member said that the individual was concerned about whether her views had been heard by the Board and asked whether a clear and direct message that only the representations received within the statutory time limits would be considered by the Board could be conveyed to the representers. The Secretary said that such information had already been incorporated in the relevant Town Planning Board guidelines. Moreover, the Secretariat could further explore to convey such message to the representers/commenters in a more direct manner, such as incorporating such message in relevant correspondences to them.

### **Tuen Mun and Yuen Long West District**

#### **Agenda Item 3**

[Open Meeting (Presentation and Question Sessions only)]

Additional Hearing for Consideration of a Representation in respect of the Draft So Kwun Wat Outline Zoning Plan No. S/TM-SKW/14  
(TPB Paper No. 10899)

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[The item was conducted in Cantonese.]

21. The Chairperson remarked that, as agreed at the Town Planning Board (the Board) meeting held on 21.7.2023, the additional hearing today was to consider the oral submission

of Mr Li Tsz Fung Albert (R831) in respect of the draft So Kwun Wat Outline Zoning Plan No. S/TM-SKW/14 (the draft OZP).

Presentation and Question Sessions

22. The following government representatives and representer 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)

Correctional Services Department (CSD)

Mr Lawrence C.K. Chow - Senior Superintendent

OZZO Technology (HK) Limited ]

Ms Oliver L.Y. Cheung ] Consultants

SMEC ]

Mr Charles C.F. Liang ]

**Representer**

R831 - Li Tsz Fung Albert

Mr Li Tsz Fung Albert - Representer

23. The Chairperson extended a welcome. She then briefly explained the procedures of the hearing. She said that PlanD's representatives would be invited to brief Members on the draft OZP. The representer would then be invited to make oral submission. To ensure efficient operation of the hearing, the representer would be allotted 10 minutes for making presentation. There was a timer device to alert the representer 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 representer had completed his oral submission. Members could direct their questions to the government representatives or the representer. After the Q&A session, the government representatives and the representer would be invited to leave the meeting. The Board would then deliberate on the representation in their absence and inform the representer of the Board's decision in due course.

24. The Chairperson invited PlanD's representatives to brief Members on the draft OZP. With the aid of a PowerPoint presentation, Ms Janet K.K. Cheung, STP/TMYLW, PlanD, briefed Members on the background of the OZP amendment, the grounds/proposals of the representations and comments, planning assessments and PlanD's views on the representations and comments as detailed in TPB Paper No. 10899 (the Paper). The amendment was to rezone a site at Hong Fai Road (the Site) from mainly "Government, Institution or Community" ("G/IC") with a small portion in "Green Belt" ("GB") to "G/IC (1)" with stipulation of building height (BH) restriction of 90mPD for redevelopment of the existing 3 to 4-storey departmental quarters (DQs) of CSD to a 21-storey DQs (the proposed redevelopment).

25. The Chairperson then invited the representer, Mr Li Tsz Fung Albert (R831), to elaborate on his representation. The Chairperson, on behalf of the Secretariat of the Board, expressed apologies for failing to invite Mr Li to attend the hearing meeting held on 2.6.2023 and welcomed Mr Li to attend today's meeting.

R831 – Li Tsz Fung Albert

26. With the aid of a PowerPoint presentation, Mr Li Tsz Fung Albert made the following main points:

- (a) he had no in-principle objection to the proposed redevelopment at the Site. However, it was opined that the Traffic Impact Assessment (TIA) in support of the proposed redevelopment was not comprehensive and several unreasonable assumptions had been adopted, resulting in underestimation of traffic flows in nearby road networks. It was considered that some traffic-related issues needed to be addressed in order to facilitate the proposed redevelopment without severely affecting the So Kwun Wat

residents;

- (b) there was no railway serving the Siu Lam/So Kwun Wat areas and the local residents had to rely on road transport for their daily commuting. Tuen Mun Road was the major road infrastructure connecting Tuen Mun and Siu Lam/So Kwun Wat with urban areas. There were three entering/exiting points at Tuen Mun Road, including Yau Oi in Tuen Mun; Siu Lam Interchange in Siu Lam; and Sham Tseng near Tsuen Wan. For the So Kwun Wat residents, there were two key junctions (i.e. J4 (Castle Peak Road – Tai Lam/Hong Fai Road) and J5 (Castle Peak Road – Tai Lam/Castle Peak Road – New Tai Lam)) and three key road links (i.e. L2 (Castle Peak Road between Siu Lam Interchange and Hong Fai Road), L3 (slip road between Tuen Mun Road and Siu Lam Interchange) and L4 (Castle Peak Road between Hong Fai Road and off-slip Road from Tuen Mun Road)) for entering and exiting Tuen Mun Road to/from urban areas;
- (c) the TIA concluded that the above-mentioned junctions and road links would be operating with ample capacity during the AM and PM peak hours in the design year 2032 with the design flow to capacity ratio (DFC) (for junctions) or peak hourly flow/design flow ratio (P/Df) (for road links) of only about 0.6/0.7. However, such conclusion was considered inaccurate as key assumptions had been erroneously applied in the TIA;
- (d) it was queried why an annual growth rate for the whole North West New Territories (NWNT) region had been referenced in the TIA which aimed to address local traffic issues. According to the TIA, the assumed annual growth rate of +1.74% was adopted taking into account the historical traffic data from Annual Traffic Census (2013 – 2018) covering the Siu Lam/So Kwun Wat areas and the predicted annual population growth (2021 – 2026) from the 2016-based Territorial Population and Employment Data Matrix (TPEDM) for the NWNT region covering Tuen Mun, Tin Shui Wai and Yuen Long. It was questionable why out-dated 2016-based TPEDM data covering the NWNT region was referenced given that residents in Tuen Mun, Tin Shui Wai and Yuen Long would unlikely use the above-mentioned

