

**Minutes of 1351st Meeting of the
Town Planning Board held on 12.12.2025**

Present

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

Chairperson

Mr Stephen L.H. Liu

Vice-chairperson

Ms Sandy H.Y. Wong

Mr Daniel K.S. Lau

Mr Stanley T.S. Choi

Mr K.W. Leung

Mr Ricky W.Y. Yu

Professor Roger C.K. Chan

Dr Venus Y.H. Lun

Mr Vincent K.Y. Ho

Mr Ben S.S. Lui

Mr Timothy K.W. Ma

Professor Bernadette W.S. Tsui

Ms Kelly Y.S. Chan

Dr C.M. Cheng

Mr Daniel K.W. Chung

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 Engineer (New Territories East)
Transport Department
Mr K.L. Wong

Chief Engineer (Works)
Home Affairs Department
Mr Karl K.L. Kwan

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

Professor Jonathan W.C. Wong

Dr Tony C.M. Ip

In Attendance

Assistant Director of Planning/Board

Ms Caroline T.Y. Tang

Chief Town Planner/Town Planning Board

Ms Isabel Y. Yiu

Senior Town Planner/Town Planning Board

Ms Karen F.Y. Lam

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1350th Meeting held on 28.11.2025

[The item was conducted in Cantonese.]

1. The draft minutes of the 1350th meeting were confirmed without amendment.

Agenda Item 2

[Open Meeting]

Matters Arising

[The item was conducted in Cantonese.]

- (i) Approval of Draft Outline Zoning Plan

2. The Secretary reported that on 25.11.2025, the Chief Executive in Council approved the draft Shau Kei Wan Outline Zoning Plan (OZP) (renumbered as S/H9/22) under section 9(1)(a) of the Town Planning Ordinance. The approval of the OZP was notified in the Gazette on 5.12.2025.

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

3. The Secretary reported that the item was to seek Members' agreement on the hearing arrangement for consideration of representations in respect of the draft Hung Hom Outline Zoning Plan (OZP) No. S/K9/29, the draft Nam Sang Wai OZP No. S/YL-NSM/11 and the draft Clear Water Bay Peninsula North OZP No. S/SK-CWBN/7.

4. The three draft OZPs were exhibited for public inspection under section 5 of the Town Planning Ordinance, with the first two OZPs on 12.9.2025 and the latter one on 26.9.2025. During the 2-month exhibition period, 121, four and 10 valid

representations were received respectively. Two other submissions with unascertainable identity information were received in respect of the draft Hung Hom OZP, and should be considered invalid and treated as not having been made. In view of the similar nature of the representations, the hearing of the representations of each of the three OZPs was recommended to be considered by the full Town Planning Board (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 representations for the three OZPs by the full Board was tentatively scheduled for January 2026.

5. The Board agreed to the hearing arrangement in paragraph 4 above.

(iii) Court of First Instance's Reasons for Decision on Dismissal of Application for Leave to Apply for Judicial Review (HCAL 1722/2025) against a Decision of the Hong Kong Settlers Housing Corporation Limited of the Application for Permission submitted to the Town Planning Board and a Decision of the Town Planning Board on section 16 Application No. A/K4/76

6. The Secretary reported that Members were informed, under Matters Arising at the Town Planning Board (TPB) meeting on 12.9.2025, of a Judicial Review (JR) application challenging the decision of Metro Planning Committee (MPC) of TPB in relation to a section 16 (s.16) application No. A/K4/67 submitted by Hong Kong Settlers Housing Corporation Limited (HKSHC). Subsequently, as confirmed during the hearing on 25.11.2025, the JR Applicant, Ma Mei Mei, sought under the amended Form 86 to challenge the decision of MPC of TPB in relation to a s.16 application No. A/K4/76 (instead of the original application No. A/K4/67) submitted by HKSHC on 10.12.2021. On 28.11.2025, the Court of First Instance (CFI) handed down its Reasons for Decision dismissing the application for leave to apply for JR (HCAL 1722/2025) lodged by the JR Applicant against the decision of HKSHC (1st Putative Respondent) on the application for permission submitted to TPB on 20.10.2021 and the decision of MPC of TPB (2nd Putative Respondent) approving HKSHC's s.16 application (No. A/K4/76) on 10.12.2021 with the proper re-housing of the occupants of Tai Hang Sai Estate (THSE) included as an advisory clause instead of a pre-condition for the re-development

of THSE for proposed comprehensive redevelopment of THSE in Shek Kip Mei and minor relaxation of plot ratio, building height and non-building area restrictions. The five grounds of the JR application were ultimately found to be irrelevant to the challenge pursued. The CFI's Reasons for Decision were circulated to Members on 9.12.2025.

CFI's Reasons for Decision

7. The Secretary reported that the CFI dismissed the JR leave application mainly for the following reasons:

- (a) the intended challenge against HKSHC was utterly without merit, for, *inter alia*, the following reasons:
 - (i) none of the five advanced grounds of review appeared to be really directed at, or sought to raise a public law error, directly related to HKSHC's decision. In any event, none of them had any reasonably arguable merit, nor any prospect of success;
 - (ii) as held already in *Leung Ah Duen v HKSHC*, HKSHC acted in its capacity as a private landlord and its decision was not amenable to JR;
 - (iii) HKSHC's decision to make a planning application to TPB was not a reviewable "decision" but only an intermediate or preparatory step without substantive legal consequences; and
 - (iv) the JR leave application had been made woefully out of time, without good reason for any grant of extension of time.
- (b) the intended challenge against TPB was also utterly without merit for myriad reasons as follows:
 - (i) none of the grounds of review advanced actually made any

complaint of public law error on the part of TPB or concerned TPB's decision, which was fatal to the JR leave application;

- (ii) it was well-settled that an advisory clause in an approval given by TPB was not part of the decision, because the actual decision was the approval itself;
- (iii) there was no statutory power for TPB to have intervened in the rehousing arrangements organised by HKSHC. In any event, the advisory clause itself was not reasonably arguable incorrect, and anyway had become water under the bridge; and
- (iv) there was undue delay in making the JR leave application.

8. Members noted the dismissal of the JR leave application and the Court's order that the JR Applicant should pay the costs of HKSHC and TPB.

Sai Kung and Islands District

Agenda Item 3

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/SK-HC/354

Temporary Private Garden for a Period of 3 Years in "Agriculture" Zone, Lot 429 S.B (Part) in D.D. 244 and Adjoining Government Land, Ho Chung New Village, Sai Kung
(TPB Paper No. 11035)

[The item was conducted in Cantonese.]

Presentation and Question Sessions

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

PlanD

Mr Walter W.N. Kwong	-	District Planning Officer/Sai Kung and Islands (DPO/SKIs)
Mr Jackin H.Y. Yip	-	Town Planner/Sai Kung and Islands (TP/SKIs)

Applicant and Applicant's Representative

Ms Lam Yeuk Yin	-	Applicant
Mr Yeung Siu Fung	-	Applicant's Representative

10. The Chairperson extended a welcome and explained the procedures of the review hearing. To ensure smooth and efficient conduct of the meeting, a time limit of 15 minutes was set for presentation of the applicant. She then invited PlanD's representatives to brief Members on the review application.

11. With the aid of a PowerPoint presentation, Mr Jackin H.Y. Yip, TP/SKIs, briefed Members on the background of the review application including the application site (the Site) and the surrounding areas, the applicant's proposal and justifications, 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. 11035 (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.

12. The Chairperson then invited the applicant to elaborate on the review application.

13. With the aid of a Word document, Mr Yeung Siu Fung, the applicant's representative, made the following main points:

- (a) in response to the comments from the Director of Agriculture, Fisheries and Conservation (DAFC) that the applied use was considered as non-farming purposes (paragraph 5.2.2(b) of the Paper), it was emphasised that cultivation of amaranth and purslane was unequivocally recognised as an agricultural activity;
- (b) in response to the comments from the Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office (AMO), Development Bureau (paragraph 5.2.3(e) of the Paper), the applicant clarified that no excavation had been carried out during the construction of the trellis and greenhouse, and no antiquities or monuments had been discovered. The erection of these two simple structures involved only minimal disturbance to surface soil and was unlikely to have affected any antiquities. The builder of the Small House on Lot 2194 in D.D. 244 also confirmed that no antiquities were found during construction of its foundation down to five feet below ground level. The applicant purchased the Small House in January 2015 and erected the two structures in April 2015, and was unaware that prior approval from AMO was required;
- (c) in response to the comments from the Chief Engineer/Construction, Water Supplies Department (WSD), it was highlighted that the cultivation of amaranth and purslane did not require fertilisers and would only use water for irrigation, generating no foul or effluent. Furthermore, the applicant was willing to engage professionals to conduct biannual water quality monitoring in accordance with WSD's requirements for the water gathering ground (WGG);
- (d) in response to the public comment alleging unlawful occupation of government land (GL), the applicant clarified that the fence wall in question had been constructed by the developer of the Small House. When the applicant purchased the Small House, she was not aware that part of the fenced area involved GL. Upon discovering this, the applicant took immediate action by applying for a Short Term

Tenancy (STT) and was willing to pay any toleration fee required by the Lands Department (LandsD); and

- (e) the applicant undertook to comply with all requirements and conditions imposed by the relevant government departments should the application be approved.

