

**Minutes of 1346th Meeting of the
Town Planning Board held on 26.9.2025**

Present

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

Chairperson

Mr Stephen L.H. Liu

Vice-chairperson

Mr Daniel K.S. Lau

Mr K.W. Leung

Professor Jonathan W.C. Wong

Professor Roger C.K. Chan

Mr Vincent K.Y. Ho

Mr Ben S.S. Lui

Mr Timothy K.W. Ma

Professor Bernadette W.S. Tsui

Ms Kelly Y.S. Chan

Dr C.M. Cheng

Mr Daniel K.W. Chung

Dr Tony C.M. Ip

Mr Ryan M.K. Ip

Mr Rocky L.K. Poon

Professor B.S. Tang

Professor Simon K.L. Wong

Mr Simon Y.S. Wong

Mr Derrick S.M. Yip

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

Chief Engineer (Works)
Home Affairs Department
Mr Bond C.P. Chow

Assistant Director (Environmental Assessment)
Environmental Protection Department
Mr Gary C.W. Tam

Director of Lands
Mr Maurice K.W. Loo

Director of Planning
Mr C.K. Yip

Deputy Director of Planning/District
Ms Donna Y.P. Tam

Secretary

Absent with Apologies

Ms Sandy H.Y. Wong

Mr Stanley T.S. Choi

Mr Ricky W.Y. Yu

Dr Venus Y.H. Lun

In Attendance

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

Chief Town Planner/Town Planning Board
Ms Katy C.W. Fung

Senior Town Planner/Town Planning Board
Mr Thomas C.S. Yeung

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1345th Meeting held on 12.9.2025

[The item was conducted in Cantonese.]

1. The draft minutes of the 1345th meeting were confirmed without amendment.

Agenda Item 2

[Open Meeting]

Matters Arising

[This item was conducted in Cantonese.]

(i) Approval of Draft Outline Zoning Plan

2. The Secretary reported that on 16.9.2025, the Chief Executive in Council approved the draft Ho Chung Outline Zoning Plan (OZP) (renumbered as S/SK-HC/13) under section 9(1)(a) of the Town Planning Ordinance. The approval of the OZP was notified in the Gazette on 26.9.2025.

(ii) Reference Back of Approved Outline Zoning Plans

3. The Secretary reported that on 2.9.2025, the Secretary for Development referred the approved Ngau Tam Mei Outline Zoning Plan (OZP) No. S/YL-NTM/14, the approved Fanling North OZP No. S/FLN/4 and the approved Tung Chung Valley OZP No. S/I-TCV/2 to the Town Planning Board for amendment under section 12(1A)(a)(ii) of the Town Planning Ordinance. The reference back of the OZPs was notified in the Gazette on 19.9.2025.

(iii) Hearing Arrangement for Consideration of Representations on Draft Outline Zoning Plans

4. The Secretary reported that the item was to seek Members' agreement on the

hearing arrangement for consideration of representations in respect of the draft Lam Tei and Yick Yuen Outline Zoning Plan (OZP) No. S/TM-LTY/13 and the draft Wan Chai OZP No. S/H5/32.

5. The Secretary briefly introduced that the draft Lam Tei and Yick Yuen OZP and the draft Wan Chai OZP were exhibited for public inspection under section 5 of the Town Planning Ordinance on 13.6.2025 and 27.6.2025 respectively, with one and 38 valid representations received respectively during the 2-month exhibition period. The hearing of the representation for draft Lam Tei and Yick Yuen OZP was recommended to be considered by the full Town Planning Board (the full Board). In view of the similar nature of the representations of the draft Wan Chai OZP, the hearing of the representations 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 in the respective hearing session. Consideration of the representation(s) for the draft Lam Tei and Yick Yuen OZP and the draft Wan Chai OZP by the full Board was tentatively scheduled for October 2025 and November 2025 respectively.

6. The Board agreed to the hearing arrangement in paragraph 5 above.

Sha Tin, Tai Po and North District

Agenda Item 3

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-LYT/847

Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 1587 S.B ss.2 in D.D. 76, Kan Tau Tsuen, Fanling

(TPB Paper No. 11021)

[The item was conducted in Cantonese.]