junctions and road links;

- (e) it was suggested that only the more updated data covering the Siu Lam/So Kwun Wat areas should be adopted in the TIA. PlanD had compiled the “Projections of Population Distribution 2021-2029” in 2021, in which the Tertiary Planning Unit (TPU) 426 (i.e. the Castle Peak Bay area and part of the So Kwun Wat area) was relevant, and the predicted annual population growth rate for TPU 426 from 2019 to 2025 was about +11.4%. This showed that So Kwun Wat was an area with rapid growth;
- (f) by applying the suggested annual growth rate of +11.4%, the DFC or P/Df of J4, J5, L2, L3 and L4 would exceed 1.0 in design year 2032 which meant that traffic capacity of those junctions and road links would be severely overloaded;
- (g) the above was just one example of the problematic issues in the TIA. Due to limited presentation time, it was unable to present all other issues, such as the definition of peak hours and the date of conducting traffic survey. The TIA had not been conducted with reasonable care and a re-examination of which was necessary to acknowledge the real traffic situation and to avoid adverse traffic impact on the So Kwun Wat area. Besides, it was suggested that the feasibility of widening road links L2, L3 and L4 should be explored to address the traffic problems in the area; and
- (h) it was understood that Route 11 was being planned and it might be able to relieve some traffic problems in the So Kwun Wat area. However, as announced in the Policy Address, Tuen Mun East would be a new development area with a developable area of about 107 ha, and with an assumed domestic plot ratio of 6.5, it was roughly estimated that about 30,000 flats would be provided which might take up substantial capacity of the planned Route 11. Since there was much uncertainty about the future, it was suggested not going into details of these proposals, but focusing on the current local issues.



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

28. A Member asked whether PlanD had any responses to the representer's views/suggestions. In response, Mr Raymond H.F. Au, DPO/TMYLW, PlanD, said that, according to the TIA, as the amount of additional traffic to be generated by the proposed redevelopment (about 97 additional units) was not significant, all the key junctions and road links in the vicinity of the Site would be operating within their capacities and it was concluded that the proposed redevelopment would not create significant traffic impact on the nearby road networks. The Transport Department (TD) had no adverse comment on the TIA. Ms Oliver L.Y. Cheung, the Consultant, supplemented the following main points:

- (a) while Mr Li's views/suggestions could be further examined in the detailed design stage, it should be noted that the sections of Tuen Mun Road and Castle Peak Road falling within the TIA Study Area were main roads serving the population and business hubs in the NWNT region, in which TPU 426 had already been included therein. For example, J5 (Castle Peak Road – Tai Lam/Castle Peak Road – New Tai Lam) attracted quite a number of vehicular traffic originating from the NWNT region. Both the type of road users and traffic growth rate should be taken into account in the TIA. Hence, it was considered more appropriate to estimate the traffic growth rate by making reference to the population growth in the NWNT region which would have an overall impact on these sections of Tuen Mun Road and Castle Peak Road;
- (b) various sources of traffic/population data including (i) the annual traffic growth rate from the historical traffic data of Annual Traffic Census, (ii) the predicted annual population growth rate for the Tuen Mun and Yuen Long districts from the "Projections of Population Distribution 2021 – 2029", and (iii) the predicted annual population growth rate from the TPEDM data had been reviewed in the TIA. To establish the worst-case scenario, amongst

all the available data, the highest annual growth rate of +1.74% as reflected in the historical traffic data of Annual Traffic Census had been adopted in the TIA report. This approach was considered conservative and appropriate; and

- (c) should the annual growth rate of +11.4% as suggested by Mr Li be applied, the above-mentioned junctions and road links would be overloaded with DFC or P/Df exceeding 1.2, which indicated the occurrence of extremely serious traffic congestion, in about two/three years theoretically. It was considered unrealistic as in reality, under such situation, some drivers should have already chosen to take alternative routes; and
- (d) it could not be denied that the capacity of Tuen Mun Road and Castle Peak Road would reach saturation level after 2032.