14. With the aid of a Word document, Ms Lam Yeuk Yin, the applicant, made the following main points:

- (a) she and her family had lived in the Small House, with a garden and a fence wall, for 12 years. She was now living there alone for most of the time, as her husband worked away from home and her son had started university and no longer stayed there. Herds of wild boar frequently appeared near her house, causing her significant alarm. In recent years, numerous construction vehicles and unfamiliar individuals had also passed close to her house. Given the current living circumstances, she considered the fence wall necessary for personal safety and security, noting that the Police also advised residents to strengthen boundary fencing to prevent break-ins;
- (b) she was willing to cooperate fully with government departments, including refraining from digging activities following AMO's advice and engaging experts to address WSD's concerns regarding WGG, with the aim of achieving a practical and mutually agreeable solution;
- (c) at the time of purchase in 2015, the Small House was already enclosed by a fence wall with garden. She was advised by the previous owner that applying to the LandsD to formalise the garden could be pursued, and in view of similar arrangements in nearby houses, she believed this to be common practice. No issues were raised by the solicitor or the bank at the time of purchase;

- (d) she acknowledged that occupation of GL was improper, and had applied in 2015 to rent the adjoining GL for garden use;
- (e) agricultural use was not feasible at the Site due to long-standing concrete ground conditions;
- (f) without the fenced garden, refuse accumulation could occur, resulting in hygiene and pest issues; and
- (g) she appealed for TPB's approval and was prepared to accept all approval conditions to be imposed.

15. As the presentations of PlanD's representative, the applicant and the applicant's representative had been completed, the Chairperson invited questions from Members.

Agricultural Use

16. Some Members raised the following questions:

- (a) noting that the s.16 application was rejected on the ground of being not in line with the planning intention of the “Agriculture” (“AGR”) zone and the applicant had now proposed to cultivate amaranth and purslane, what the definition of agricultural use was and whether such activities should involve an economic purpose or a minimum proportion of land;
- (b) noting the presence of agricultural features such as a greenhouse, what specific use(s) would be required to regularise the Site to align with the planning intention of the “AGR” zone, and whether any structure erected primarily for enjoyment by farmers in the “AGR” zone would not be regarded as agricultural use;

- (c) whether agricultural use would still be allowed if the subject application was approved for private garden use;
- (d) whether the area could be fenced off for agricultural purposes on private land and/or GL, subject to the granting of an STT without the need for planning approval;
- (e) what technical considerations, such as availability of groundwater, were taken into account in assessing the Site's suitability for agricultural use; and
- (f) whether agricultural use was practicable at the Site given its location within WGG.

17. In response, Mr Walter W.N. Kwong, DPO/SKIs, PlanD, with the aid of some PowerPoint slides, made the following main points:

- (a) the applicant sought approval for a private garden, with roughly half of the area designated for paving and the other half intended for a cultivation plot that could potentially include some agricultural activities. According to the Definitions of Terms Used in Statutory Plans, 'Agricultural Use' meant any land used for the growing of crops and plants, and rearing of animals and fish for the purpose of providing food and other products including horticulture, aquaculture, fruit growing, seed growing, market gardens, nursery grounds, dairy farming, the breeding and keeping of poultry and livestock, grazing land, meadow land, fish ponds and paddy fields. Nevertheless, the applied use, which primarily functioned as a private garden, did not fully align with the definition of 'Agricultural Use'. According to the Notes for the "AGR" zone on the approved Ho Chung Outline Zoning Plan No. S/SK-HC/13 and based on the said definition, any Column 1 uses for cultivation and other agricultural purposes were always permitted and did not necessarily require an economic element. If the planning application was approved for a private

garden, any potential STT granted would likewise be for private garden use;

(b) whether the uses at the Site could be regarded as agricultural use or private garden depended on the actual context and site conditions. Regarding the existing site condition, it was observed during several site inspections that the hard-paved and fenced area immediately next to a Small House, along with the greenhouse and related features, more closely resembled a private garden rather than agricultural use. This assessment was consistent with the views of other government departments. Non-agricultural use structures would also not be regarded as agricultural use. In the current application, the applicant had committed to demolishing the greenhouse;

(c) under the planning regime, agricultural use was always permitted at the Site which was zoned “AGR”. If the application was approved, the applicant could opt for either agricultural use or private garden use, as both were permissible. Under the land administration regime, the applicant could proceed to apply for an STT for private garden use after obtaining planning approval. The decision regarding the preferred use rested with the applicant;

(d) agricultural use at the Site within “AGR” zone did not require planning approval regardless of the land being private land or GL. Under the land administration regime, agricultural use was permitted under the prevailing lease terms applicable to private land parcels;

(e) since part of the private garden would be used for cultivation plot, WSD expressed reservation regarding the application due to insufficient information demonstrating that the proposed farming activities would not materially increase pollution within WGG. In addition, the Site fell within the Ho Chung Site of Archeological Interest (SAI), and AMO maintained its adverse comments on the application as the applicant failed to provide supplementary

information for AMO's assessment on the impact of the works on the Ho Chung SAI, particularly concerning the potential effects of construction works within the designated area; and

(f) the practicability of agricultural use on the Site hinged significantly on how the farming activities were carried out. For example, the use of strong chemical fertilisers that posed a risk to the water quality of WGG would not be permitted under the prevailing regulatory mechanism. At present, WSD considered that there was insufficient information to demonstrate that the proposed cultivation would not result in a material increase in pollution effect within WGG. According to the law, it was an offence for any person who polluted WGG.

18. A Member asked the applicant whether cultivation was a primary purpose of the garden, in addition to the use of the fence wall for safety. In response, Ms Lam Yeuk Yin, the applicant, said that she had long practised cultivation such as growing herbs at the Site, and was applying for a private garden with a fence wall to ensure her personal safety. She supported the Agricultural Land Rehabilitation Scheme promoted by the Agriculture, Fisheries and Conservation Department (AFCD) by practising organic farming without the use of chemicals for her own consumption. Every effort would be made to comply with all government requirements to regularise the private garden use.

19. Noting that the applicant was seeking approval for private garden use, the Chairperson enquired whether the application could be favourably considered if the applicant could satisfy WSD that the cultivation would not affect the water quality of WGG and demolish the greenhouse to address AMO's concerns relating to the Ho Chung SAI. In response, Mr Walter W.N. Kwong, DPO/SKIs, PlanD explained that the application was rejected by the RNTPC of the Board at the s.16 application stage on the ground that the applied temporary private garden was not in line with the planning intention of the "AGR" zone. Even if the applicant was able to address the concerns related to WGG regarding the cultivation plot, which was raised only at the section 17

(s.17) review stage, the planning intention of the “AGR” zone would still remain a material consideration of the application.

20. Noting the applicant’s commitments to address the technical issues, a Member enquired whether the planning intention of the “AGR” zone should remain the primary consideration, given that DAFC did not support the application and considered that the Site possessed potential for agricultural rehabilitation. In response, Mr Walter W.N. Kwong, DPO/SKIs, PlanD, with the aid of a PowerPoint slide and a visualiser, said that the current s.17 review application was to review RNTPC’s decision, including whether the applied use was in line with the planning intention of the “AGR” zone. Regarding DAFC’s comments, it was observed that active farming was taking place near the Site, and there were extensive active agricultural activities further northwest within the same “AGR” zone. Mr C.K. Yip, Director of Planning (D of Plan), supplemented that approving the temporary private garden use would allow a range of activities (such as barbecues or leisure use of lawn areas with seating furniture) and it would be difficult to control if the approval was meant to permit only cultivation. The primary consideration should therefore be whether there were strong justifications to deviate from the planning intention of the “AGR” zone for allowing a temporary private garden, while the technical issues relating to WGG and the SAI would be secondary considerations.

Land Administration

21. Noting that LandsD had no objection to the planning application, a Member asked about the principles adopted by LandsD in processing STT applications that involved illegal occupation of GL, particularly in this case where 77% of the GL had been occupied illegally. In response, Mr Maurice K.W. Loo, Director of Lands (D of Lands) explained that the handling of a planning application and the processing of an STT were governed by the town planning and land administration regimes respectively. The approval of a planning application did not equate to the granting of an STT. By the same token, LandsD’s statement of no objection to the planning application did not necessarily imply whether planning permission should be granted or not. In general, when considering applications for granting of GL by way of STT for use as a private garden, key factors to be considered by LandsD included whether the land was capable

of being disposed on its own and whether it had any planned purpose. By leasing out such vacant GL for use as a private garden, the Government was able to save public resources required for actively managing the land. He supplemented that for illegal occupation of GL commencing on or after around 2017, LandsD's prevailing policy was that it would not permit occupiers to continue their occupation through regularisation applications. Upon identification of such illegal occupation, the occupier was required to cease occupying the land and demolish any structures thereon.