Presentation and Question Sessions

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

Mr Rico W.K. Tsang	- District Planning Officer/Shan Tin, Tai Po and North (DPO/STN)
--------------------	---

Mr Ryan C.K. Ho	- Senior Town Planner/North (STP/N)
-----------------	-------------------------------------

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

9. With the aid of a PowerPoint presentation, Mr Ryan C.K. Ho, STP/N, briefed Members on the background of the review application including the application site (the Site) and the surrounding area, the applicant’s proposal and justifications, 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 the planning considerations and assessments as detailed in TPB Paper No. 11021 (the Paper). As there had been no major change in planning circumstances since the consideration of the section 16 (s.16) application, PlanD maintained its previous view of not supporting the application.

[Mr Daniel K.W. Chung joined the meeting during PlanD's presentation.]

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

Small House (SH) Developments in the Surrounding Area

11. Some Members raised the following questions relating to the similar applications for SH developments in the vicinity of the Site:

- (a) noting that the Site was covered by a previous planning permission for SH development lapsed in 2003 and its building licence (BL) for SH development was revoked by the Lands Department (LandsD) in 2012, the current status of the BLs for the two SH developments to the immediate east and west of the Site;
- (b) whether BLs could be renewed, and whether the proposed SH developments in the vicinity of the Site with planning approvals and BLs issued would not be materialised; and
- (c) noting from Plan R-2a of the Paper that the areas hatched with orange lines, including the area to the south of the Site, had obtained planning permissions for SH developments, some of which were covered by valid BLs, and from a PowerPoint slide showing the site photo taken in April 2025 that the area to the south of the Site was vacant with vegetation cleared but was subsequently covered with grass as shown in the site photo taken in July 2025, whether the SH developments to the south of the Site would commence soon without the need for further planning permission.

12. In response, with the aid of some PowerPoint slides, Mr Rico W.K. Tsang, DPO/STN, made the following main points:

- (a) the BLs for the application sites of No. A/NE-LYT/202 and 238 located to the immediate west and east of the Site were issued by LandsD in 2000 and 2003

respectively and were still valid;

- (b) it was understood that the validity period of a BL was generally 36 calendar months, which could be renewed upon payment of fee, subject to approval by LandsD. It was the applicant's own choice to develop the SH according to his schedule, and there were cases that approved SH developments had not been materialised; and
- (c) those sites hatched with orange lines within the "Agriculture" ("AGR") zone on the Lung Yeuk Tau and Kwan Tei Outline Zoning Plan (OZP), as shown on Plan R-2a, were covered by planning permission for SH development with SH grant approved by LandsD. BLs would be issued for the construction of SHs upon the applicants' acceptance of the formal basic term offer and payment of the administration fee. According to the information available to PlanD, in addition to the application sites of No. A/NE-LYT/202 and 238, BLs were also granted in August 2025 for the application sites of No. A/NE-LYT/609 to 611 located to the immediate south of the Site. Construction of SHs at those sites with BLs could commence without the need for further planning permission.

13. In response to a Member's enquiry regarding any time limit for the renewal of the BL for SH development, Mr Maurice K.W. Loo, Director of Lands, said that the building covenant period stipulated in the BL could be extended upon application and subject to the payment of land premium.

14. As the Site was surrounded by an existing SH to its north and proposed SH developments to its west, east and south, all with valid planning permissions and BLs, the Chairperson asked whether the review application could be supported or the case could be supported later after the proposed SHs were built.

15. In response, Mr Rico W.K. Tsang, DPO/STN, said that the validity of the previous planning permission for the Site was up to 19.5.2003. While relevant BL was issued in 2001, it was subsequently revoked by LandsD on 9.3.2012 and the proposed SH development had never been materialised at the Site.

16. Mr Rico W.K. Tsang, DPO/STN, continued to explain that according to criterion (d) of the ‘Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/SH in New Territories’ (the Interim Criteria), application for NTEH/SH with previous planning permission lapsed would be considered on its own merits. In general, proposed development which was not in line with the criteria would normally not be allowed. Sympathetic consideration might be given if there were specific circumstances to justify the cases, such as the site was an infill site among existing NTEHs/SHs, the processing of the SH grant was already at an advance stage. In that regard, the Site could not be considered as an infill site among existing NTEHs/SHs as the sites with approved SH developments to the immediate east, south and west of the Site were still vacant and the SHs were not physically in existence. Moreover, the processing of the SH grant at the Site was not considered at an advance stage as the current application was submitted by a different applicant and LandsD advised that no application for SH grant at the Site had been submitted by the applicant. Hence, there were no specific circumstances that warranted sympathetic consideration of the current application under criterion (d) of the Interim Criteria. From land use planning perspective, it was considered more appropriate to concentrate the SH development within the “Village Type Development” (“V”) zone for more orderly development pattern, efficient use of land and provision of infrastructure and services. Should the proposed SH developments to the immediate east, south and west of the Site be realised in the future, the Board could then take into account the prevailing planning circumstances at that time when considering SH application at the Site.