29. Mr Li Tsz Fung Albert, R831, said that he agreed with the Consultant's explanation that both the type of road users and traffic growth rate should be taken into account in the TIA, yet it was suggested that a weighted average of traffic growth amongst the road users from NWNT region and the So Kwun Wat area should also be taken into account in the TIA. Besides, he concurred with the Consultant's views that the capacity of Tuen Mun Road and Castle Peak Road would reach saturation level in near future and hoped the Government would seriously look into the matter.

30. The Vice-chairperson appreciated Mr Li's precise and concise presentation and thanked him for his valuable views.

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

#### Deliberation Session

32. The Chairperson remarked that the Site, with an area of about 3,000 m<sup>2</sup>, was rezoned from “G/IC” with a small portion of “GB” to “G/IC(1)” for the proposed redevelopment of CSD’s DQs for providing a total of 136 units (about 97 additional units). At the hearing meeting on 2.6.2023, it was agreed that the OZP should not be amended to meet the adverse representations to the OZP. The Chairperson invited views from Members.

33. A Member noted that traffic was a major concern raised by the representer (R831) and other representers in the last hearing meeting on 2.6.2023, and asked whether there were any traffic improvement measures and/or long-term transport planning for the area.

34. The Secretary said that a TIA had been conducted by the Consultant, in which traffic survey data, predicted annual traffic growth rate in the region, travel pattern and trip rates observed at the existing DQs, etc. had been holistically taken into account. As the amount of additional traffic to be generated by the proposed redevelopment (about 97 additional units) was not significant, all the key junctions and road links in the vicinity of the Site would be operating within their capacities and the TIA concluded that the proposed redevelopment would not create significant traffic impact on the nearby road networks. TD had no adverse comment on the TIA. In the long run, for the Tuen Mun district and the wider regional context of NWNT, the Transport and Logistics Bureau (TLB) together with the Highways Department (HyD) and TD had launched the public consultation exercise for the preliminary findings of the Strategic Studies on Railways and Major Roads beyond 2030 (the Studies). The Studies recommended three major railway proposals and three major road proposals, and the Government would soon formulate Hong Kong’s Future Major Transport Infrastructure Development Blueprint.

35. The Chairperson supplemented that the planned Route 11, as mentioned by the representer (R831), was currently at an advanced planning stage. The proposed alignment of the planned Route 11 would be gazetted in near future. A feasibility study for developing the land in Tuen Mun East for housing and supporting facilities was in progress and a proposed railway station at/near Siu Lam of a proposed strategic railway from the planned Kau Yi Chau Artificial Islands connecting Tuen Mun and Sunny Bay was also being studied. The Government had been actively reviewing the long-term strategic transport planning and it was believed that traffic congestion in the NWNT region could be relieved with the above projects in place in the long run.

36. After deliberation, the Board decided not to uphold R831, and reconfirmed the previous decision on 2.6.2023 of noting the views of R841 and not upholding R1 to R840 and agreed that the draft OZP should not be amended to meet the representation for the following reasons:

- “(a) it is the Government’s established policy to provide departmental quarters (DQs) for married disciplined services staff in order to maintain morale and facilitate retention in the disciplined services departments. There is a continuous demand for provision of more DQs in Correctional Services Department (CSD). The Site is currently occupied by CSD’s low-rise DQs blocks with car parking area and vehicular access. It is suitable for high-rise DQs development for meeting CSD’s demand for DQs and better utilising the Site;
- (b) in view of the adjoining high-rise residential development with building height (BH) of 102mPD, the “Government, Institution or Community (1)” zone with a BH restriction of 90mPD for redevelopment of a 21-storey DQs block is considered suitable in terms of land use and BH compatibility taking into consideration the planning context of the area and findings of the relevant technical assessments;
- (c) a rezoning study with technical assessments on the potential impacts of various aspects, including traffic and transport, environmental, landscape, visual, drainage, sewerage and geotechnical, have been carried out for the proposed redevelopment and confirmed that there is no insurmountable technical problem of the proposed redevelopment at the Site. Relevant mitigation measures have also been proposed in the study to minimise the possible impacts of the proposed redevelopment. Regarding the concern on ecological impact, as the Site is already formed and disturbed and the proposal involves only redevelopment of the existing DQs blocks, significant adverse ecological impact due to the proposed redevelopment is not anticipated;

- (d) some government, institution and community facilities do not meet the provision requirements under the Hong Kong Planning Standards and Guidelines in the So Kwun Wat Planning Scheme Area. For kindergartens/nurseries and primary schools, the demand can be met by the surplus provision in Tuen Mun District. Regarding the provision of concerned social welfare facilities, Social Welfare Department has all along been adopting a multi-pronged approach with long-, medium- and short-term strategies and maintaining a close contact with relevant departments to identify suitable sites or premises in different types of development projects for the provision of welfare facilities to meet the needs of the community. For the provision of open space, there is a surplus of district open space and local open space in the Tuen Mun District as a whole; and
- (e) the statutory and administrative procedures in consulting the public on the zoning amendment have been duly followed. The views received have been duly considered and responded by concerned bureaux/departments.”

