

**Minutes of 1355th Meeting of the
Town Planning Board held on 13.2.2026**

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 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

Dr Tony C.M. Ip

Professor B.S. Tang

Professor Simon K.L. Wong

Mr Derrick S.M. Yip

Chief Traffic Engineer (New Territories West)
Transport Department
Ms Vilian W.L. Sum

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

Principal Environmental Protection Officer (Territory South)
Environmental Protection Department
Ms Marlene Y.H. Ho

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

Mr Stanley T.S. Choi

Professor Jonathan W.C. Wong

Mr Ryan M.K. Ip

Mr Rocky L.K. Poon

Mr Simon Y.S. Wong

In Attendance

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

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

Senior Town Planner/Town Planning Board
Mr Kenny C.H. Lau

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1354th Meeting

[The item was conducted in Cantonese.]

1. The draft minutes of the 1354th meeting held on 30.1.2026 were confirmed without amendment.

Agenda Item 2

[Open Meeting]

Matters Arising

[The item was conducted in Cantonese.]

(i) Town Planning Appeal Decisions Received

- (1) Town Planning Appeal No. 2 of 2024

Proposed House (New Territories Exempted House – Small House) in “Agriculture” Zone, Lot 1644 S.A in D.D. 76, Kan Tau Tsuen, Fanling, New Territories
Application No. A/NE-LYT/821

2. The Secretary reported that that the subject appeal was against the Town Planning Board (TPB/the Board)’s decision to reject on review an application (No. A/NE-LYT/821) for a proposed house (New Territories Exempted House (NTEH) – Small House (SH)) at the application site (the Site) zoned “Agriculture” (“AGR”) on the Lung Yeuk Tau and Kwan Tei South (LYT) Outline Zoning Plan (OZP).

3. The review application was rejected by the Board on 31.5.2024 for reasons that (i) the proposed development was not in line with the planning intention of the “AGR” zone; and (ii) land was still available within the “Village Type Development” (“V”) zone of Kan Tau Village for SH development.

4. The appeal was heard by the Appeal Board Panel (Town Planning) (TPAB) on 9.7.2025 and 16.10.2025. On 30.12.2025, the appeal was dismissed by TPAB and the reasons were summarised as follows:

Ground 1: It was unreasonable for TPB not to give sympathetic consideration due to a change of applicant and the implementation progress of other approved SHs in the vicinity

- (a) the previous application submitted by another applicant was approved in 2017 mainly on sympathetic considerations, amongst others, that there were approved SH applications nearby at different stages of development to the south of the Site and new village clusters were expected to be formed in the locality. For the current application, new village clusters in the locality, i.e. those applications to the south of the Site, were not yet formed as previously expected based on site inspections, aerial photos and site photos, etc. It was not unreasonable to consider and process the current application based on the above observation by the Board. Hence, the planning considerations of the current application were different from those of the previous application, and were not comparable;
- (b) the Appellant failed to demonstrate that there was a general shortage of land in meeting the demand for SH development in the “V” zone. It was also the fact that the land available in the “V” zone was twice as much as the outstanding SH demand. TPAB agreed that assessment criterion (a) of the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) could not be satisfied and sympathetic consideration would not be given to this application;

Ground 2: The SH application should be at an advance stage but not the initial stage

- (c) the SH grant of the Appellant was still under processing, including verification of eligibility, consultation with relevant departments and posting of notices. TPAB accepted that the processing of the SH grant could not be regarded as being in an advance stage according to assessment criterion (d) of

the Interim Criteria. Sympathetic consideration should not be given to this application;

Ground 3: The Site did not have potential for rehabilitation for cultivation or other agricultural purposes. The surrounding area, zoned "AGR", was occupied by temporary structures for domestic use, with no on-going agricultural activities. TPB failed to take into account the actual circumstances of the Site and its surroundings in its assessment

- (d) the existing squatters/domestic structures near the Site would not jeopardise the planning intention of "AGR" zone;
- (e) the Agriculture, Fisheries and Conservation Department considered the Site possessed potential for agricultural rehabilitation. Agricultural activities were active in the vicinity and agricultural infrastructures such as road access and water source were available. The Site could be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. Therefore, the long-term planning intention of the "AGR" zone should remain valid;
- (f) TPAB took the view that the temporary structures/squatter houses near the Site could not be regarded as existing NTEHs/SHs in assessment criterion (d) of the Interim Criteria. Therefore, the Site was not considered as an infill site under assessment criterion (d) of the Interim Criteria and sympathetic consideration should not be given to this application; and

Ground 4: Similar SH applications in "AGR" zone were conditionally approved in the past, hence the appeal case should also be approved

- (g) similar applications approved in LYT and Man Uk Pin areas mentioned by the Appellant were considered by the Board on individual merits and case-by-case basis. Those examples were not comparable as they were cases which sympathetic considerations could be granted under assessment criterion (d) of the Interim Criteria, but the current application was not such a

case.

