

**Minutes of 1304th Meeting of the
Town Planning Board held on 6.10.2023**

Present

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

Chairperson

Mr Lincoln L.H. Huang

Vice-chairperson

Mr Wilson Y.W. Fung

Mr Stephen L.H. Liu

Dr C.H. Hau

Ms Sandy H.Y. Wong

Mr Stanley T.S. Choi

Mr Daniel K.S. Lau

Mr K.W. Leung

Professor Roger C.K. Chan

Dr Venus Y.H. Lun

Mrs Vivian K.F. Cheung

Mr Vincent K.Y. Ho

Mr Timothy K.W. Ma

Professor Bernadette W.S. Tsui

Mr K. L. Wong

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

Chief Engineer/New Territories East
Transport Department
Mr K.L. Wong

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

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

Miss Winnie W.M. Ng

Mr Franklin Yu

Ms Lilian S.K. Law

Professor John C.Y. Ng

Mr Ricky W.Y. Yu

Professor Jonathan W.C. Wong

Dr Conrad T.C. Wong

Mr Ben S.S. Lui

In Attendance

Assistant Director of Planning/Board
Ms Caroline T.Y. Tang

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

Senior Town Planner/Town Planning Board
Ms M.L. Leung

Agenda Item 1A

[Open Meeting]

Confirmation of Minutes of the 1301st Meeting held on 7.9.2023

[The item was conducted in Cantonese.]

1. The draft minutes of the 1301st meeting held on 7.9.2023 were confirmed without amendment.

Agenda Item 1B

[Open Meeting]

Confirmation of Minutes of the 1302nd Meeting held on 15.9.2023

[The item was conducted in Cantonese.]

2. The draft minutes of the 1302nd meeting held on 15.9.2023 were confirmed without amendment.

Agenda Item 2

[Open Meeting]

Matters Arising

[The item was conducted in Cantonese.]

(i) Approval of Draft Outline Zoning Plans

3. The Secretary reported that on 19.9.2023, the Chief Executive in Council approved the draft Fanling North Outline Zoning Plan (OZP) (re-numbered as S/FLN/4) and the draft Kwu Tung North OZP (re-numbered as S/KTN/4) under section 9(1)(a) of the Town Planning Ordinance. The approval of the draft OZPs was notified in the Gazette on 29.9.2023.

(ii) Hearing Arrangement for Consideration of Representation and Comment in respect of the Draft Chai Wan Outline Zoning Plan No. S/H20/26

4. The Secretary reported that the item was to seek Members' agreement on the hearing arrangement for consideration of representation and comment in respect of draft Chai Wan Outline Zoning Plan (OZP) No. S/H20/26.

5. The Secretary reported that the amendments of the draft Chai Wan OZP mainly involved a proposed public housing development to be developed and a public housing development completed by the Hong Kong Housing Authority (HKHA), of which the Housing Department (HD) was the executive arm. The proposed public housing development was supported by an Engineering Feasibility Study (EFS) conducted by the Civil Engineering and Development Department (CEDD), with AECOM Asia Company Limited (AECOM) being one of the consultants of the EFS. The following Members had declared interests on the item:

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| Mr Andrew C.W. Lai
(as <i>Director of Lands</i>) | - being a member of HKHA; |
| Mr Paul Y.K. Au
(as <i>Chief Engineer (Works),
Home Affairs Department</i>) | - being a representative of the Director of Home Affairs who was a member of the Strategic Planning Committee and the Subsidised Housing Committee of HKHA; |
| Mr Franklin Yu | - being a member of the Building Committee and the Tender Committee of HKHA; |
| Dr Conrad T.C. Wong | - having current business dealings with HKHA and AECOM; |
| Mr Vincent K.Y. Ho | - having current business dealings with AECOM; |
| Dr C.H. Hau | - conducting contract research projects with CEDD;
being a member of the Urban Forestry and |

Biodiversity Focus Group of CEDD on the study related to the Kau Yi Chau Artificial Islands; and being an honorary professional adviser on wetland conservation and biodiversity enhancement associated with the development of New Territories North of CEDD;

- Mr Timothy K.W. Ma - being a member of the Supervisory Board of 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 ex-employee of HKHS which currently had discussion with HD on housing development issues.