37. 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.

### **General**

#### **Agenda Item 4**

[Open Meeting]

Proposed Revisions to Town Planning Board Procedure and Practice, Guidelines, Guidance Notes, Forms and Information Pamphlets

(TPB Paper No. 10913)

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[The item was conducted in Cantonese.]

38. The following representatives of the Planning Department (PlanD) were invited to

the meeting at this point:

Ms Fannie F.L. Hung	- Chief Town Planner/Town Planning Board (3) (CTP/TPB(3))
Mr L.K. Wong	] Senior Town Planners/Town Planning Board
Mr Kelvin K.H. Chan	]

39. The Chairperson extended a welcome. The Chairperson said that the Government had reviewed the development-related statutory processes under six ordinances including the Town Planning Ordinance (the Ordinance) and put forward legislative proposals under the Development (Town Planning, Lands and Works) (Miscellaneous Amendments) Bill 2022 (the Bill). The Bill was published in the Gazette and introduced to the Legislative Council (LegCo) in December 2022, and passed by LegCo in July 2023. The amendments to the Ordinance (the Amended Ordinance) would come into operation on 1.9.2023 (the Commencement Date). PlanD had previously briefed Members twice on the proposed amendments to the Ordinance. To facilitate the implementation of the Amended Ordinance, the Town Planning Board (the Board/TPB)'s current practices and procedures and related TPB documents would need to be updated. The Chairperson then invited PlanD's representatives to brief Members on the Amended Ordinance and the proposed revisions to the relevant TPB documents.

40. With the aid of a PowerPoint presentation, Ms Fannie F.L. Hung, CTP/TPB(3), briefed Members on the Amended Ordinance and the proposed revisions to TPB's Procedure and Practice (P&P), TPB Guidelines (TPB PGs), Guidance Notes, Forms and information pamphlets as detailed in the TPB Paper No. 10913 (the Paper).

[The meeting was adjourned for a 10-minute break.]

41. Before proceeding to the Q&A session, the Chairperson recapitulated that PlanD's presentation covered two parts. The first part was on the major revisions under the Amended Ordinance, whereas the second part was about the proposed revisions to the relevant TPB documents highlighting the new arrangements and requirements to facilitate the implementation of the Amended Ordinance. While Members were welcomed to ask questions or seek clarifications from PlanD regarding the Amended Ordinance which would

soon come into operation, Members were invited to provide views/comments/suggestions on the proposed revisions to relevant TPB documents to put in place the streamlined arrangements in the Amended Ordinance.

### The Amended Ordinance

#### *Representation Hearing*

42. A Member asked about the meaning of ‘a natural person’ in relation to representation hearing. In response, Ms Fannie F.L. Hung, CTP/TPB(3), said that a natural person was a human being, a real and living person who was able to express views. On the contrary, a company/an organisation/a concern group was not a natural person which could not express views by itself and a natural person had to be authorized to attend the hearing meeting and express views on its behalf. The Chairperson supplemented that ‘natural person’ was a legal term adopted in legislation.

#### *S.12A Applications*

43. Some Members raised the following questions:

- (a) noting that only the eligible persons (i.e. an owner of the land concerned within the application site, a person who had obtained written consent from the land owner(s), a person who had obtained written consent of the Director of Lands in relation to Government land (GL) involved in the application site, a public officer or a public body as defined by section 2 of the Prevention of Bribery Ordinance) could submit s.12A applications and members of the general public might not be eligible to submit s.12A applications even if their rezoning proposals were for public interest, whether there was any mechanism to deal with the rezoning proposals put forward by non-eligible persons;
- (b) noting that a land owner of the land concerned within the application site was eligible to submit s.12A application, whether there was any requirement in respect of the percentage of the land ownership; and

- (c) the meaning of ‘dispensing with public consultation procedures for s.12A applications’ and whether there were alternative channels for the public to express their views on rezoning proposals.