5. Members noted the decision of TPAB.

(2) Town Planning Appeal No. 3 of 2024

Proposed House (New Territories Exempted House - Small House) in “Green Belt” Zone, Lot 391 S.A in D.D. 28, Lung Mei, Tai Po

Application No. A/NE-TK/793

6. The Secretary reported that that the subject appeal was against the Town Planning Board (the Board/TPB)’s decision to reject on review an application (No. A/NE-TK/793) for a proposed house (New Territories Exempted House (NTEH) – Small House (SH)) at the application site (the Site) zoned “Green Belt” (“GB”) on the Ting Kok Outline Zoning Plan (OZP).

7. The review application was rejected by the Board on 12.7.2024 for the reasons that (i) the proposed development was not in line with the planning intention of the “GB” zone; and (ii) land was still available within the “Village Type Development” (“V”) zone of Lung Mei and Tai Mei Tuk for SH development.

8. The appeal was heard by the Appeal Board Panel (Town Planning) (TPAB) on 22.9.2025. On 23.12.2025, the appeal was allowed by TPAB. TPAB identified two key issues:

(a) whether the proposed development was in line with the planning intention of the “GB” zone and/or whether there was sufficiently strong planning justification for a departure from the general presumption against development within this zone (the GB Planning Intention Issue); and

(b) whether there was a general shortage of land within the “V” zone of Lung Mei and Tai Mei Tuk for SH development (the Land Shortage Issue).

9. TPAB found the GB Planning Intention Issue in favour of the Appellant, but not the Land Shortage Issue. TPAB’s major views were summarised as follows:

The GB Planning Intention Issue

Non-frustration of Planning Intention of the “GB” Zone

- (a) TPAB considered that the proposed development would not frustrate the planning intention of the “GB” zone or “V” zone. The Site was situated within a cluster of existing SHs and was buffered from the woodlands by other SHs erected at the fringe of the hard-paved area. Relevant government departments had no objection to the application, and the application was consistent with the main planning criteria of TPB Guidelines No. 10 and the Interim Criteria for Consideration of Application for NTEH/SH in New Territories (the Interim Criteria). Building a SH on the Site would not pose any threat to the conservation of the natural environment in the “GB” zone. TPAB did not see how it would infringe the limits of urban and sub-urban development or cause urban sprawl;

Consistency with Previous and Other Similar Applications

- (b) TPAB emphasised the importance of consistency in approach in town planning decisions, and did not see any material change in circumstances to justify a different decision from those for the previous applications at the Site (No. A/NE-TK/243 and 476 approved in 2007 and 2013 respectively) and similar applications;
- (c) as the relevant planning considerations did not typically depend on the identity of the applicant, TPAB considered that whether the new application was made by the same applicant of the previous application was generally not a relevant consideration. Moreover, TPAB did not consider an advance stage in SH grant processing to be a difference of great importance. Given that the Appellant only acquired the Site in September 2023, he should first apply for a planning permission before he could make an application for SH grant to the Lands Department (LandsD);

“Infill Site” Sympathetic Consideration

- (d) while the meaning of an “infill site among existing NTEHs/SHs” was undefined in the planning documents (i.e. the OZP, TPB Guidelines No. 10 and the Interim Criteria), TPAB adopted a flexible and common-sense interpretation of the term “infill site” from the Interim Criteria. TPB should examine all the circumstances of the case, including in particular the location of the Site, the state of development of its neighbouring lands and the general condition of its surroundings. If permitting development of the Site would not carry any real risk of urban sprawl, and the development permitted by the planning application was in line with the existing or permitted developments of the neighbourhood, a case of “sympathetic consideration” with the meaning of Criterion (d) of the Interim Criteria would likely have been made out. An infill site might not be completely surrounded by fully completed SHs on all sides;
- (e) moreover, TPB’s interpretation that a site was not considered an infill site if it was completely surrounded by Small Houses, but one or some of which were under construction did not appear to accord well with common sense. In this regard, a common-sense and flexible approach should be adopted for the interpretation of an infill site;