Interim Criteria and the More Cautious Approach

17. A Member enquired about the considerations and criteria for approving the SH applications in the “AGR” zone to the south of the Site. In response, with the aid of some PowerPoint slides, Mr Rico W.K. Tsang, DPO/STN, said that it involved 13 sites for SH developments under applications No. A/NE-LYT/473 to 476 and 478 to 486 first approved by RNTPC in 2012 before the formal adoption of more cautious approach by the Board in August 2015 in view of general shortage of land in the “V” zone to meet SH demand (outstanding SH applications being processed by LandsD plus the 10-year SH demand), among others. As the SH grant applications were still being processed by LandsD and the planning permissions lapsed in August/September 2016, the same applicants submitted fresh application at each of the sites (No. A/NE-LYT/604-616) in December 2016 and RNTPC approved those applications

in February 2017, mainly on sympathetic considerations that the applicants were the same as the previously approved applications (No. A/NE-LYT/473 to 476 and 478 to 486), the relevant SH grant applications were still being processed by LandsD, there were approved SH applications at different stages of development nearby, and the implementation of which was forming a new village cluster in the locality.

18. Mr C.K. Yip, Director of Planning (D of Plan), supplemented that prior to the formal adoption of a more cautious approach by the Board in August 2015, in considering whether there was a general shortage of land in meeting the demand for SH development in the “V” zone of a village under the Interim Criteria, both the number of outstanding SH applications being processed by LandsD and the 10-year SH demand forecast provided by the Indigenous Inhabitant Representative (IIR) had been taken into account. For the 13 SH planning applications submitted in 2012 mentioned in paragraph 17 above, as the land available in the “V” zone could not meet the demand arising from the outstanding SH applications and the 10-year SH forecast, those applications were approved. Since August 2015, the Board had adopted the more cautious approach under which more weighting would be put on the actual number of outstanding SH applications in assessing the availability of land in the “V” zone for SH development. If planning applications for the 13 SH developments involving “AGR” zone were received nowadays, without relevant previous approvals, the planning applications would unlikely be approved under the more cautious approach as land within the “V” zone of Kan Tau Tsuen (about 1.69 ha or equivalent to 67 SH sites) could meet the demand of 32 outstanding SH applications at the s.17 application stage according to the Paper.

19. Another Member further enquired whether the assessment of land availability in the “V” zone under the more cautious approach was overriding even if the proposed SH developments surrounding the Site were materialised and the Site was considered as an infill site. In response, Mr Rico W.K. Tsang, DPO/STN, said that in considering planning application for SH development, relevant assessment criteria in the Interim Criteria would be duly observed and followed, as appropriate. For the subject case, criteria (a) and (d) of the Interim Criteria were particularly relevant. For criterion (a) of the Interim Criteria, sympathetic consideration might be given if not less than 50% of the proposed SH footprint fell within the village ‘environs’ of a recognized village and there was general shortage of land in meeting the demand for SH development in the “V” zone of the village. Since the adoption of the more cautious approach in August 2015 by the Board, for the subject review application,

there was no general shortage of land in meeting the outstanding SH applications in the “V” zone of Kan Tau Tsuen, and it was considered more appropriate to concentrate the proposed SH development in the “V” zone. Notwithstanding the non-compliance with criterion (a), criterion (d) stated that sympathetic consideration might be given for the application with previous planning permission lapsed if there were specific circumstances to justify the cases, such as the site was an infill site among existing NTEHs/SHs and the processing of the SH grant was already at an advance stage. In this regard, when the proposed SH developments surrounding the Site were built, the re-submitted application for SH development at the Site might be recommended for approval on sympathetic consideration under criterion (d) that the Site was an infill site among existing SHs.

20. A Member enquired whether both specific circumstances under criterion (d) of the Interim Criteria, namely being an infill site among existing NTEHs/SHs and having the processing of SH grant at an advance stage, should be fulfilled to warrant sympathetic consideration. In response, Mr Rico W.K. Tsang, DPO/STN, with the aid of a PowerPoint slide, said that either one of these special circumstances would suffice to warrant sympathetic consideration in assessing an application for NTEH/SH development.