44. In response, Ms Fannie F.L. Hung, CTP/TPB(3), made the following main points:

- (a) as an administrative measure, there had been an existing mechanism in PlanD for processing development proposals, which included rezoning proposals. If any member of the public would like to pursue any rezoning proposal, the proposal could be submitted to PlanD for consideration. PlanD would assess the proposal in consultation with concerned government bureaux/departments. If a proposal was considered acceptable with policy support, if relevant, and there were no adverse comments from bureaux/departments, the proposal would be submitted to the Board for consideration in the form of proposed amendment to the relevant statutory plan as appropriate;
- (b) there was no specific requirement on the minimum percentage of land ownership for submission of s.12A applications; and
- (c) currently, s.12A applications would be published for three weeks for public comments under the Ordinance and such public consultation procedures would be dispensed with under the Amended Ordinance with a view to avoiding repetitive processes of similar nature as required under the statutory plan-making process, so as to streamline the statutory planning process. If a s.12A application was agreed by the Board, the proposal would eventually be incorporated into the relevant statutory plan in the form of proposed zoning amendment for the Board’s consideration under the plan-making process. Subject to the Board’s agreement, the draft plan incorporating the proposed amendment would then be exhibited for public inspection for two months and the public could make representations in respect of the draft plan.



45. By citing some examples of previous rezoning applications, such as rezoning of site(s) at Bishop Hill in Central/Sai Kung for conservation use put forward by concern group/green group, a Member enquired whether the applicants of these previous applications would still be eligible to apply for s.12A applications under the Amended Ordinance. In response, the Secretary said that for s.12A applications under the Amended Ordinance, the Government would adopt a lower threshold for the requirement of land ownership and would not require an applicant to own the entire application site or obtain written consent from all of the owners of the application site. For example, if the application site was wholly or partly private land, even a land owner with only 1% of land ownership or a person with consent from only one of the land owners of the land concerned was eligible for making a s.12A application. If the application site was wholly GL, the applicant had to obtain the consent of the Director of Lands.

46. The Chairperson supplemented that if an applicant of a s.12A application did not own any part of the application site or had not obtained the consent of the owner concerned for making the application in respect of the site, even if the application was accepted by the Board and the proposal concerned was incorporated into the relevant statutory plan, it would be difficult for the proposal to be implemented. Yet, substantial public resources had to be deployed in processing such application. In view of the above, proposals had been made to amend the requirement for submitting s.12A applications to allow the Board to focus on applications that had a reasonable chance of being put into implementation. Under the eligibility requirement, although some members of the public might not be eligible to make s.12A applications, as an administrative measure, they could submit rezoning proposals to PlanD for consideration. PlanD would assess the proposals in consultation with concerned bureaux/departments. If a proposal was considered acceptable with policy support, if relevant, and there were no adverse comments from bureaux/departments, the proposal would be submitted to the Board for consideration in the form of proposed amendment to the relevant statutory plan as appropriate.

#### *S.16 Applications and S.17 Reviews*

47. Two Members raised the following questions:

- (a) noting that some applicants had submitted planning applications repeatedly

without much change to their proposals once their previous applications were rejected by the Board, whether there was any mechanism to restrict the applicants from making such repetitive planning applications; and

- (b) noting that the applicants of s.17 review applications would be required to set out the grounds for review, whether there was any requirement in respect of the grounds to be provided for the review.

48. In response, Ms Fannie F.L. Hung, CTP/TPB(3), made the following main points:

- (a) there was no provision under the Amended Ordinance to restrict the applicants from making repetitive planning applications. According to her past experience, some applicants might make use of a fresh application to address adverse departmental comments or to slightly refine their proposals for the Board's consideration; and
- (b) as observed from past applications, some applicants had lodged a review as a matter of course without providing any grounds in writing and some might even not attend the hearing meetings to present their justifications. Under the Amended Ordinance, the applicants were required to set out the grounds for lodging review applications, yet there was no specific requirement in respect of the grounds for review and flexibility was allowed for the applicants to determine what grounds/justifications should be provided to support the review.

*Proposed Revisions to the TPB Documents for the Amended Ordinance*

*Speaking Time for Representatives/Authorized Representatives at Hearing Sessions*

49. A Member asked the reason for imposing a maximum presentation time of 10 minutes for each presenter. In response, Ms Fannie F.L. Hung, CTP/TPB(3), said that according to the TPB's 'Guidance Notes on Attending the Meeting for Consideration of Representations, Comments and Further Representations under the Town Planning Ordinance' currently in force, the Board might allot a maximum presentation time of 10 minutes for each

representer. Any request for further time for making oral submission in a hearing session would be subject to the discretion of the Board. That arrangement had been put in place for quite some time and administered effectively for the Board to hear representations. It was recommended that the current well-established administrative practice of allotting a maximum 10-minute presentation time for each representer be maintained and extra presentation time be allotted at the discretion of the Board. It had been clearly specified under the new arrangements and requirements and as indicated in paragraph 23 of Annex 9 of the Paper (Proposed Revisions to ‘Guidance Notes on Attending the Meeting for Consideration of Representations, Comments and Further Representations under the Town Planning Ordinance’) that “request for further time for making oral submission from a representer or his/her authorized representative will be subject to the discretion of the Board and such discretion will only be exercised upon sufficient cause shown and after taking into account all relevant circumstances. If his/her request is acceded to, he/she will be allowed to make an oral submission continuously up to the further time allowed by the Board.”