22. A Member enquired whether the application was subject to any active enforcement actions for illegal occupation of GL, particularly concerning the paving works and the erection of a trellis and greenhouse, and if so, whether the applicant would be required to reinstate the land for agricultural use and return it to the Government. In response, Mr Walter W.N. Kwong, DPO/SKIs, PlanD said that while there was at present no active enforcement action by PlanD against unauthorized development under the Town Planning Ordinance (the Ordinance), there were active enforcement cases by LandsD regarding the erection of structures on land leased for agricultural use without a valid Short Term Waiver (STW), as well as illegal occupation of GL. The Member further enquired whether approval of the planning application was related to the granting of an STW. Mr Walter W.N. Kwong explained that in considering STT/STW applications, the proposed use should comply with all relevant regulations and ordinances, including the Ordinance. For example, securing planning approval for private garden use would satisfy the planning requirement when applying for an STT/STW for that purpose. Alternatively, if the applicant sought an always permitted agricultural use in her STT/STW application, and assuming compliance with all relevant regulations and ordinances, LandsD could consider it in accordance with the principles previously outlined by D of Lands.

23. In response to D of Plan's enquiry about the status of the private gardens associated with a number of Small Houses to the northeast of the Site as shown on Plan R-2 of the Paper, Mr Walter W.N. Kwong, DPO/SKIs, PlanD said that those Small Houses within the "AGR" zone were developed with valid planning permissions, while the private gardens in front of the houses, though most portions did not form part of the approved schemes, were located within private land. Relevant authorities would take enforcement action as appropriate in accordance with their respective policy or

established practice, should unauthorized development or use was found. Nevertheless, the paved area at the central part encircled by those Small Houses was previously the subject of enforcement action against vehicle parking by PlanD.

24. Some Members raised the following questions:

- (a) the location of GL and private land involved in the application, particularly the 23% private land;
- (b) whether the GL was located in the northern part of the Site, and if affirmative, whether an alternative planning assessment could be considered for the private garden use on the private land portion, while allowing the northern GL portion to merge with the adjoining GL to maintain continuity of agricultural use in the area;
- (c) what planning considerations would apply in determining the use of the narrow strip of paved GL immediately north of the applicant's Small House, which appeared to function as an entrance/exit of the Small House; and
- (d) referring to the yellow-coloured area on Plan R-2 of the Paper, the status and the use of the narrow strip of paved GL which formed part of the approved Small House Application No. A/SK-HC/167.

25. In response, with the aid of some PowerPoint slides, Mr Walter W.N. Kwong, DPO/SKIs, PlanD made the following main points:

- (a) referring to Plan R-2 of the Paper, the 23% portion of private land, i.e. Lot 429 S.B, was situated to the north of the applicant's Small House approved under application No. A/SK-HC/167. The remaining 77% of the Site was GL;
- (b) the GL at the northern part of the Site, together with the adjoining GL outside the Site, fell within the same "AGR" zone for agricultural use.

From planning perspective, the land ownership status was not a determining factor in assessing the potential of planned use;

- (c) regardless of the size of the land parcel, all land within the same zone should be considered and referred to as having the same planning intention of the respective zone. While some Small Houses in the surrounding area had fenced areas for possible entrance/exit as quoted by the applicant, it was not uncommon for Small Houses in rural village areas without any fence wall; and
- (d) the yellow-coloured area on Plan R-2 represented the site of the approved Small House development under application No. A/SK-HC/167. The Small House development was completed at Lot 2194, and the narrow strip of land adjoining Lot 2194 in question became GL upon land exchange.

26. In response to a Member's enquiry regarding the site conditions at the time of purchase, Ms Lam Yeuk Yin, the applicant, confirmed that the site conditions were the same to those observed at present. In particular, the property comprised a Small House with a garden enclosed by a fence wall. According to the previous owner, the small portion of GL involved could be regularised through an application to the relevant government department. Another Member enquired whether the applicant's solicitor had informed her about the GL issue or any ongoing enforcement action(s) by the government department(s) at the time of purchase. Ms Lam responded that the solicitor had not raised any issues related to GL or enforcement actions, and the previous owner had advised that fence walls were common among nearby Small House developments. The mortgage process had proceeded without complication, which reinforced her belief that the fenced private garden did not pose any legal or regulatory issues.

27. Noting the safety concerns raised by the applicant, a Member enquired about where she parked her car and its relationship to the fenced area. Ms Lam Yeuk Yin, the applicant, said that she parked her car on the road outside the fence wall adjacent to her Small House. The fence wall facilitated quicker and safer access to her home through

the gate. She further said that wild boars, attracted by roadside rubbish bins, frequently appeared in herds and had previously caused injuries to individuals. Furthermore, she highlighted heightened safety concerns arising from construction vehicles and unfamiliar individuals in the vicinity. The Member then questioned the effectiveness of the fence wall, given that she still had to alight from her car outside the fence area. Ms Lam responded that the gate provided a controlled and safer point of entry, whereas without the fence wall, all sides of the house would be exposed to the aforementioned risks.

28. As the applicant and the applicant's representative had no further points to raise and 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, the applicant and the applicant's representative for attending the meeting. They left the meeting at this point.

Deliberation Session

29. The Chairperson invited Members to express views on the review application.

Planning Intention of "AGR" Zone

30. Members generally agreed with PlanD's recommendation to reject the application on review, and some Members had the following observations/views:

- (a) the planning intention of the "AGR" zone for the Site should be upheld, having regard to the wider context. In the specific circumstances of the Site, DAFC objected to the application as the Site possessed potential for agricultural rehabilitation. Active farming was observed in the vicinity, including areas located as close as about 20 metres away. Unlike cases where approval might be considered, taking into account the site context and surrounding land

uses, approving this application would encourage further non-agricultural uses in the area;

- (b) the scale of GL used for the private garden was disproportionate. The applicant could carry out cultivation within her own private lot and fence off her land if necessary. It was unnecessary to include such a large piece of GL for her private garden. It would be more acceptable if the proposed garden was limited to the narrow strip of GL immediately adjoining the Small House;
- (c) the applicant's commitment to demolish the trellis and greenhouse only suggested that her primary intention was to seek permission to erect a fence wall, rather than to undertake cultivation. Such primary intention was not in line with the planning intention of the "AGR" zone;
- (d) the applicant applied for a fenced private garden use instead of agriculture use as the latter would not require planning permission in the "AGR" zone. In addition, there were unauthorized structures and illegal occupation of GL on the Site that should be demolished and reinstated. The applicant should apply for the proposed private garden use only after completing the required rectification works; and
- (e) the applicant failed to demonstrate that the proposed private garden use located within WGG would not cause adverse impact on the water quality of WGG in the area. As such, the suggested cultivation within the Site might not be feasible.

31. Regarding the proposed cultivation plot within WGG, Mr Gary C.W. Tam, Assistant Director (Environmental Assessment), Environmental Protection Department said that septic tank systems were typically designed to treat domestic sewage exclusively. In the subject application, the septic tank would also be required to handle wastewater generated from agricultural activities, which raised concerns about the

effectiveness of the septic tank in safeguarding the WGG's water quality. The performance of a sand trap was contingent upon soil type, which would directly affect its filtration efficiency. It was therefore prudent for WSD to request further details on those aspects to ensure that the water quality of WGG would not be compromised. Two Members expressed concern over the feasibility of agricultural use at the Site, given that the presence of WGG fundamentally constrained such activities. Another Member clarified that WSD did not object to agricultural use per se, but had reservation regarding the proposed private garden and its intended activities, particularly their potential impact on WGG.

32. Having regard to the relationship between the feasibility of agricultural use and the designation of the "AGR" zone, a Member said that in locations where land had already been paved with concrete or occupied by buildings, such conditions inherently constrained agricultural activities and the Government had not demonstrated any intention to resume such land to promote agriculture. Given this, there was uncertainty regarding the rationale for maintaining the planning intention of the "AGR" zoning. The Chairperson remarked that while large areas of land were zoned "AGR", not every individual site within those zones was necessarily suitable for agricultural use. In cases where existing site conditions or the surrounding environment appeared unsuitable for agriculture use, AFCD often adopted a general stance of not supporting any uses that deviated from the planning intention of the "AGR" zone. This approach, when relied upon as the sole reason for rejection, might not always be sufficiently convincing. Mr C.K. Yip, D of Plan, said that out of the about 3,000 hectares of land zoned "AGR" territory-wide, some areas might not be fully suitable for agricultural use. That said, without a detailed review, proper assessment and strong justification, supported by relevant statistics and policy direction from the responsible government department, i.e. AFCD, it might not be appropriate to permit deviations from the planning intention of the "AGR" zone based solely on site conditions. In fact, the Board had adopted flexible and effective mechanisms to cater for developments in "AGR" zone, such as approving Small Houses or brownfield operations based on established guidelines and policy justifications, case-specific considerations, site conditions and other relevant factors, rather than relying solely on AFCD's general stance.

Fence Wall

33. Regarding the erection of a fence wall around the private garden, some Members had the following observations/views:

- (a) given that the illegal occupation of GL had persisted for at least 10 years with the applicant's knowledge and without rectification, there was doubt as to whether she would comply with the applied uses even if approval was granted. It would also be difficult to effectively regulate the facilities and activities within the fenced private garden beyond those stated in the application;
- (b) noting that the applicant parked her car outside the fence wall, which undermined the safety purpose claimed by the applicant. The wall did not mitigate the risks she faced, such as encounters with wild boars, as she remained exposed to those dangers outside the enclosure. Moreover, the use of transparent materials for greenhouse would attract attention and allow visibility into her living area, contrary to her stated safety concern; and
- (c) the applicant should present her case based on factual evidence and rational arguments, rather than relying on personal apprehensions to influence Members' decision-making.