Legitimate Expectation Rejected

- (f) TPAB rejected the Appellant’s claim of a legitimate expectation to planning permission (based on previous permission for SH development at the Site and the responsibility of drainage pipe maintenance). There was no evidence to show that TPB had made any representation to the Appellant in definite terms that the application would be approved if the Appellant took up the alleged maintenance responsibility and/or on the basis of LandsD’s permission for Stormwater Drainage Works granted to the former land owner of the Site;

The Land Shortage Issue

Supply Side

- (g) TPAB recognised the Appellant's criticism for TPB to include a site where "Pai Lau" was erected as available land. TPB's basis was that the "Pai Lau" was allowed to stand under a Temporary Government Land Allocation, which was temporary in nature. However, those structures were permanent and would not be removed as they hold cultural and symbolic values to the villagers. Nevertheless, TPAB was satisfied that most of the sites identified by TPB were suitable for SH development within the "V" zone. In particular, TPAB noted that an area of 250m² was generously reserved for every site to construct a standard-sized SH (65.03m²);

Demand Side

- (h) TPAB affirmed that the more cautious approach, which placed more weight on verified outstanding SH applications than on unverified village demand forecasts, was applicable to the application; and
- (i) TPAB considered that 10-year demand forecast ought to be included in the calculation for demand for SH developments conceptually. However, the Appellant had not adduced credible, verified evidence, such as the Clan registration records, to support the forecast figure. TPB should consider then determine the weight of such evidence, if available. The Appellant had not provided sufficient evidence to demonstrate that there was a general or actual shortage of development land in the "V" zone.

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

11. The Chairperson said that an informal discussion among Members about the sympathetic consideration under assessment criterion (d) of the Interim Criteria, in particular how to interpret infill site, taking into account TPAB’s view on “infill site among existing NTEHs/SHs”, would be held in due course. In agreement with TPAB’s view, a Member said that the common-sense interpretation of an infill site in the consideration of the actual loss of the “GB” function sounded reasonable, and it might be followed in the consideration of future cases after discussion among Members.

12. Members noted the decision of TPAB and agreed with the advice of DoJ in paragraph 10 above.

(ii) Appeal Statistics

13. The Secretary reported that as at 6.2.2026, no cases were yet to be heard by the Appeal Board Panel (Town Planning) and two appeal decisions were outstanding.

14. Details of the appeal statistics were as follows:

Allowed	46
Dismissed	181
Abandoned/Withdrawn/Invalid	214
Yet to be Heard	0
Decision Outstanding	2
<hr/> Total	<hr/> 443

Tuen Mun and Yuen Long West District

Agenda Item 3

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations in respect of the Draft Ping Shan Outline Zoning Plan No. S/YL-PS/21

(TPB Paper No. 11045)

[The item was conducted in Cantonese and English.]

15. The Secretary reported that the amendments incorporated in the draft Ping Shan Outline Zoning Plan (OZP) involved, among others, rezoning of land at Wing Ning Tsuen, Yuen Long to facilitate a proposed development for public and private housing (Items A1 to C) under the Land Sharing Pilot Scheme (LSPS). The public housing development of the LSPS would be developed by the Hong Kong Housing Authority (HKHA). Busy Firm Investment Limited, which was a subsidiary of New World Development (NWD) Company Limited, was the LSPS applicant of the LSPS development, and AECOM Asia Company Limited (AECOM) was one of the consultants of the LSPS applicant. Two representations were submitted by Busy Firm Investment Limited (R1) and MTR Corporation Limited (MTRCL) (R4). The following Members had declared interests on the item:

Mr Maurice K.W. Loo - being a member of HKHA;
(as Director of Lands)

Mr Bond C.P. Chow - being a representative of the Director of
(as Chief Engineer (Works), Home Affairs Department) Home Affairs who was a member of the Strategic Planning Committee and the Subsidised Housing Committee of HKHA;

Ms Kelly Y.S. Chan - being a member of HKHA and its Strategic Planning Committee, and the chairperson of its Audit Sub-Committee and Tender Committee;