50. The same Member and another Member had the following views/questions:
- (a) allotting a maximum presentation time of 10 minutes for each representer might limit the opportunity for the public to express their views in the plan-making process;
  - (b) imposing a maximum presentation time of 10 minutes for each representer might convey a negative message to the public that the public’s right to be heard was not respected by the Board. Some representers might need to take leave for attending the hearing meetings or spend a long travelling time to the meeting venue but they only had 10 minutes to make oral submissions;
  - (c) noting that a representer or his/her authorized representative might request for further time for making oral submission and the request would be subject to the discretion of the Board, what the criteria/considerations were for making such discretion; and
  - (d) while concurring with the objective of streamlining statutory planning procedures through compressing/consolidating the public presentation

procedures and noting that the presentation time by each presenter would be on a non-accumulative basis and subject to a time limit of 10 minutes as currently adopted on an arbitrary basis, whether there was any scientific basis or statistical data to support allotting a maximum presentation time of 10 minutes for each presenter. Consideration might be given to extending the maximum presentation time for each presenter to more than 10 minutes.

51. In response, the Secretary made the following main points:

- (a) to ensure efficient and effective conduct of hearing meetings, allotting a maximum presentation time for each presenter was considered necessary. Under the current practice, a maximum presentation time of 10 minutes for each presenter had been adopted. Under the new arrangements and requirements, a maximum presentation time of 10 minutes would still be allotted to each presenter or his/her authorized representative. Yet, the only difference was that the presentation time was counted on a non-accumulative basis, i.e. each presenter or his/her authorized representative regardless of the number of presenters that authorized representative was representing would be given 10 minutes to speak once in the hearing meeting;
- (b) the current practice of allotting a maximum presentation time of 10 minutes for each presenter and exercising discretion by the Board for allotting extra presentation time for the presenters had been administered effectively. Any request for further time for making oral submission in a hearing session would be subject to the discretion of the Board and such discretion would be exercised taking into account the reasons provided by the presenters and all relevant circumstances such as the content of the oral submissions (whether repetitive or new points were involved), the progress of the hearing meetings, the need to ensure fairness amongst the presenters. It was envisaged that the Board would continue to maintain the current well-established administrative practice of considering allotting extra presentation time based on the merits of individual case. Past

experience demonstrated that flexibility had been exercised in allotting presentation time at hearing meetings and the Chairperson on several occasions allowed the representers to finish their oral submissions even after the 10-minute time limit had lapsed; and

- (c) under the statutory planning regime, draft statutory plans were exhibited for two months for public inspection and the public might make representations (in form of written submissions) to the Board for consideration. There was no requirement on the length of the written submissions. Grounds/proposals of representers' written submissions were duly reflected in the TPB papers and departmental comments/responses to the representers' grounds/proposals were also incorporated in the TPB papers for Members' consideration. The purpose of oral submissions was to allow different representers to elucidate their views in person and to respond to the Board's enquiries for clarifications or departmental comments made on representations, instead of reading out or reciting the points made in the written submissions which had already been provided to the Board before the hearing.

52. The Chairperson supplemented that with a view to ensuring the orderly conduct of the hearing meetings and allowing Members to hear and consider holistically the views of different representers, representers were encouraged to attend the hearing meetings in person and to have direct exchange of views with Members. Despite the 10-minute presentation time, should a group/an organization have grave concern on the amendments to the statutory plans, particularly in the case of controversial projects, the said group/organization could still engage different individuals to submit representations, and each representer would be invited to attend the hearing meeting.

53. Some Members had the following views:

- (a) past experience showed that some individuals or organizations had abused the existing authorization mechanism by seeking to represent a large number of representers, thereby accumulating a considerable amount of speaking time and repeating their views, which might be contrary to the original intent

of holding hearing meetings to hear views from the representers in person;

- (b) noting that there was no change to allotting a maximum presentation time of 10 minutes for each representer which had been currently adopted and a group/an organization could still engage different individuals to submit representations, instead of listening to the repetitive views raised by the same individual in the hearing meetings, the new arrangements and requirements could facilitate views from the representers to be heard in person in the meetings;
- (c) it was noted that a listener's attention span was short and it was agreeable to maintaining the current practice of allotting a maximum presentation time of 10 minutes for each representer while balancing the need of streamlining the statutory planning procedures. If a new maximum presentation time was needed to be set, some kind of scientific basis or statistical data might be required. However, whatever the length of presentation time was set, it would be subject to debate; and
- (d) past experience showed that a presentation time of 10 minutes was fair enough for a representer to make a focused and concise presentation.

54. The Chairperson supplemented that oral submission was only part of the whole hearing process. After the oral submissions by the representers or their authorized representatives, Members would be invited to ask questions which might require the representers or their authorized representatives to answer. The Q&A session was an effective channel for Members to raise questions with the representers or their authorized representatives and to get further information from them in the hearing meetings.