34. Regarding the broader management of fence walls in rural village areas, the Chairperson said that those structures were currently regarded as unauthorized in Small House developments. Nonetheless, fence walls of suitable height, especially those surrounding standalone Small Houses, were considered important for security in rural settings. A policy review was being conducted by relevant government departments, including LandsD and the Buildings Department, to regularise fence walls that met specified dimensional criteria. Mr Maurice K.W. Loo, D of Lands, concurred and added that from land administration perspective, fence walls erected on private land for Small House developments were generally tolerated provided that they did not exceed a certain height. Some Members expressed support for the ongoing policy review,

emphasising the importance of fence walls in enhancing security. A Member observed that Small House developments in rural areas were typically sporadic, with each owner building independently without comprehensive planning of the village areas. In the past, fence enclosures were mostly made of wire, but in recent years, they had increasingly been replaced by solid walls, which significantly reduced air ventilation, particularly during summer. The Member stressed the need for careful consideration of allowable dimensions, materials and ventilation impact of the fence walls. Another Member said that fence walls could take various forms, often combining different materials and heights to strike a balance between ventilation and neighbourly relations in rural villages. Another Member opposed the use of fence walls, noting that many residents in rural areas erected solid walls primarily to enhance privacy or extend domestic living areas rather than for genuine security needs.

35. Further to the review of fence walls for Small House developments, a Member urged the Government to undertake a comprehensive review of the Small House Policy, including its scale, size, and related provisions. This would help rationalise the currently sporadic development pattern and ensure alignment with Hong Kong's long-term interests.

Purchase of the Small House

36. Some Members had the following observations/views:

- (a) as far as the purchase of the related Small House was concerned, while members of the public might not be fully familiar with the intricacies of property transactions, the applicant had sought assistance from professionals who were expected to provide appropriate advice, including verifying the land status in the Land Registry. Besides, the purchaser had the responsibility to remain vigilant and attentive to all relevant details concerning the property. Based on the facts of the case, sympathetic consideration was not warranted;

- (b) following improvements in the handling of unauthorized structures under the Buildings Ordinance, the roles and conduct of professionals involved in property transactions had become more transparent, thereby reducing ambiguities asserted by the applicant. Even if misrepresentation had occurred, this did not constitute valid justification for approval; and
- (c) the advice exchanged between the applicant and the professionals during the property transaction was outside the Board's purview and did not fall within the consideration of the planning regime. Approval of the application would set an undesirable precedent and encourage other similar applications in future.

Enforcement of Unauthorized Development

37. Noting that there were private gardens associated with a number of Small Houses to the northeast of the Site which fell within the same “AGR” zone, a Member expressed concerns that rejection of the current application might send a misleading message that applicants who sought approval through proper channels could face enforcement actions, while those who acted illegally might evade scrutiny. This could be seen from the fact that unauthorized structures and illegal occupation of GL at the Site had persisted for about a decade without effective enforcement. Another Member echoed and highlighted a recurring issue where individuals attempting compliance faced enforcement, while illegal activities escaped scrutiny. Drawing lessons from the recent Tai Po fire incident, the Member urged the Government to review its enforcement capacity and commitment before introducing statutory mechanisms, without which the statutory framework would remain ineffective in practice. The Chairperson concurred and noted the likely presence of unauthorized developments in the vicinity where property owners had acted recklessly and irresponsibly. In contrast, the applicant, despite attempting compliance through submission of a planning application, ultimately faced rejection and enforcement. Mr C.K. Yip, D of Plan, said that generally, government departments including PlanD and LandsD had consistently enforced against unauthorized developments impartially. PlanD had established principles and mechanisms for enforcement and prosecution. Given resource constraints,

enforcement priorities might vary across different areas and land uses. It was likely that the planning application was submitted by the applicant due to the enforcement action taken by LandsD. The private gardens to the northeast of the Site would also be inspected in due course.

Conclusion

38. In view of the applicant's lack of strong justification for the review application, Members upheld RNTPC's decision to reject the application. Given that the applicant's primary intention was to regularise the existing uses, the Chairperson said that DPO/SKIs of PlanD might advise the applicant to explore a practicable and acceptable solution within the statutory framework for erecting a fence wall with reasonable and appropriate dimensions to address security needs while supporting genuine cultivation activities. For any cultivation activities extending onto GL, the applicant should be advised to apply for an STT, taking into account WGG requirements and the need to demolish illegal structures.

39. Regarding other issues, such as a review of the Small House Policy, the handling of unauthorized structures (including fence walls) and the conduct of professionals, etc., the Chairperson said that those matters were complex and required extensive public consultation to balance the interests of relevant stakeholders. The recent Tai Po fire incident served as a stark reminder to policymakers that setting regulations and standards without proper monitoring and effective enforcement would not effectively achieve the intended policy objectives.

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

“(a) the temporary private garden is not in line with the planning intention of “Agriculture” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. There is no strong justification given in the submission for a departure from such planning intention, even on a temporary basis; and

(b) the applicant fails to demonstrate that the proposed use located within the water gathering ground would not cause adverse impact on the water quality of the area.”

[Professor Simon K.L. Wong, Messrs Daniel K.S. Lau and Ryan M.K. Ip left the meeting at this point.]

[The meeting adjourned for a 5-minute break.]

Sha Tin, Tai Po and North District

Agenda Item 4

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-MKT/49

Temporary Vehicle Repair Workshop and Open Storage of Vehicles (Coaches Only) with Ancillary Facilities and Associated Filling of Land for a Period of 3 Years in “Agriculture” Zone, Lots 472 RP (Part), 473, 474, 475 RP, 476 S.A RP and 518 in D.D. 90 and Lot 100 in D.D. 86 and Adjoining Government Land, Lin Ma Hang Road, Ta Kwu Ling

(TPB Paper No. 11036)

[The item was conducted in Cantonese.]

Presentation and Question Sessions

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

PlanD

Mr Rico W.K. Tsang

- District Planning Officer/Sha Tin, Tai Po and North (DPO/STN)

Mr Ryan C.K. Ho	Senior Town Planner/Sha Tin, Tai Po and North (STP/STN)
Ms Cheryl T.M. Tsang	- Assistant Town Planner/Sha Tin, Tai Po and North

Applicant's Representatives

Mr Hor Wing Chun]
Ms So Mei Ling Elaine]
Ms Huang Jinying]

42. The Chairperson extended a welcome and explained the procedures of the review hearing. To ensure smooth and efficient conduct of the meeting, a time limit of 15 minutes was set for presentation of the applicant. She then invited PlanD's representatives to brief Members on the review application.

43. With the aid of a PowerPoint presentation, Mr Ryan C.K. Ho, STP/STN, briefed Members on the background of the review application including the application site (the Site) and the surrounding areas, the applicant's proposal and justifications, 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. 11036 (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.

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

45. With the aid of a PowerPoint presentation, Ms So Mei Ling Elaine, the applicant's representative, made the following main points:

Similar Approved Applications

(a) RNTPC rejected the application on the grounds that it was not in line with the planning intention of the “Agriculture” (“AGR”) zone and did not comply with the Town Planning Board Guidelines on Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13G). However, three relevant applications for warehouse use within the same “AGR” zone were approved as they were related to the relocation of brownfield operations affected by planned New Development Areas (NDAs) and received policy support from the Development Bureau (DEVB), despite also deviating from the planning intention of the “AGR” zone and lacking support from the Agriculture, Fisheries and Conservation Department. While the original site was located within the Ping Che/Ta Kwu Ling (PC/TKL) NDA, it was considered to be in an immature stage of development since the implementation programme had not yet been formulated, and thus did not qualify for policy support;

Site Search

(b) coaches, being large and tall vehicles, required a large site area, wide ingress and egress points, ample maneuvering and turning space, adequate sightline and direct access to major roads to meet operational turning and road-space requirements. The applicant conducted an extensive search across 30 sites in various zones (including “Green Belt” (“GB”), “AGR”, “Recreation”, “Open Storage” (“OS”) and “Coastal Protection Area”). Furthermore, three estate agencies were engaged to explore industrial areas such as On Lok Tsuen in Fanling, Sheung Shui Industrial Area, Yuen Long Industrial Estate, Tung Tau Industrial Estate and Tuen Mun Industrial Area. Despite those efforts, no suitable alternative site was identified due to inadequate site area and/or access limitations;

(c) most sites within the “OS” zone lacked adequate road network support, rendering them unsuitable for accommodating coach vehicle repair workshops. The Site, comprising multiple lots under single ownership¹, was situated near the Liantang/Heung Yuen Wai Boundary Control Point (BCP) and featured a spacious layout with two 12-metre (m) wide ingress/egress points. Those distinct characteristics made the Site the only viable location identified for such purposes;

Tourism Development

(d) tourism had long been a key pillar of Hong Kong’s economy, and its rebound in the post-2023 recovery period had been significantly bolstered by the concerted efforts of both the Central Government and the Hong Kong Government. Coach services, in particular, had played a pivotal role in this resurgence by ensuring seamless mobility for the increasing number of visitors. To further promote tourism development, the Hong Kong Government introduced a number of initiatives, such as offering free local coach tours for airport transit passengers. This strategy not only enhanced the visitor experience but also incentivised longer stays, thereby amplifying demand for coach services and associated repair and maintenance activities;

(e) the applicant, as a member of the China Hong Kong and Macau Boundary Crossing Bus Association (the Association), provided a range of professional repair services tailored to cross-boundary coaches, including periodic inspections, routine maintenance and emergency breakdown support. Handling about 40% of the market’s repair workload (around 300 to 400 coaches), the applicant demonstrated substantial capacity and expertise in this specialised field. Furthermore, the Site was strategically located near the

¹ According to the Land Registry, the Site comprising multiple lots was not under single ownership.