- | | |
|---------------------------------------|--|
| Mr Timothy K.W. Ma | - being a member of the LSPS Panel of Advisors; |
| Ms Sandy H.Y. Wong | - being an independent non-executive director of MTRCL; |
| Dr Tony C.M. Ip
Mr Vincent K.Y. Ho |] having current business dealings with
] AECOM; |
| Mr Rocky L.K. Poon | - being a past employee of a company which was a subsidiary of NWD; |
| Mr Ryan M.K. Ip | - being the vice-president and executive director of Public Policy Institute of Our Hong Kong Foundation which had received donations from New World Group before; and |
| Mr Ricky W.Y. Yu | - being the director and chief executive officer of an organisation which had received donations from Chow Tai Fook Charity Foundation (related to NWD). |

16. Members noted that Messrs Rocky L.K. Poon and Ryan M.K. Ip had tendered apologies for being unable to attend the meeting, and Ms Sandy H.Y. Wong, Ms Kelly Y.S. Chan, Mr Timothy K.W. Ma and Dr Tony C.M. Ip would join the meeting after this item. As the interests of Messrs Maurice K.W. Loo and Bond C.P. Chow were considered direct, they were invited to leave the meeting temporarily for the item. As Mr Vincent K.Y. Ho had no involvement in the LSPS project, and Mr Ricky W.Y. Yu had no involvement in the project(s) under the sponsorship of Chow Tai Fook Foundation, Members agreed that they could stay in the meeting.

Presentation and Question Sessions

17. The Chairperson said that reasonable notice had been given to the representers inviting them to the hearing, but other than those who were present or had indicated that they would attend the hearing, the rest had either indicated not to attend or made no reply. As reasonable notice had been given to the representers, Members agreed to proceed with the hearing of the representations in their absence.

18. The following government representatives, representer and representer's representatives were invited to the meeting at this point:

Government Representatives

Development Bureau (DEVB)

- | | | |
|----------------------|---|---|
| Mr Mann M.H. Chow | - | Head/Land Sharing Office (H of LSO) |
| Mr Stephen C.Y. Chan | - | Senior Town Planner/Land Sharing Office |
| Ms Jessie M.H. Kwok | - | Town Planner/Land Sharing Office |

Planning Department (PlanD)

- | | | |
|--------------------|---|---|
| Mr Raymond H.F. Au | - | District Planning Officer/Tuen Mun and Yuen Long West (DPO/TMYLW) |
| Mr Dino W.L. Tang | - | Senior Town Planner/Tuen Mun and Yuen Long West (STP/TMYLW) |

Representer and Representer's Representatives

R1 – Busy Firm Investment Limited

- | | | |
|---------------------------|---|-------------------------------|
| Mr Hui Chak Hung, Dickson |] | |
| Mr Ho Man In, Man |] | |
| Mr Law Hiu Long, Edison |] | |
| Mr Willie Wan |] | Representer's Representatives |

Ms Cindy Lam]
Ms Rebecca Chan]
Mr Ray Mui]
Ms Katie Yu]

R3 – Mary Mulvihill

Ms Mary Mulvihill - Representer

19. The Chairperson extended a welcome and briefly explained the procedures of the hearing. She said that representatives of PlanD would be invited to brief Members on the representations. The representer and representer’s representatives would then be invited to make oral submissions. To ensure efficient operation of the hearing, each representer would be allotted 10 minutes for making presentation. There was a timer device to alert the representer and representer’s representatives 2 minutes before the allotted time was to expire, and when the allotted time limit was up. A question and answer (Q&A) session would be held after the representer and representer’s representatives had completed their oral submissions. Members could direct their questions to the government representatives, the representer and representer’s representatives. After the Q&A session, the government representatives, the representer and representer’s representatives would be invited to leave the meeting. The Town Planning Board (the Board/TPB) would then deliberate on the representations in closed meeting and would inform the representers of the Board’s decision in due course.