21. A Member remarked that the application could not be supported as the proposed development was not in line with the planning intention of the “AGR” zone and land was still available within the “V” zone to meet the outstanding SH applications as other similar rejected applications. According to the Interim Criteria, sympathetic consideration would not be given as the Site was not an infill site among existing NTEHs/SHs and the processing of the SH grant was not at an advance stage. The key words “existing NTEHs/SHs” referred to those NTEHs/SHs physically in existence, and in some cases, SHs with planning approvals and BLs might not be materialised for many years without reasons. As such, until a village cluster in the locality was actually formed, the Board might then give sympathetic consideration at that time.

Land Matters

22. Two Members raised the following questions:

- (a) whether the applicant could acquire land within the “V” zone if he was not an

indigenous villager of Kan Tau Tsuen;

- (b) when the applicant had acquired the Site; and
- (c) whether the applicant had provided information on the effort made to acquire land within “V” zone, and if affirmative, how this information would be considered when compared with the criterion relating to infill site.

23. In response, with the aid of some PowerPoint slides, Mr Rico W.K. Tsang, DPO/STN, made the following main points:

- (a) according to his understanding, there was no restriction on the identity of individuals involved in land sale or acquisition in the “V” zone;
- (b) the applicant acquired the Site in 2014; and
- (c) the applicant had not provided any information on his effort to acquire land within the “V” zone in the application. If provided, such information would be considered together with the Interim Criteria, with reference to the judgment of a recent judicial review (JR) case on SH planning applications, which emphasised the need to consider the genuine effort made by the applicants.

Rejection Reasons

24. A Member asked whether the planning intention of the “AGR” zone had been changed, given that there were previous approvals for SH developments in the subject “AGR” zone and whether the rejection reason for being not in line with the planning intention of the “AGR” zone was still applicable and whether the only rejection reason on land available in the “V” zone would suffice. The Member considered that the rejection reasons should be consistent and substantiated.

25. In response, Mr Rico W.K. Tsang, DPO/STN, said that the planning intention of “AGR” zone had not been changed since the Site was zoned “AGR” on the OZP. The Director of Agriculture, Fisheries and Conservation (DAFC) had been consulted at both the s.16 and

s.17 application stages and did not support the application from agricultural perspective as the Site was being used for farming or could be used for agricultural activities. The Interim Criteria first promulgated in 2000 was to enable the Board to assess planning applications for NTEHs/SHs outside “V” zones in a consistent manner. As explained in the earlier part of the meeting, there was about 1.69 ha (equivalent to about 67 SH sites) land available for SH development in the “V” zone of Kan Tau Tsuen which was capable of meeting the 32 outstanding SH applications at the s.17 application stage. As such, the application would not be supported and the rejection reasons would be (a) the proposed development was not in line with the planning intention of the “AGR” zone as the Site was currently occupied by active farmland and there was no strong planning justification in the submission for a departure from the planning intention; and (b) land was still available within the “V” zone.

26. Mr C.K. Yip, D of Plan, supplemented that the Site was zoned “AGR” which was intended 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. The proposed SH development was obviously not in line with this planning intention. Having said that, the Board promulgated the Interim Criteria for consideration of SH application. If the relevant assessment criteria in the Interim Criteria were met, sympathetic consideration might be given. For the subject case, as the application did not meet the assessment criteria set out in the Interim Criteria, there was no strong justification for a departure from the planning intention of the “AGR” zone. While the sympathetic consideration under the Interim Criteria was not applicable, there was a need to assess and state whether the proposed development was in line with the planning intention of the “AGR” zone or not. Hence, rejection reason (a) concerning the planning intention of the “AGR” zone was considered relevant, while rejection reason (b) relating to the availability of land within the “V” zone should be the key consideration, as recommended in the Paper.

27. As there were no further questions from Members, the Chairperson said that the presentation and question sessions for the review application had been completed. The Board would further deliberate on the review application and would inform the applicant of the Board’s decision in due course. The Chairperson thanked PlanD’s representatives for attending the meeting. They left the meeting at this point.