55. In respect of the arrangements of oral submissions and Q&A sessions in the hearing meetings, some Members said that as observed from the recent hearing meetings, some representers/authorized representatives had made their oral submissions in the early morning but needed to wait for a long time until the late afternoon for participating in the Q&A session and such arrangement was considered undesirable. It was suggested that the Q&A session should be arranged in each a.m./p.m. session. The Chairperson remarked that when the

presentation time of each representer or authorized representative was limited to 10 minutes and was non-accumulative under the new arrangements and requirements, the oral submission part would be more focused and time-efficient, and the waiting time of the representers would likely be shortened. As such, due consideration would be given to arranging Q&A session in each a.m./p.m. session in future hearing meetings as appropriate.

56. Ms Fannie F.L. Hung, CTP/TPB(3), supplemented that Annex 9 of the Paper (Proposed Revisions to ‘Guidance Notes on Attending the Meeting for Consideration of Representations, Comments and Further Representations under the Town Planning Ordinance’) gave information and guidance on attending the meeting of the Board for consideration of the representations and the representer who intended to attend the hearing was encouraged to read those notes. The Guidance Notes specified, amongst others, the maximum presentation time for each representer or his/her authorized representative was 10 minutes and the representers or their authorized representatives might be invited to answer questions in the Q&A session after their oral submissions. Apart from the current practice of incorporating the information on the maximum presentation time allotted to each representer in the letters/emails to the representers, it was suggested that the information about the arrangement of the Q&A session should also be incorporated in the letters/emails to the representers to inform them the procedures of the hearing and to enable them to get prepared on how to better utilize their presentation time.

#### *Publicity Works*

57. Some Members had the following views/suggestions:

- (a) there was concern on how the new arrangements and requirements and the rationales behind would be properly made known to the public, particularly for the stakeholders such as land owners and their agents/consultants;
- (b) the kind of consultation works that had been conducted and publicity works that would be conducted for the new arrangements and requirements;
- (c) apart from traditional publicity works of disseminating information in textual format, opening up more channels for disseminating information on

the new arrangements and requirements should be explored, such as videos, media briefing, a Q&A checklist, etc.;

- (d) noting that the relevant TPB documents would only be uploaded to the Board's website two weeks before the Commencement Date to inform the public of the new arrangements and requirements, there was concern on such a short notice to the public;
- (e) publicity for the Amended Ordinance and the related revisions to TPB documents should be better articulated, for example, instead of using negative wording like 'dispensing with the public consultation procedures for s.12A applications' or 'dispensing with the comments on representations and making all representations available for public inspection as soon as reasonably practicable', the articulation should be refined in a more positive and pro-active approach with more explanations be given to the public. For instance, it could be explained to the public that the public consultation procedures for the rezoning proposals/zoning amendments were consolidated in the statutory plan-making process and the public were welcomed to make representations in respect of the zoning amendments; and the representations would be made available for public inspection as early as possible after they had been received so that the public could know others' views and submit their own representations within the two-month period during which the draft plan was exhibited; and
- (f) publicity works should not only be carried out before the Commencement Date of the Amended Ordinance. Rather, the publicity period should last for a longer timespan, say about six months or one year, and the effectiveness of publicity works should be reviewed from time to time.

58. In response, the Chairperson made the following points:

- (a) apart from the original plan of issuing a press release, consideration could be given to opening up more channels for disseminating information on the new arrangements and requirements, such as briefing sessions to



professional institutes, promotion via social media like Facebook posts, and establishing a “Frequently Asked Questions” session in TPB’s website; and

- (b) to ensure a smooth and efficient conduct of the hearing, she might request the representers or authorized representatives not to unnecessarily repeat the same points which had been made or not to present the points that were unrelated to the subject matter such as the compensation and rehousing issues. Consideration could be given to how such message could be properly delivered to the attendees of the hearing meetings through the Secretariat’s invitation or notification to attendees.

59. The Secretary supplemented that the Bills Committee on Development (Town Planning, Lands and Works) (Miscellaneous Amendments) Bill 2022 (the Bills Committee) of the LegCo had conducted extensive consultations on the Bill (including the amendments to the Ordinance), and organizations such as professional institutes and green groups as well as some individuals had provided views to the Bills Committee. Amendment proposals to the Ordinance had also been presented to the Board twice. There was also substantial media coverage on the Bill. Hence, the Amended Ordinance should have already drawn attention and discussion in the public domain. In fact, most of the Members’ concerns/views raised in today’s meeting had been discussed in the context of the Bill.