BCPs, enabling swift deployment of replacement coaches during service disruptions. The other two workshops located in the North District were considered unsuitable due to their limited size and capacity, rendering them ineffective as viable alternatives. The rejection of the application, along with active enforcement actions by PlanD, would force the applicant to cease operations;

Planning Considerations

- (f) referring to paragraphs 1.3 and 2.6 of TPB PG-No. 13G, it was emphasised that temporary uses could be approved on a case-by-case basis, based on “individual merit”. This approach allowed the Board to take into account the application’s alignment with the tourism policies of both the Central Government and the Hong Kong Government;
- (g) the Commissioner for Tourism (C for Tourism) had officially acknowledged the critical importance of continuous coach vehicle repair services, including those provided by the applicant, to ensure the reliability and safe operation of coaches. A RNTPC Member had previously questioned why this formal acknowledgement was not considered as policy support;
- (h) approving the application would neither create inconsistency nor set an undesirable precedent. The previously rejected application No. A/NE-MKT/26 concerned a temporary warehouse for electronic products storage and open storage of packaging tools, and was fundamentally different in nature. Moreover, the traffic and environmental concerns raised in the rejected application No. A/NE-MKT/36 had been adequately addressed by the applicant, thereby satisfying the technical concerns of the relevant government departments. A 3-year temporary approval would provide flexibility for the Board to decide whether to grant renewal upon expiry;

- (i) rejecting the application would jeopardise essential tourism support services and could force coach operations to relocate outside Hong Kong, resulting in longer logistics times, reduced fleet responsiveness, inconsistencies in repair standards with the Chinese Mainland, and adverse impacts on visitors' experiences; and
- (j) it was suggested that a specific section be included in future TPB Papers to assess the "individual merit" of proposal and its relevance to prevailing government policy.

[Professor Bernadette W.S. Tsui, Messrs Rocky L.K. Poon and Daniel K.W. Chung left the meeting during the presentation of the applicant's representative.]

46. As the presentations of PlanD's representative and the applicant's representatives had been completed, the Chairperson invited questions from Members.

Policy Support

47. In response to two Members' enquiries regarding the impact of NDA development timeframe on the applicant's original site, Mr Rico W.K. Tsang, DPO/STN, PlanD, with the aid of a PowerPoint slide, explained that during the s.16 application stage, the applicant had indicated that the application was submitted to facilitate relocation of its business operations from the original site affected by PC/TKL NDA. Although the original site fell within the planned Priority Development Area (PDA) of the proposed New Territories North (NTN) New Town, as outlined in the consultation digest of the ongoing "Remaining Phase Development of the NTN – Planning and Engineering Study for NTN New Town and Man Kam To – Investigation" (the NTN Study) released in late 2024, the implementation programme was still being formulated, with works targeted to commence in 2028/29 at the earliest, and land resumption and clearance had not yet commenced. In principle, the applicant could continue operating the coach vehicle repair business at the original site provided that all regulatory requirements were met. It was, however, understood that the original site had already been rented to another brownfield operator. One of the Members queried why the

applicant had chosen to relocate its business and apply for a 3-year temporary approval at the Site, given that the original site would not be affected by the NDA within that timeframe. In response, Ms So Mei Ling Elaine, the applicant's representative, said that the original site also fell within the "AGR" zone requiring planning permission and had undesirable ingress/egress points due to conflicts with container trucks from nearby brownfield operations, and could not meet the Transport Department (TD)'s sightline requirement of 60m (equivalent to the length of six 10m coaches). Besides, the original site could no longer accommodate the increased demand for coach services following the post-2023 tourism rebound, and the landowner's unwillingness to commit to a long-term lease created operational uncertainty, prompting the applicant's decision to relocate and seek a 3-year temporary approval at the Site.

48. In response to a Member's enquiry about the applicant's claimed difficulties in identifying a suitable alternative site and the potential impact of rejecting the application, which could lead to the closure of the applicant's business as a major operator in Hong Kong's coach service sector, Mr Rico W.K. Tsang, DPO/STN, PlanD explained that the applicant sought permission for a 3-year temporary vehicle repair workshop and open storage of coaches at the Site which was zoned "AGR". Since open storage activities covered over 50% of the Site, TPB PG-No. 13G applied. Under TPB PG-No. 13G, the Site fell within Category 3 areas, where applications would normally not be favourably considered unless the site had prior planning approval(s). Sympathetic consideration might be given if genuine efforts had been demonstrated to comply with the previous approval conditions and the application had no technical issues, adverse departmental comments and local objections, or if the concerns could be addressed through approval conditions. Sympathetic consideration could also be given if policy support from relevant government bureau(x) for relocating affected operations was obtained, with no technical issues, adverse departmental comments and local objections. It was noted that the Site was not subject to previous planning approval. While DEVB supported brownfield operators affected by land resumption resulting from government projects with relocation assistance, the applicant, having vacated the original site in Ping Che in 2023 and with the NTN Study still on-going, was not considered an affected brownfield operator, and therefore did not receive policy support from DEVB.

49. A Member enquired about Government's assistance to support brownfield operators in relocation, given their unique operational requirements. In response, Mr Rico W.K. Tsang, DPO/STN, PlanD explained that brownfield operators affected by land resumption and clearance under NDAs would be eligible for Government's assistance in accordance with the relevant ordinances and policies. To enhance support for affected operators seeking relocation, DEVB had established a multi-disciplinary team, i.e. the Development Projects Facilitation Office (DPFO), to provide policy support for relocation and to assist operators in coordinating with relevant government departments to ensure compliance with statutory requirements, including the Town Planning Ordinance (the Ordinance). This initiative aimed to reduce uncertainties and avoid abortive efforts during the relocation process. Moreover, government land (GL) might also be made available through Short Term Tenancies (STTs), and eligible operators might receive monetary compensation to facilitate relocation. Ms So Mei Ling Elaine, the applicant's representative, emphasised the challenges of relocation, stating that it was particularly difficult unless the identified site was under single ownership. While the applicant had successfully secured such a site, achieving consolidated ownership was generally an extremely challenging endeavour.

50. A Member enquired further about the comments of C for Tourism regarding the application. Mr Rico W.K. Tsang, DPO/STN, PlanD, with the aid of a visualiser, said that the comments of C for Tourism were set out in the Paper. According to the information from the Association, it was a major association in the cross-boundary coach industry holding about 650 cross-boundary coaches and accounting for over 60% of the market. The applicant, as a member of the Association, was to provide professional repair services for cross-boundary coaches operating between Hong Kong, Macau and the Chinese Mainland. C for Tourism noted that the applicant's original site would be affected by NDA, necessitating relocation to a site with a longer lease term. Hence, the applicant planned to submit an application to the Board for a change of land use at the Site to continue its coach vehicle repair services. The comments mainly provided factual information on the application and the importance of the continuous provision of repair and maintenance services for coaches in the territory, without explicitly indicating any policy support for the concerned vehicle repair workshop at the Site from tourism development perspective. Similarly, the Transport and Logistics Bureau (TLB), after consulting TD and the Electrical and Mechanical Services

Department (EMSD), advised on the importance of continuous vehicle repair services, including those provided by the applicant, for the reliability and safety of non-franchised buses, but did not offer explicit policy support. C for Tourism's views were intended to assist the Board in considering all relevant factors. When asked whether the applicant had approached the Culture, Sports and Tourism Bureau (CSTB) for policy support, Ms So Mei Ling Elaine, the applicant's representative, confirmed that CSTB had been approached and indicated that their views would be conveyed to PlanD through the application circulation process, considering that C for Tourism's comments already reflected CSTB's position.

51. A Member enquired about the definition of an affected brownfield operator in relation to different stages of government projects, such as the study stage and land resumption stage, and whether DEVB was the sole authority of providing policy support under TPB PG-No. 13G. The Chairperson remarked that brownfield operators affected by land resumption and clearance for government projects, and who had identified private sites for relocation, would be accorded priority for DEVB's policy support. Although the original Ping Che site was within the NDA, the applicant had vacated the site in 2023. The current operation in the original Ping Che site was no longer operated by the applicant, and their relocation in 2023 was due to the site's unsuitability for coach vehicle repair operations, rather than land resumption or clearance works. She further said that DEVB was not the sole government bureau that could provide policy support under TPB PG-No. 13G. In considering the current planning application, comments from C for Tourism, taking into account tourism development and the importance of coach vehicle repair services for safety, were also relevant and could be taken into account by Members.