Deliberation Session

28. Majority of Members agreed with PlanD's recommendation not to approve the application and they had the following major views:

- (a) a number of similar applications had been considered by RNTPC/the Board. The planning considerations and assessments for such applications were thoroughly discussed at the relevant meetings and recorded in the minutes. For the current application, there was no strong justification in the submission that warranted sympathetic consideration;
- (b) the major consideration for the application was whether the Site could be regarded as an infill site among existing NTEHs/SHs as stated in criterion (d) of the Interim Criteria. The interpretation of infill site among existing NTEHs/SHs had been discussed in other cases under similar circumstances. Where there were sites with SH approvals but not yet implemented in the vicinity of the application site, the interpretation of "existing NTEHs/SHs" should refer to NTEHs/SHs physically in existence at the time of consideration. There were some approved SH applications not materialised for many years. When considering the application, the assessments should be based on the information available including the conditions of the application site and the surrounding areas at the time of consideration. As the approved SH developments in the vicinity of the Site had not been implemented, the Site could not be considered as an infill site. The review application should not be approved for the sake of consistency; and
- (c) there was no change in the planning intention of the "AGR" zone and the Site was still zoned "AGR" on the OZP. Together with DAFC's comments, efforts should be made to retain and safeguard good quality farmland for agricultural purposes. If there was any change to the conditions of the Site and the surrounding areas in future, any subsequent SH application at the Site would be considered on its own merits, taking into account prevailing site conditions, the surrounding development context, the Interim Criteria, the more cautious approach and other relevant factors.

29. Some Members made the following suggestions:

- (a) apart from the two rejection reasons as recommended in the Paper, i.e. (a) the proposed development was not in line with the planning intention of the “AGR” zone; and (b) land was still available in the “V” zone of Kan Tau Tsuen, consideration could be given to including in the rejection reasons the two specific circumstances mentioned in criterion (d) of the Interim Criteria, i.e. the Site was not considered an infill site and the interpretation of “an infill site among existing NTEHs/SHs”, and the processing of the SH grant of the Site was not considered at an advance stage, to better reflect the Board’s consideration, as appropriate;
- (b) in general, the relevant assessment criteria in the Interim Criteria, where applicable, could also be reflected in the rejection reasons for the application, while the more cautious approach was not mentioned in the Interim Criteria;
- (c) the Board could convey the message to the applicant that if there was any change in the circumstances such as the approved SH developments to the immediate east, south and west of the Site being realised in future, the Board would take into account the prevailing planning circumstances when considering the SH application at the Site;
- (d) as revealed in some repeated applications and considering the Government’s role as facilitator, a channel to disseminate the Interim Criteria and the more cautious approach with elaboration to the public could assist the general public and applicants to have a better understanding of the Board/RNTPC’s considerations when assessing SH applications. In that regard, there were suggestions to attach the Interim Criteria to the reply letter to the applicant;
- (e) the consultant should exercise due diligence to understand the planning procedures, requirements and considerations when submitting the planning applications, and should advise his client professionally. Care should be taken in considering the wording of rejection reasons and the message conveyed to

the applicant. The Board should provide sufficient information to the applicant as detailed in the paper and minutes, in addition to the rejection reasons; and

- (f) it was worth exploring whether similar applications could be streamlined in future, or there was no need for discussion at the Board/RNTPC meetings if the SH applications met specific criteria for approval or could be rejected if certain criteria were not met.

30. Mr C.K. Yip, D of Plan, said that the Board/RNTPC had rejected applications similar to the current one, and the major difference of the current application and other similar applications was that the approved SH developments in the vicinity of the Site were at a more advance stage with BLs issued by LandsD although the construction works had not yet commenced and the proposed SHs were not physically in existence. In response to Members' suggestions, he made the following main points:

- (a) in considering whether there was a general shortage of land in meeting the SH demand, factors including the number of outstanding SH applications provided by LandsD, the 10-year SH demand forecast provided by IIR and the land available within the "V" zone for SH development had been taken into account. Since the 10-year SH demand forecast provided by IIR could not be verified by relevant government departments and its accuracy and basis were doubtful, the Board had formally adopted a more cautious approach since August 2015. Under the more cautious approach, in considering whether there was a general shortage of land in meeting the SH demand, more weighting would be put on the number of outstanding SH applications being processed by LandsD, amongst others. While the more cautious approach had been recorded in relevant papers/minutes of planning applications for SH development since then, it was not mentioned in the Interim Criteria. The Board could consider reviewing the Interim Criteria to make clear the more cautious approach such that it could also be stated in the rejection reasons in the future, where applicable;
- (b) the Interim Criteria was available on the Board's website. The Board/RNTPC papers had also included the assessments based on the Interim

Criteria and the more cautious approach. To enhance promulgation, the Board might consider preparing a set of questions and answers (Q&As) for the Interim Criteria to facilitate understanding by the general public. The Interim Criteria and the Q&As might be attached to the dedicated application form for SH development and/or decision letter so that the applicant would be fully informed of the major criteria for consideration of SH applications;