6. As the item for agreement on hearing arrangement was procedural in nature, all Members who had declared interests should be allowed to stay in the meeting. Members noted that Dr Conrad T.C. Wong and Mr Franklin Yu had tendered apologies for being unable to attend the meeting.

7. The Secretary introduced that on 12.5.2023, the draft Chai Wan OZP, involving mainly the rezoning of a site to the south of Chai Wan Swimming Pool from “Green Belt” and “Government, Institution or Community” to “Residential (Group A)” (“R(A)”) and rezoning of the existing Wah Yan House of Wah Ha Estate to the immediate west of the Mass Transit Railway Chai Wan Station from “Comprehensive Development Area” to “R(A)”, was exhibited under section 5 of the pre-amended Town Planning Ordinance. During the two-month exhibition period, one representation was received. The representation was subsequently published for three weeks and one comment was received.

8. The Secretary said that in view of the similiar nature of the representation and comment, the hearing of the representation and comment was recommended to be considered by the full Board collectively in one group. To ensure efficiency of the hearing, a maximum of 10 minutes presentation time would be allotted to each representer/commenter in the hearing session. Consideration of the representation and comment by the full Board was tentatively scheduled for December 2023.

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

Sha Tin, Tai Po and North District

Agenda Item 3

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-MUP/186

Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” Zones, Lot 144 S.A in D.D.46, Tai Tong Wu Village, Sha Tau Kok

(TPB Paper No. 10929)

[The item was conducted in Cantonese.]

Presentation and Question Sessions

10. The following representative of the Planning Department (PlanD) was invited to the meeting at this point:

Mr Tim T.Y. Fung - Senior Town Planner/Shu Tin, Tai Po and North (STP/STN)

11. The Chairperson extended a welcome and informed Members that the applicant and his representative had indicated not to attend the meeting. She then invited PlanD’s representative to brief Members on the review application.

12. With the aid of a PowerPoint presentation, Mr Tim T.Y. Fung, STP/STN, PlanD, briefed Members on the background of the review application including the application site (the Site), the proposed development, the consideration of the application by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board/TPB), departmental and public comments, and planning considerations and assessments as detailed in TPB Paper No. 10929 (the Paper). PlanD maintained its previous view of not supporting the application.

13. As the presentation of PlanD's representative had been completed, the Chairperson invited questions from Members.

14. 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 representative for attending the meeting. He left the meeting at this point.

Deliberation Session

15. The Chairperson invited views from Members on the review application. Members noted that no further written justification was submitted by the applicant to support the review application, and generally agreed with the decision of the RNTPC and that the review application should be rejected.

16. A Member asked, under the amended Town Planning Ordinance (the Ordinance) which had been enacted on 1.9.2023, whether the Board had to consider s.17 review applications if the applicants did not submit any new justification nor attend the hearing meetings to present their justifications. The Chairperson clarified that under the Ordinance, if the applicant wanted to apply for s.17 review of the decision made by the Metro Planning Committee or the RNTPC of the Board on the s.16 application, the applicant was required to set out the grounds for lodging the review application. Another Member supported the new arrangement in view of the considerable number of s.17 reviews similar to the subject application received in the past which in effect abused the statutory planning system and created resource implications.

17. 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 primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention; and
- (b) land is still available within the “Village Type Development” (“V”) zone of Tai Tong Wu Village which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructures and services.”

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 4

[Open Meeting (Presentation and Question Sessions only)]

Request for Deferment of Review of Application No. A/YL-ST/616

Temporary Container Vehicle Park and Open Storage of Construction Materials with Ancillary Tyre Repair Area, Site Office and Storage Uses for a Period of 2 Years in “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” Zone, Lot 769 RP (Part) in D.D. 99, San Tin, Yuen Long

(TPB Paper No. 10930)

[The item was conducted in Cantonese.]

18. After deliberation, the Board decided to defer a decision, being the second deferment, on the application for two months as suggested by the applicant pending the submission of further information, as recommended in the Paper.

Agenda Item 5

[Open Meeting]

Any Other Business

[The item was conducted in Cantonese.]

19. There being no other business, the meeting was closed at 9:15 a.m.