20. The Chairperson invited PlanD’s representatives to brief Members on the representations. With the aid of a PowerPoint presentation, Mr Dino W.L. Tang, STP/TMYLW, PlanD briefed Members on the representations, including the background of the amendment items on the draft Ping Shan OZP No. S/YL-PS/21 (the draft OZP), the grounds/views of the representers, government responses and PlanD’s views on the representations as detailed in TPB Paper No. 11045 (the Paper). The amendment items included:

- (a) Item A1 – rezoning of a site at Wing Ning Tsuen from “Green Belt” (“GB”) to “Residential (Group A) 7” (“R(A)7”) subject to a maximum gross floor area (GFA) of 82,560 square meters (m²) and a maximum building height (BH) of 175 metres above Principal Datum (mPD);

- (b) Item A2 – rezoning of four land parcels at Wing Ning Tsuen from “Comprehensive Development Area” (“CDA”) and “GB” to “Residential (Group A) 8” (“R(A)8”) subject to a maximum GFA of 210,143m² and a maximum BH of 160mPD, and addition of symbols to link up the land parcels;
- (c) Item B – rezoning of a strip of land along the MTR Tuen Ma Line Viaduct from “CDA”, “GB” and area shown as ‘Tuen Ma Line Emergency Access Point’ to area shown as ‘Road’;
- (d) Item C – rezoning of two pieces of land at Wing Ning Tsuen from “GB” to “Government, Institution or Community” (“G/IC”);
- (e) Item D – rezoning of a site to the north of Castle Peak Road – Ping Shan from “CDA” and “Village Type Development” (“V”) to “Residential (Group A) 9” (“R(A)9”) subject to a maximum domestic plot ratio (PR) of 4.5, a maximum non-domestic PR of 0.48 and a maximum BH of 105mPD. GFA of not less than 5,400m² should be provided for Government, institution or community (GIC) facilities;
- (f) Item E – rezoning of a site to the southeast of Tong Fong Tsuen and west of the junction of Ping Ha Road and Castle Peak Road from “CDA” to “Residential (Group E)1” (“R(E)1”) subject to a maximum PR of 1 and a maximum BH of 5 storeys including car parks;
- (g) Item F – rezoning of a site to the northeast of the junction of Ping Ha Road and Castle Peak Road from “CDA” to “Residential (Group B) 2” (“R(B)2”) subject to a maximum PR of 1 and a maximum BH of 5 storeys including car parks; and
- (h) Item G – adjustment to the zoning boundary of “CDA” zone.

21. There were also amendments to the Notes of the OZP in relation to the above rezoning and to align with the latest Master Schedule of Notes to Statutory Plans.

22. The Chairperson then invited the representer and representer's representatives to elaborate on their representations.

R1 – Busy Firm Investment Limited

23. With the aid of a PowerPoint presentation, Mr Ho Man In, Man made the following main points:

- (a) Items A1, A2, B and C, representing the proposed LSPS development at Wing Ning Tsuen, were supported. The amendments were in line with the LSPS Application No. LSPS/005, which was endorsed in principle by the Chief Executive in Council in November 2022;
- (b) the proposed LSPS development had already incorporated the comments of the Ping Shan Heung Rural Committee (PSHRC) and Yuen Long District Council (YLDC), which were consulted on 20.6.2025 and 29.7.2025 respectively;
- (c) the development restrictions and other requirements of the proposed LSPS development as stipulated in the Notes and Explanatory Statement of the OZP had been circulated for departmental comments and the proposed development was demonstrated to be technically feasible;
- (d) being situated in proximity to various new towns and new development areas such as Yuen Long New Town, Tin Shui Wai New Town and Hung Shui Kiu/Ha Tsuen New Development Area, the proposed development density, including GFA (i.e. equivalent to a domestic PR of about 6 to 6.5) and BH (i.e. around 160mPD to 175mPD), was compatible with the surrounding land uses; and
- (e) the proposed development would not generate adverse impacts on the surrounding areas.