Market Share

52. A Member enquired whether the applicant's claimed 40% market share in the coach vehicle repair industry had been verified. In response, Mr Rico W.K. Tsang, DPO/STN, PlanD said that the applicant had not provided evidence supporting this figure in their submissions. Ms So Mei Ling Elaine, the applicant's representative, supplemented by referring to paragraph 10.2.1 of the RNTPC Paper for the s.16 application, which cited C for Tourism's view that the Association representing some

650 coaches and over 60% of the market suggested the total number of cross-boundary coaches was around 1,100. She explained that the applicant serviced 300 to 400 such coaches annually, representing about 40% of the market and demonstrating the applicant's prominent industry position. In response to a Member's enquiry on the total number of cross-boundary coaches, Mr K.L. Wong, Chief Engineer (New Territories East) (CE(NTE)), TD said that TD's records indicated about 6,800 non-franchised buses territory-wide, of which about 3,200 were for tourism purposes as at the end of 2024. The figure of 1,100 referred by the applicant's representative specifically pertained to non-franchised buses for cross-boundary services.

53. Some Members raised the following questions:

- (a) whether the expansion from a 2,000m² site in Ping Che to a 6,000m² site in Lin Ma Hang (i.e. the Site) constituted a business expansion;
- (b) when the applicant first commenced its coach service business, and how the scale of operations had evolved after relocating from Ping Che to the Site;
- (c) the proportion of coach vehicle repair services undertaken in Hong Kong as compared with the Chinese Mainland for cross-boundary coaches; and
- (d) whether any alternative options were available for the continuation of the business should the application was rejected.

54. In response, Ms So Mei Ling Elaine and Mr Hor Wing Chun, the applicant's representatives, made the following main points:

- (a) the applicant had relocated from a 2,000m² site in Ping Che to a larger site (around 5,000m²) in Lin Ma Hang in response to the tourism rebound in 2023. The relocation was driven by increased

demand for coach services, which necessitated an expansion of repair capacity;

- (b) since 2013, the applicant had operated 運達汽車維修有限公司, a coach vehicle repair workshop. The workshop initially handled about 200 coaches in the original Ping Che site, and the capacity increased to about 300 to 450 coaches following the commissioning of the Liantang/Heung Yuen Wai BCP and the post-pandemic tourism recovery;
- (c) currently, the applicant operated only one coach vehicle repair workshop in Hong Kong, which handled about 40% of the Hong Kong-side market, equivalent to about 300 to 450 coaches. Notably, about 70% of cross-boundary coach maintenance was undertaken in Hong Kong. The differences in vehicle configurations, such as driver-side arrangements, between Hong Kong and Chinese Mainland posed practical difficulties for repairs conducted across the boundary; and
- (d) the applicant had searched for more than 30 sites across various zonings and industrial estates but found none suitable. If the application was rejected, the applicant would have no feasible alternative and might be forced to cease operations. This could result in Chinese Mainland-owned coaches relocating outside Hong Kong, increasing logistics time, reducing responsiveness during service disruptions, and adversely affecting service reliability of cross-boundary coach services.

55. Noting that Kowloon Motor Bus Company Limited (KMB) offered maintenance and inspection services for non-franchised buses, a Member enquired whether KMB could extend its services to include coach vehicle repair. In response, Mr K.L. Wong, CE (NTE), TD said that based on the information available on KMB's

official website, the company did provide repair services for non-franchised buses, including vehicles with 19 seats or less and those with 30 seats or more.

56. A Member raised concerns regarding roadside vehicle repair activities and enquired whether there were any planning guidelines for the establishment of coach vehicle repair centres, and if not, how such demand could be addressed. In response, Mr Rico W.K. Tsang, DPO/STN, PlanD, with the aid of a PowerPoint slide, said that there were no specific planning guidelines for coach vehicle repair centres. Such operations were generally classified as ‘Vehicle Repair Workshop’ under the Schedule of Uses in planning terms, with suitability assessed having regard to site context, land use compatibility and zoning intentions. EMSD administrated a Voluntary Registration Scheme for Vehicle Maintenance Workshops, under which the applicant was registered. As of 2025, there were about 1,600 vehicle repair workshops in Hong Kong registered under the scheme. Rejecting the application would not eliminate coach vehicle repair workshops across the territory. Under TPB PG-No. 13G, the areas under Category 1 and Category 2 had expanded from 300 hectares (ha) to about 600 ha in 2023, providing over 1,000 ha for affected brownfield operators to consider for relocation.

Site Selection

57. Some Members raised the following questions:

- (a) the specific site-search requirements and timelines provided to estate agents, and whether Category 1 and Category 2 areas, as well as premises within industrial buildings, had been adequately explored;
- (b) whether the applicant was aware of the previously rejected application No. A/NE-MKT/36 for the same use within the same “AGR” zone before submitting the current application; and
- (c) the rental levels of both the original Ping Che site and the Site.

58. In response, Ms So Mei Ling Elaine and Mr Hor Wing Chun, the applicant’s representatives, with the aid of some PowerPoint slides, made the following main points:

- (a) from March to December 2025, the applicant engaged multiple estate agencies to search for a site of about 50,000 square feet to 60,000 square feet. Despite extensive efforts, no industrial premises or other identified sites could meet the operational requirements, including wide vehicular access, sufficient manoeuvring space and direct connection to major roads. Sites located within the “OS” zone generally lacked adequate road networks, rendering them unsuitable for coach vehicle repair purposes. Besides, assembling multiple lots to form a site of sufficient size proved difficult as it required consent from multiple landowners;
- (b) the previously rejected application No. A/NE-MKT/36 and the current application No. A/NE-MKT/49 involved the same business operator (i.e. the applicant). The previous application was submitted by the landowner on behalf of the applicant². Following the rejection of the previous application, the applicant submitted the current application for the same use; and
- (c) the rental for the original Ping Che site was about HK\$60,000 to HK\$70,000 per month, whereas the rental for the Site was about HK\$90,000 per month.

59. A Member enquired about a public comment objecting to the application on the grounds of adverse traffic and environmental impacts. In response, Ms So Mei Ling Elaine, the applicant’s representative, explained that noisy repair activities would be confined within the proposed enclosed workshop to minimise noise impact, while less noisy activities would be carried out in the open area. On traffic aspect, TD had confirmed that the Site could meet the required 60m sightline and the applicant was prepared to accept approval conditions to address traffic-related issues. The Member further enquired whether TD had formally accepted the traffic proposal. Mr Rico W.K.

² According to the records, the previous application was not submitted by the landowner at that time or the applicant of the current application.

Tsang, DPO/STN, PlanD, with the aid of a PowerPoint slide, said that the Commissioner for Transport had no adverse comments from traffic engineering perspective and the applicant had submitted a swept-path analysis to demonstrate the maneuverability of coaches at the Site.

60. In response to a Member's enquiry regarding active enforcement actions at the Site, Ms So Mei Ling Elaine, the applicant's representative, said that upon approval of the application, the applicant would apply for an STT and a Short Term Waiver (STW) to regularise the occupation of GL and structures on private lots. Mr Maurice K.W. Loo, Director of Lands (D of Lands), clarified that the handling of a planning application and the processing of an STT were governed by the town planning and land administration regimes respectively, and it followed that the approval of a planning application did not equate to the granting of an STT/STW. The Lands Department (LandsD) would normally require applicants for STWs to demolish unauthorised structures on private agricultural land before applications could be considered. Ms So agreed with D of Lands' remarks and undertook to comply with the requirements of LandsD.

61. In response to a Member's enquiry regarding how other operators within the same industry had tackled the lack of suitable sites, Ms So Mei Ling Elaine, the applicant's representative, cited the example of another operator based in Ping Che, i.e. 怡和, and explained that they could only repair four coaches simultaneously due to site constraints. The coach vehicle repair service industry had been compelled to operate on an ad hoc basis. This fragmented mode of operation for an industry crucial to Hong Kong's tourism sector was concerning and highlighted the urgent need for more stable and adequate facilities to sustain the industry.

62. In response to a Member's enquiry regarding the current operation at the Site, Ms So Mei Ling Elaine, the applicant's representative, confirmed that the applicant had commenced their operations at the Site since 2023.

63. As the applicant's representatives had no further points to raise and 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 and the applicant's representatives for attending the meeting. They left the meeting at this point.

[Ms Sandy H.Y. Wong left the meeting during the question and answer session.]

Deliberation Session

64. The Chairperson invited Members to express views on the review application.

Uniqueness of the Application

65. Some Members supported the approval of the application on a temporary basis for a period of 3 years, and had the following observations/views:

- (a) according to the applicant, it held a prominent position in the cross-boundary coach business, and its business operation accounted for about 30% to 40% of the market share. C for Tourism, in consultation with TLB including TD and EMSD, had shown support for the applicant in providing coach vehicle repair services, having regard to its critical importance to safety and the applicant's contribution to tourism development. The approval of the application was expected to facilitate tourism development and bring substantial benefits to Hong Kong;
- (b) the applicant had the option to maintain operations at the original Ping Che site; however, the decision to relocate was mainly driven by strategic business expansion and investment considerations. The move to the new site was well justified by the evident market demand, which supported the expansion. Moreover, the applicant's operational stability, established over a long history of providing

coach vehicle repair services, further underscored the feasibility and potential success of the relocation;

- (c) considering that brownfield operators had long faced substantial difficulties in relocation, the applicant warranted sympathetic consideration. Rejection of the application might lead to the closure of the business and relocation of operations outside Hong Kong. Given the absence of planned coach vehicle repair centres and the lack of comparable large-scale coach vehicle repair workshops in the area, it was considered important to retain such industry locally. Such support should not be confined to large operators such as KMB, and the nurturing operators of different scales remained vital for Hong Kong;
- (d) it was genuinely difficult to identify suitable sites of comparable size with convenient access to major roads for coach vehicle repair services within Category 1 or Category 2 areas of TPB PG-No. 13G. The applicant required adequate time to consolidate its open-air operations within the multi-storey industrial buildings (MSB), and the Site, being located within the study area of NTN Study, would also take time for the planned development to be realised. As the Site was unlikely to be allocated for other planned uses in the interim, it could serve as a viable temporary solution for brownfield operations; and
- (e) approval of the application would not alter the long-term planning intention of the “AGR” zone, particularly as no active agricultural activities were observed at the Site. Since no technical issues had been identified and the Site was considered suitable for the applied use, a temporary approval of 3 years was considered appropriate, allowing the Board to reassess the situation at a later stage.