- (c) regarding the rejection reasons for the subject application, as Members suggested, criterion (d) of the Interim Criteria could be included, making reference to the practice of citing relevant Town Planning Boarding Guidelines in the rejected reasons for other cases. However, as a general practice, the rejection reasons should focus on the major principles while the elaboration/details of the reasoning/considerations were provided in the relevant paper and minutes for reference of the applicants; and
- (d) two Committees of the Board had considered selected s.16 applications under a streamlining arrangement based on a set of agreed selection criteria, among others, applications recommended for approval but not those recommended for rejection. RNTPC could further discuss whether s.16 applications for SH developments that met specific criteria of the Interim Criteria and were recommended for approval could be selected for streamlining. For applications that the applicants would be invited to attend the Board/Committees' meetings, streamlining arrangement would not be adopted even if the applicant/applicant's representative(s) would not attend the meetings.

31. Regarding the consideration of whether there was sufficient land in the "V" zone to meet SH demand, a Member enquired whether such "demand" referred to indigenous villagers of the village only. Mr C.K. Yip, D of Plan, said that from planning perspective, the key principle was that land within a village should serve the need/demand of the indigenous villagers of that village. Whether indigenous villagers could apply for SH grant in another village would be dealt with under the lands regime. Generally speaking, SH grant application in a village could be made by an indigenous villager from another village within the same 'Heung', i.e. a 'cross-village application.

32. A Member expressed that it should be prudent when considering whether applicants' effort to acquire land within the concerned "V" zone, as deliberated on a JR case, should be included in the Interim Criteria as a consideration for SH applications as it was very difficult to determine what constituted "exhausting all efforts by an applicant to identify land in the "V" zone but to no avail". Mr C.K. Yip, D of Plan, said that the considerations of the judgment of the JR case were highly contextual and specific to the concerned case. If an applicant had provided concrete evidence of effort made to acquire land in the "V" zone, such information should be considered along with other factors. Nevertheless, the applicant's effort in land acquisition was only one of the considerations and should not carry disproportionate weight. PlanD would examine this aspect as appropriate when assessing such applications, given that it was virtually impossible to set out an exhaustive list of what constituted "sufficient or acceptable evidence".

33. Regarding Members' concern on the validity period of a BL, Mr C.K. Yip, D of Plan, said that the number and maximum duration for renewal of BL would be subject to LandsD's mechanism and practice. As for planning applications, in general, the validity of a planning permission including SH development was 4 years, with an extension for a further period of 4 years. As such, upon an extension, if the applicant could not commence the approved development by 8 years, the planning permission would lapse and a fresh s.16 application was required.

34. As Members had no further points to make, the Chairperson concluded that Members generally did not support the application and Members' major views and suggestions were set out in paragraphs 28 and 29 above. When considering the application, Members had followed the Interim Criteria including the interpretation on the infill site as adopted in similar cases and the more cautious approach adopted since August 2015 in a consistent manner. For the subject case, since the Site was not an infill site amongst existing NTEHs/SHs, the current application was not submitted by the same applicant as the previous planning permission and no SH grant was being processed, and land was still available within the "V" zone for SH development, the current application should not be approved. In future, the presentation of TPB/RNTPC papers on SH applications should focus on the key relevant issues that had been taken into account by PlanD in formulating its recommendations, to facilitate better understanding of the major considerations, in particular the grounds for approval or otherwise,

by Members and applicants. Regarding reasons for PlanD's recommendations, they should be confined to major grounds most relevant to the applications, including those with reference to the relevant criteria of the Interim Criteria, where applicable, as the Interim Criteria was available on the Board's website which was accessible to the general public. As for the streamlining arrangement for the SH applications, consideration of such applications by RNTPC would still be required while the possible streamlining arrangement could be further discussed at RNTPC.

[Mr Maurice K.W. Loo left the meeting during deliberation.]

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the proposed development is not in line with the Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House (SH) in New Territories in that the application site is not considered an infill site among existing NTEHs/SHs, nor is the processing of the SH grant at an advance stage; and
- (c) land is still available within the “Village Type Development” (“V”) zone of Kan Tau Tsuen which is primarily intended for SH development. It is considered more appropriate to concentrate the proposed SH development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

Agenda Item 4

[Open Meeting]

Any Other Business

[The item was conducted in Cantonese.]

36. There being no other business, the meeting was closed at 10:35 a.m.