R3 – Mary Mulvihill

24. With the aid of a visualiser, Ms Mary Mulvihill made the following main points:

Items A1 to C

- (a) she strongly objected to Items A1 to C, i.e. the proposed LSPS development at Wing Ning Tsuen. There was a lack of justification for the project proponent to make use of land within the “GB” zone along the MTR Tuen Ma Line for the proposed LSPS development and thereby deprive the community of the visual relief provided by the “GB” zone. The 2023 Policy Address stated that there were no plans for further large-scale development in “GB” areas, except for recreational and tourism purposes. Unleashing the development potential of private lots was not a legitimate planning consideration as many private lots were located within country parks, green belts, coastal protection areas and sites of special scientific interest;
- (b) as shown in Attachment VII of RNTPC Paper No. 10/25 on the provision of major community facilities and open space in Yuen Long District, there were shortfalls in the provision of sports centre (-3 or -13%), sports ground (-3 or -50%), swimming pool complex (-2 or -40%), clinic/health centre (-1 or -7%), child care centre (-3,437 places or -56%), community care services facilities (-4,383 places or -65%), residential care home for the elderly (RCHE) (-2,863 beds or -34%), pre-school rehabilitation services (-504 places or -40%), day rehabilitation services (-1,377 places or -45%), residential care services (-1,475 places or -31%), community rehabilitation day centre (-1 or -33%) and integrated community centre for mental wellness (-2 or -43%);
- (c) in view of the recent comments made by the Secretary for Housing that 5% of GFA allocated for GIC facilities in public housing developments would be pared back in order to expedite construction, it was likely that the planned provision of GIC facilities was not guaranteed and would not be materialised. The actual deficit of the required community services could be even worse. Lessons learnt from the development in Tin Shui Wai should not be repeated;

- (d) 347 new trees would be planted as compensation, as compared with the felling of 566 existing trees, which would lead to a net decrease of 219 trees. The Board should insist on a tree compensation ratio of 1:1. In accordance with DEVB's guidelines on tree pruning, storm-damaged trees of any invasive species, such as *Leucaena leucocephala* (銀合歡), were recommended to be removed and replanted with native species. In other words, the *Leucaena leucocephala* to be felled should be compensated. Moreover, ornamental trees to be planted for compensation were invariably short and contributed little to the ecosystem. It was also uncertain whether the 566 trees to be felled had already included those under Item B;
- (e) the green groups no longer provided independent research on the quality of the trees or the impact of their felling on the local ecosystem. Neither PSHRC nor YLDC had taken part in the public consultation on the proposed LSPS development that would have a significant impact on the area. The Paper stated that PSHRC and YLDC had expressed concerns on traffic, drainage and noise impacts of the proposed LSPS development, however, no relevant parties had taken part in the consultation;
- (f) it was mentioned in the Paper that the layout of the proposed LSPS development was indicative and mitigation measures would be reviewed at the detailed design stage, which meant some significant issues were not fully addressed at the current stage. Without information on the direction of the prevailing wind, it was uncertain how the building blocks as shown in the layout plan, some of which were aligned in a straight line, could mitigate the air ventilation impact;
- (g) adverse visual impact was anticipated as the ridgeline would be breached by the proposed LSPS development when viewed from viewing point (VP) 5 (i.e. Kai Shan). The tall and wide concrete and glass wall of building blocks would not blend in with the wider surrounding areas. The recent initiative to locate parking spaces above ground in order to expedite construction would further increase BH and enlarge the podium bulk;

- (h) the sites within the proposed LSPS development were separated and not interconnected. The residents would have difficulties in accessing the retail, community and other services among sites and within other public housing developments in the vicinity;
- (i) in calculating the housing mix, a domestic GFA of about 13,442m² generated from the additional government land and third-party private land (of about 2,068m²) was excluded from the calculation. There appeared to be no gain in the number of public housing units;

Item D

- (j) the site was the subject of a previously agreed section 12A (s.12A) planning application No. Y/YL-PS/4. While the applicant advocated provision of high-quality RCHE in the latest agreed s.12A planning application No. Y/YL-PS/6, the number of RCHE beds had decreased whereas the PR, BH and parking space provision had significantly increased. Almost half of the site was devoted to roads and hence represented inefficient use of land. With higher density, the proposed development was less elderly and family friendly. Should the developer have any genuine intention to provide a community service, it could pay some premium and accommodate more residents;
- (k) the adverse visual impact would be substantial as the proposed development would obscure the mountain backdrop. The community was concerned about the elimination of ridgelines and landmarks. There was an urgent need to protect the iconic ridgelines and peaks that defined the New Territories;
- (l) the building separation of the development was only 12.5 metres, which might not be acceptable in view of the recent fire in Tai Po;
- (m) there was insufficient land within the “V” zone to accommodate the demand for Small House development. The proposed development was, however, justified on the basis that there were brownfield operations on the site. This was another example of the distortion of regulations and guidelines to

facilitate administrative expediency;

Amendments to the Notes of the OZP

- (n) the incorporation of ‘Government Refuse Collection Point’ and ‘Public Convenience’ under Column 1 of the Notes for the “V” zone would deprive the community of the right to scrutinise the location and design of these facilities;
- (o) the incorporation of ‘Field Study/Education/Visitor Centre’ under Column 2 of the Notes for the “V” zone would encourage abuse of the Small House policy and result in developments being sold to outsiders;

Others

- (p) the concept of sponge city was neither adopted nor mentioned in the Paper;
- (q) there was no provision for the relocation of brownfield operations; and
- (r) she also queried whether the concerns of MTRCL were downplayed.