66. Noting the supportive grounds expressed by some members, Mr C.K. Yip, D of Plan, said that there were unique circumstances in the application, including in

particular the supporting views from C for Tourism, the applicant's prominent market share in cross-boundary coach vehicle repair services supporting tourism development, the Site's suitability for a large-scale coach vehicle repair workshop, the absence of any technical issues with the Site, and its location within an area covered by the ongoing NTN Study. The application, if approved, should not be regarded as setting a precedent for other cases, as similar circumstances were unlikely to arise. While the application had been assessed against and was not in line with TPB PG-No. 13G, the individual merits of the case including the contribution of the industry concerned and the views of the relevant policy bureau(x) had also been duly taken into account, as reflected in the Paper. Some Members further emphasised the uniqueness and distinctiveness of the application, and pointed out the special locational considerations of the area to the south of Lin Ma Hang Road, which was surrounded by the "GB" zone. In view of the above considerations and while this would be the first and the only temporary approval for the applied use for a period of 3 years in the area, the approval was considered unlikely to set an undesirable precedent.

67. In response to a Member's enquiry regarding the location of the Site, Mr C.K. Yip, D of Plan, clarified that according to paragraph (m) of Appendix VI in the RNTPC Paper for the s.16 application, the Project Manager (North), Civil Engineering and Development Department had indicated that the Site was located within the proposed NTN New Town under the NTN Study. Regarding the relocation of affected brownfield operations, the Chairperson said that extensive land resumption and clearance works had been rapidly carried out in recent years for the development of NDAs, eventually exceeding 1,000 ha. As a result, many brownfield operators had been displaced and were in urgent need of relocation sites. It was observed that not all brownfield operators were suitable to be accommodated in MSBs, particularly those that had to stay in open air areas due to operational needs. Some areas might potentially serve as interim relocation sites until the NTN Study was finalised. Some Members reiterated that brownfield operators had encountered substantial difficulties over the years, and a sustainable long-term solution remained elusive. They highlighted that large corporations were generally reluctant to invest in MSBs due to the high development costs and extended lead time required for returns on investment, while smaller operators lacked the financial capacity to undertake such investments. Two

Members suggested that MSBs should be Government-led, non-profit in nature, and limited to a few storeys to enhance feasibility for accommodating brownfield operations.

Proliferation of Brownfield Operations

68. Three Members did not support the application and expressed the following observations/views:

- (a) the Site was surrounded by a substantial vegetated area zoned “GB”. Approving the application might attract more brownfield operators to relocate to the vicinity, potentially forming a coach vehicle repair services cluster. Given the existing proliferation of brownfield uses in the New Territories, it was considered important to alert brownfield operators that they should raise operating standards and relocate to MSBs, even at higher cost, for reasons of safety and regulatory compliance. Sporadic brownfield operations should not be encouraged but should instead be progressively regularised;
- (b) it was considered that DEVB should not provide policy support as the applicant’s relocation was not prompted by land resumption and clearance. Besides, the comments made by C for Tourism were general in nature, acknowledging the essential role of coach vehicle repair services but did not provide explicit policy support for the applied use on such a large site. In fact, the applicant could instead operate across multiple compliant sites rather than centralising operations at a single large location;
- (c) there was genuine doubt about the applicant’s site-search efforts through estate agencies. The failure to identify a suitable site might be due to the applicant’s low rental expectations (e.g. HK\$1.5 per square foot at the Site), which set unreasonable search parameters; and

(d) the applicant's market share should not be regarded as a determining factor from planning perspective. It was also questionable whether approving the application, given its relatively low operating cost, might distort competition within the industry.

69. Two Members raised concerns on whether enforcement actions had been taken at the Site and its surrounding areas, and whether enforcement would be continued if the approval was granted. Mr C.K. Yip, D of Plan, said that the Site was currently under enforcement actions by PlanD. Processing of planning applications and the undertaking of planning enforcement actions were two separate regimes under the Ordinance. When enforcement actions were considered, established principles and mechanisms were applied, including assessing whether the land use was permitted under the Ordinance. If planning approval was granted, the applied use would become permitted under the Ordinance. Any unauthorized development that occurred prior to approval would be handled in accordance with established procedures, ensuring impartially and consistency. The handling of such cases would also take into account available resources and the specific circumstances of each case. The Secretary supplemented that active enforcement actions were also being carried out in the area to the southeast of the Site.

70. A Member asked whether approval of the application could be interpreted as an instance of 'destroy first, build later'. The Chairperson said that the Board's practice in considering applications involved a clear distinction between the existing activities at the Site and the proposed use. Those existing activities were subject to separate enforcement actions by relevant authorities. To supplement, Mr C.K. Yip, D of Plan, said that the concept of 'destroy first, build later' referred to situations where an applicant illegally altered the site, such as by removing vegetation before obtaining planning approval for development, creating a misleading premise that there was nothing left to protect or conserve at the site. He emphasised that the Board would thoroughly assess the condition of the site at the time of application and the state of the site before any unauthorized development was undertaken to ensure that such manipulative practices did not undermine the integrity of the planning process.

71. Noting that non-franchised coach vehicle repair services were also provided by KMB, which possessed extensive facilities for such purposes, a Member suggested that the applicant could explore collaboration with KMB for future development.

72. The Secretary informed the meeting that a Member who left the meeting earlier had requested her to convey the stance of not supporting the application.

Conclusion

73. The Chairperson summarised that majority of Members considered that the application should be approved with conditions, having regard to its unique circumstances, including the support from C for Tourism, the applicant's prominent market share in cross-boundary coach vehicle repair services supporting tourism development, the Site's suitability for such operations for being located to the south of Lin Ma Hang Road, the absence of adverse technical issues, its inclusion within the boundary of the future NTN New Town area, and the temporary nature of the application. Members generally agreed that approval would not set a precedent for similar applications due to its distinctive characteristics.

74. After deliberation, the Board decided to approve the application on review on a temporary basis for a period of 3 years until 12.12.2028, on the terms of the application as submitted to the Board and subject to the approval conditions stated in the Paper. The Board also agreed to advise the applicant to note the advisory clauses as set out in the appendix of the Paper.

[Professor B.S. Tang, Ms Kelly Y.S. Chan, Messrs Maurice K.W. Loo, Derrick S.M. Yip and Timothy K.W. Ma left the meeting during deliberation.]

[Dr Venus Y.H. Lun, Messrs Stanley T.S. Choi and Ricky W.Y. Yu left the meeting at this point.]

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

General

Agenda Item 5

[Open Meeting]

Proposed Amendments to the Town Planning Board Guidance Notes for Application for Permission under Section 16 of the Town Planning Ordinance and related Town Planning Board Guidelines for Planning Applications to the Town Planning Board
(TPB Paper No. 11037)

[The item was conducted in Cantonese.]

75. The following representatives from Planning Department (PlanD) were invited to the meeting:

Ms Isabel Y. Yiu	-	Chief Town Planner/Town Planning Board (CTP/TPB)
Ms Margaret H.Y. Chan	-	Chief Town Planner/Urban Design and Landscape (CTP/UD&L)
Ms Tracy C.Y. Wong	-	Senior Town Planner/Town Planning Board (STP/TPB)
Ms Sandy S.Y. Yik	-	Town Planner/Town Planning Board

76. The Chairperson extended a welcome and invited PlanD's representatives to brief Members on the TPB Paper No. 11037 (the Paper). With the aid of a PowerPoint presentation, Ms Tracy C.Y. Wong, STP/TPB briefed Members on the background, and proposed amendments to the Town Planning Board Guidance Notes for Application for Permission under Section 16 of the Town Planning Ordinance (s.16 GN) and the Town Planning Board Guidelines on Submissions of Visual Impact Assessment (VIA) for Planning Applications to the Town Planning Board (TPB PG-No. 41A), as detailed in the Paper.

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

78. Members generally supported the proposed revisions to s.16 GN and TPB PG-No. 41A, which sought to refine and streamline the technical assessment requirements for s.16 planning application. The changes primarily focused on eliminating unnecessary requirements and procedures, thereby reducing the time and resources required and expediting the overall development process.