*Consideration of Request for Authorizing Representative/Assigning Accompanying Persons*

60. Two Members had the following questions:

- (a) noting that under exceptional circumstances, i.e. (i) medical ground, e.g. sickness or hospitalisation; (ii) not in Hong Kong, e.g. studying abroad or having business trip; (iii) taken into custody or under quarantine; or (iv) other grounds which in the opinion of the Board were considered acceptable, a representer might authorize a representative to attend the hearing meeting, whether the exceptional circumstance (iv) mentioned above could be more specific, e.g. representers who were elderly or speaking/hearing-impaired could also be considered as an exceptional circumstance for authorizing a representative to attend the hearing meeting; and

- (b) whether there was any requirement of a natural person or a non-natural person could be the representer or an authorized representative and whether a company/an organization/a concern group could submit more than one representation.

61. In response, the Chairperson said that the relevant TPB documents had clearly specified that the representer or authorized representative could be accompanied by other persons (i.e. the accompanying persons), such as those needed to assist the elderly/hearing-impaired persons to express views. Nevertheless, the accompanying persons could only use the 10-minute speaking time allotted to the representer or authorized representative for making any presentation.

62. The Secretary supplemented that any person, no matter a natural person or a non-natural person, might make representation to the Board in respect of the plan and the person who submitted the representation would be the representer. Under the new arrangements and requirements, it was specified that if a representer was not a natural person (e.g. a company/an organization/a concern group), the representer might authorize a natural person to attend the hearing. If the representer was a natural person and the Board was satisfied that the representer was unable to attend the hearing because of exceptional circumstances, the representer might authorize another natural person to attend on his/her behalf. Moreover, a company/an organization/a concern group under its name could not submit more than one representation.

#### *Soft Copy Submission*

63. A Member asked about the details of the arrangement of soft copy submission. In response, Ms Fannie F.L. Hung, CTP/TPB(3), said that under the current administrative practice, there was no requirement to request applicants to submit hard or soft copy of their submissions, and hence many applicants submitted only the hard copy. To facilitate the public to inspect planning applications on-line and to reduce paper consumption, it was proposed to require all s.12A applications, s.16 applications, s.16A applications and s.17 reviews made on or after the Commencement Date to provide soft copy of the supplementary information (e.g. planning statement and technical assessments). Such requirement was set

out in the relevant Guidance Notes and Forms. With such requirement, Members would not receive large amounts of hard copy submission in future.

64. In conclusion, the Chairperson thanked Members for their valuable views and suggestions and made the following remarks:

- (a) the Board fully respected the rights of representers to be heard. The existing statutory arrangement under which every representer was entitled to attend hearing meetings remained unchanged, and the current administrative practices of allotting a maximum presentation time of 10 minutes for each representer and exercising discretion by the Board for allotting extra presentation time for the representers had been administered effectively. However, past experience demonstrated that the authorization mechanism might have been abused. With a view to ensuring the orderly conduct of hearing meetings and allowing Members to hear and consider holistically the views of different representers, representers were encouraged to attend the hearing meetings in person as far as possible. The only difference under the new arrangements and requirements was that the presentation time was counted on a non-accumulative basis. Besides, same as the current practice, the representers or their authorized representative might be invited to answer questions from Members in the Q&A session in order to facilitate Members to get further information from them in the hearing meetings;
- (b) due consideration would be given to better arranging the Q&A sessions in the hearing meetings;
- (c) due consideration would be given to enhancing the publicity of the new arrangements and requirements for the Amended Ordinance and to avoid using negative wording; and
- (d) flexibility would be allowed in the hearing meetings to let the attendees adapt to the new arrangements and requirements which could be reviewed from time to time if needed.

65. Mr Ivan M.K. Chung, Director of Planning (D of Plan), suggested that Members' agreement on the ways of handling public submissions received by the Board after expiry of the statutory time limits as discussed in the MA item at today's meeting (as recorded in paragraph 19 above) could be incorporated in the TPB's P&P and relevant documents as appropriate. Members agreed.

66. After deliberation, the Board agreed that the proposed revisions to the TPB documents in Annexes 1 to 24 of the Paper, subject to amendments to reflect D of Plan's suggestions, be endorsed. The Board also agreed that the revised TPB documents would be uploaded to the Board's website as soon as reasonably practicable but not later than two weeks before the Commencement Date to inform the public in advance the new arrangements and requirements, and the proposed revisions to the TPB documents would take effect on the Commencement Date of the Amended Ordinance, i.e. 1.9.2023.

[Post-meeting note: The phrase "***and will not be considered by the Board***" would be added after "All submissions made to the Board after the expiry of the time limits are to be treated as not having been made" in paragraph 5.5 of TPB's P&P, paragraph 3.2 of TPB PG-No. 29C on Submission and Publication of Representations and Further Representations under the Town Planning Ordinance, and paragraph 8 of TPB PG-No. 32B on Submission on Further Information in Relation to Applications for Amendment of Plan, Planning Permission and Review.]

### **Agenda Item 5**

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

### **Any Other Business**

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