25. Ms Mary Mulvihill, R3, also expressed other views not related to the amendments to the OZP. She said that the public could not access the supporting documents of the OZP amendments as the files could not be downloaded and printed for reference, and there were difficulties in searching for information in the large-sized files without a directory. The Paper was only received one week before the hearing. These impeded her in preparing her representation submission and attendance at the hearing. The Board should facilitate the public in accessing the relevant information on its website conveniently. The relocation of online government files did not legitimise the failure to provide access to the relevant documents. As the community could no longer participate in the processing of section 12A applications, inaccessible supporting documents of the amendments rendered the public consultation meaningless. Besides, Ms Mulvihill expressed discontent that representation hearings for three OZPs were scheduled for 6.3.2026. There was insufficient time to peruse all the documents. She referred to a judicial review case concerning the Board in 2015, which was related to procedural fairness, and the Court quashed the Board’s decisions on the relevant OZPs.

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

Developments around Kai Shan

27. Noting that to the east and west of Kai Shan were large areas zoned "R(A)" and to its south were an area zoned "CDA" and some remaining patches of "GB" zone, a Member enquired how the development evolved in the area and the impact on the remaining "GB" area; and what the area zoned "Conservation Area" ("CA") to the immediate south of Kai Shan was. In response, Mr Raymond H.F. Au, DPO/TMYLW, PlanD, with the aid of a PowerPoint slide, said that over time, part of the "GB" areas surrounding Kai Shan, comprising private lots at Wang Chau and Wing Ning Tsuen, were used for brownfield operations. In line with the prevailing government policies and to better utilise the land resources, upon review and study, some of these "GB" areas were then rezoned for residential developments, including the areas zoned "R(A)4" and "R(A)5" to the southeast and east of Kai Shan for Wang Chau Phase 1 and Remaining Phase public housing developments, and the area zoned "R(A)6" to the west of Kai Shan for the Tin Tsz Road public housing development. The areas zoned "CDA" to the south and west of the proposed LSPS development were mainly occupied by brownfield operations and temporary vehicle parks. A study was being conducted to ascertain the suitability and technical feasibility of the relevant areas for public housing development, while the remaining strip of "GB" zone to the north of the "CDA" zone would be reviewed with regard to its functions as "GB" when appropriate. The area zoned "CA" to the immediate south of Kai Shan was a permitted burial ground.

Visual Impact of the Proposed LSPS Development

28. Noting the adverse visual impact of the proposed LSPS development mentioned by R3, some Members raised the following questions:

- (a) how the visual impact of blocking the views to the ridgelines was assessed;
- (b) which authority or committee determined whether the visual impact was acceptable;
- (c) whether the acceptability of the visual impact was related to the fame or scenic quality of the hill;
- (d) noting that Kai Shan was 121mPD high, from which sunset views and panoramic views of Nam Sang Wai, Tsim Bei Tsui, Yuen Long and Tin Tsui Wai could be enjoyed, whether the existing views from this photo-taking spot would be affected by further development in the surroundings;
- (e) where the VP of the photomontage on Drawing H-8 of the Paper was located, whether Kai Shan was included as one of the VPs, and what the visual assessment results for the selected VPs were; and
- (f) noting that as shown on Plan H-4 of the Paper, to the east of Kai Shan were Long Ping Estate and the planned Wang Chau public housing developments zoned “R(A)”, “R(A)4” and “R(A)5”, to the west were Tin Shui Wai and the planned Tin Tsz Road public housing development zoned “R(A)6”, and to the south was a vast area zoned “CDA”, villages in Ping Shan and the proposed LSPS development, whether the open views of fish ponds and Shenzhen Bay to the north would be preserved.