General

79. Some Members had the following questions/comments:

- (a) regarding the general principles of the proposed amendments to the s.16 GN stated in paragraph 3.3(b) of the Paper, whether cases with nil or negligible impacts were equivalent to low impact proposals;
- (b) with reference to paragraph 3.4 of the Paper, which authorities performed the gatekeeping role in determining whether submission of technical assessments would be required, presumably relevant government bureaux/departments (B/Ds) rather than the applicant;
- (c) in relation to paragraph 27(b) of the s.16 GN in Attachment I of the Paper, whether air ventilation assessment (AVA) would be obviated for applications involving small-scale development and, if affirmative, whether such arrangement could be explicitly mentioned in this paragraph;
- (d) regarding fire safety in Annex B of the s.16 GN, while the submission of general building plans was technically required for both temporary and permanent buildings, whether it was not necessary to require the submission of fire safety installations (FSIs) at the planning application stage. While listing uses not requiring FSI submission in part (a) was appreciated, it might be redundant for temporary uses in part (b), as compliance could be ensured through approval conditions. For changes of uses in premises within existing industrial buildings, FSIs could also

be submitted through building plans for alteration and addition works, subject to vetting and inspection by the Fire Services Department (FSD).

At the planning application stage, if necessary, the focus should be on submission rather than implementation, with approval conditions imposed for later implementation;

- (e) the examples provided did not appear to account for individual cases that might require technical assessments. Although the implementation of a pre-application enquiry mechanism was beneficial, the establishment of a dedicated helpdesk at the district level could serve as a direct contact point for applicants' inquiries and expedite internal handling;
- (f) noting that the pre-application enquiry mechanism was effective in providing clarity and focus for applicants, it was suggested that this approach be extended by introducing a post-rejection advisory service offering advice to the applicant following an unsuccessful application, and such a mechanism be officially documented; and
- (g) whether the applicant was required to wait for and address brief or immaterial departmental comments, and the rationale for the Architectural Services Department (ArchSD) providing comments on planning applications, which appeared to fall outside their usual scope of responsibilities.

80. In response, Ms Isabel Y. Yiu, CTP/TPB, with the aid of some PowerPoint slides, made the following main points:

- (a) with regard to paragraph 3.3(b) of the Paper, cases with nil or negligible impacts were largely similar to low impact proposals. Examples were provided for environmental, traffic, landscape, visual assessments and premises-based uses, illustrating scenarios where the impact was minimal;

- (b) the underlying principle of requiring technical assessments in planning application was to ensure that essential assessments were provided to ascertain technical feasibility while minimising adverse impacts on the surrounding areas. Ultimately, the responsibility for gatekeeping lied with the relevant B/Ds overseeing their respective professional domains. While the previous s.16 GN broadly outlined the requirements for technical assessments, the revamped version presented them in a structured table format, clarifying the principles and scope of each assessment. The new format also included examples of developments or uses demonstrating the need to assess each technical aspect. For instance, a traffic impact assessment (TIA) or traffic review could be obviated for planning applications involving minor relaxation of building height (BH) restriction without increasing gross floor area or plot ratio, while a TIA would be required for larger-scale developments. Such classifications provided applicants with early and clearer guidance. That said, depending on the site context or other special circumstances, a simplified technical assessment might not always suffice. The s.16 GN further emphasised the importance of the pre-application enquiry mechanism in determining the necessity and scope of technical assessments before formal submission to the Town Planning Board (TPB);
- (c) the description in paragraph 27(b) of the s.16 GN referred to filling of land involving an area of less than 1 hectare (ha), for which such planning applications might not require various technical assessments. While air ventilation was mentioned in paragraph 27 of the s.16 GN as one of the aspects to demonstrate the technical feasibility of the proposed development(s)/use(s), filling of land with an area less than 1 ha did not fall within the criteria requiring an AVA;
- (d) regarding fire safety, FSD was consulted and their expert comments, including the criteria and land use examples for the exemption of FSI proposals, were duly incorporated into Annex B. The necessity for implementing FSIs was determined through a thorough evaluation by

FSD. If the FSI proposals were considered acceptable by FSD, it was feasible to impose an approval condition solely for the implementation phase. For premises within industrial buildings, FSD had advised that the submission of the FSI layout at the planning application stage might still be necessary, particularly in cases where building plan submissions were not required. This ensured that fire safety considerations were adequately addressed from the outset. Whenever necessary, relevant government departments, including FSD, could propose refinements and updates to the GN, as appropriate;

- (e) the pre-application enquiry mechanism had been outlined in PlanD's Practice Notes for Professional Persons (PNPP) No. 1/2024, which was accessible to the public. According to PNPP No. 1/2024, applicants might contact PlanD via the office hotline for enquiries and submit draft proposals together with technical assessments. Upon receipt, the respective District Planning Offices (DPOs) would seek comments from relevant B/Ds which would be required to provide comments within 3 weeks after circulation. Both B/Ds and applicants were expected to adhere to the established procedures. If needed, DPO might facilitate the coordination of meetings between the concerned B/Ds and the applicant to discuss the proposal and resolve outstanding issues;
- (f) the post-application enquiry process had been detailed in PNPP No. 1/2024 (paragraphs 12 to 15), providing assistance to the applicants following the consideration of their cases by TPB. In the event of rejection, applicants were advised to directly contact the responsible officer at DPO, whose telephone number would be included in the written notification, to understand and clarify any concerns raised by TPB. For approved cases, enquiries regarding approval conditions could also be raised. PlanD would act as the gatekeeper by circulating submissions to relevant B/Ds for comment when considering the fulfillment of approval conditions; and

(g) the circulation of planning applications within B/Ds was limited to include only those essential for providing relevant comments, thereby enhancing efficiency and focus. Given ArchSD's primary responsibility for aesthetic design of buildings, circulation of planning applications to ArchSD for input was generally not necessary unless the architectural design and merits were critical considerations in the application's evaluation. For example, PlanD engaged ArchSD during the processing of planning application for the topside development above the West Kowloon High Speed Rail Station to assess claims of innovative and iconic architectural design by the applicant. From town planning perspective, the visual assessment primarily focused on evaluating the potential visual impact by analysing the relationship of the proposed development with its surrounding context. By adopting selective departmental circulation, the applicants were no longer required to wait for and address brief or immaterial departmental comments, thereby streamlining the review process and reducing unnecessary administrative burden.

Visual Aspect

81. Some Members had the following questions/comments related to visual aspect and TPB-PG No. 41A:

(a) on visual impacts, whether the revised TPB guidelines specified the location of public viewing points and required applicants to utilise those points in the preparation of diagrams. For instance, the visual difference in demonstrating minor relaxation of BH restriction by 5m might not be noticeable when viewed from North Point to Yau Tong;

(b) regarding the quality of visualisation materials, whether the revised TPB guidelines would require applicants to adopt a similar approach in preparing those materials to facilitate better comparison between the baseline scheme and the proposed scheme, especially considering that

the baseline scheme often appeared more voluminous with fewer details, whereas the proposed scheme tended to be more visually appealing; and

- (c) clarification on the definitions of “public viewing points” and “sensitive receivers” as mentioned in paragraph 4.1(c) of the Paper for the purpose of VIA.

82. In response, Ms Margaret H.Y. Chan, CTP/UD&L, and Ms Isabel Y. Yiu, CTP/TPB, made the following main points:

- (a) the guidelines for determining public viewing points were set out in paragraphs 4.5 to 4.7 of TPB PG No. 41A, which emphasised that those viewing points should be publicly accessible and popular to the public/tourists. Generally, they should cover all four cardinal directions. Applicants were encouraged to make pre-submission enquiries and advice from the UD&L Section of PlanD on the selection of public viewing points if necessary. Strategic viewing points for assessing potential visual impact of a proposed development on the Harbour and ridgelines identified for protection were available on PlanD’s website for reference. In that connection, visualisation materials might only be necessary if the proposed developments would encroach onto the views to the ridgelines from the strategic viewing points;
- (b) the requirements of visualisation materials were set out in section 6 of TPB PG-No. 41A. If the baseline condition was inadequately illustrated, UD&L Section of PlanD would provide comments during the vetting process; and
- (c) the term ‘sensitive receivers’ was not defined in TPB PG-No. 41A or its previous version. For VIA purpose, public viewing points such as public parks or popular hiking trails would be taken into account. To enhance clarity of the requirements for VIA and to align more closely with the terminology used under the Environmental Impact Assessment Ordinance, the term “public viewing points” was adopted in TPB PG-No. 41A.

83. Mr C.K. Yip, Director of Planning, suggested that paragraph 15 of the PNPP No. 1/2024, which outlined the enquiry mechanism following consideration by the Board, be incorporated into the s.16 GN after paragraphs 46 and 47 so as to ensure that applicants were informed about this mechanism upon receiving the outcome of their planning applications.

84. After deliberation, the Board agreed that the revised s.16 GN and the revised TPB PG-No. 41 (to be renumbered as TPB PG-No. 41A) at Attachments I and II of the Paper respectively, subject to incorporation of Members' comments/suggestions as stated above and detailed checking, should take effect upon promulgation and uploading to TPB's website (i.e. upon confirmation of the minutes of the subject meeting).

85. The Chairperson thanked PlanD's representatives for attending the meeting. They left the meeting at this point.

Agenda Item 6

[Open Meeting]

Any Other Business

[The item was conducted in Cantonese.]

86. There being no other business, the meeting was closed at 2:30 p.m.