29. In response, Mr Raymond H.F. Au, DPO/TMYLW, PlanD, with the aid of some PowerPoint slides, made the following points:

- (a) views of the ridgelines that should be preserved were located on the two sides of Victoria Harbour. For views to other ridgelines, the visual impact was assessed on a case-by-case basis. The proposed LSPS development was located at the fringe of Yuen Long New Town and was surrounded by village settlements and temporary structures, the vegetated hillside of Kai Shan, two high-rise public housing developments namely Wang Chau Phase 1 and

Remaining Phase public housing under construction and planning respectively subject to maximum BHs of 135mPD and 145mPD, and the medium to high-density developments in Yuen Long Town Centre area to its further east. Kai Shan was an area of raised ground with open views, but it was not part of a country park nor a spot frequently strolled by many visitors. According to the Visual Impact Assessment (VIA) conducted for the proposed LSPS development, the visual impact from the VP of Kai Shan was assessed as “moderately adverse/ significantly adverse” due to visual permeability and proximity to the proposed LSPS development with direct sight. Nonetheless, in a wider context, the proposed LSPS development would form part of the extension of the Yuen Long New Town with the high-rise cluster of building blocks of the Wang Chau Phase 1 and Remaining Phase public housing developments under construction and planning;

- (b) the TPB Guidelines on Submission of VIA for Planning Applications to the TPB (TPB-PG No. 41A) provided guidance for the preparation of VIA to assess the potential visual impact of a proposed development on the surrounding areas. With reference to the setting of the project and the views of local significance, public viewing points would be selected. A series of factors would be considered in determining the visual impact, e.g. whether the BHs of the proposed and adjacent developments were visually compatible; the extent to which the views to the ridgeline would be blocked by the proposed development and the remaining portion of sky; and whether the proposed mitigation measures would be effective, etc. With the incorporation of mitigation measures, including varied BH design, building setback and building gaps, the visual impact of the proposed LSPS development would be mitigated to an acceptable level with enhancement of visual permeability;
- (c) while the views of Victoria Peak and Lion Rock from public waterfronts should be protected, there were many hills and ridgelines around new towns and new development areas in the New Territories. The visual impact on those ridgelines outside Victoria Harbour would be assessed on a case-by-case basis and the reputation of the hills/ridgelines might not be a material consideration;

- (d) the proposed LSPS development was situated to the south of Kai Shan. The existing and planned developments to the west of Kai Shan were located farther away. The views to the north and west from Kai Shan were relatively open. There was no plan to develop the “GB” area to the north into high-density residential development. Hence, the views of the sunset and the fish ponds to the north from Kai Shan would be maintained;
- (e) the VP of the photomontage on Drawing H-8 of the Paper was Kai Shan. The backdrop in the photomontage was another mountain to the south of Yuen Long New Town. In general, the project proponent would conduct the VIA in accordance with TPB-PG No. 41A. In consultation with the Urban Design Unit of PlanD, potential public VPs in sight of the proposed development would be identified and the visual impact at the respective VPs would be assessed. Nine public VPs were identified in the VIA conducted for the LSPS development. While the VP at Kai Shan was subject to “moderately adverse/significantly adverse” visual impact, the visual impact for the remaining eight VPs ranged from “negligible” to “moderately adverse”. As these VPs were located farther away, the scale of the proposed LSPS development as seen from a greater distance was smaller and the remaining sky portion as shown in the photomontages was relatively larger. Given that the proposed LSPS development adjoined the Wang Chau Phase 1 public housing development, it could be regarded as an extension of the new town development. The overall visual impact was therefore considered acceptable; and
- (f) there was currently no plan for development over the fish ponds to the north of Kai Shan, except for an approved development at Fung Lok Wai which was yet to be implemented.

30. Mr C.K. Yip, Director of Planning (D of Plan), supplemented that the VIA examined the spatial relationship between the proposed development and the surrounding context. The selected VPs should cover all four cardinal directions and include short- to long-range views. The overall visual impact of a proposed development should be evaluated taking into account a variety of factors, including the sensitivity of the public viewers, visual resources and visual amenities likely to be affected, the magnitude, extent and duration of impact, etc. The photo taken at a

particular VP represented a specific direction and angle at human eye level. During actual site inspection, the views would, in practice, change if the viewers looked up or down or shifted slightly to the left or right. At VP5 from Kai Shan, the view to the south of the proposed LSPS development was the new development area in Yuen Long South with mountain backdrop, which was not uncommon in Hong Kong. There would be visual change with more buildings developed. Hills were commonly found in the territory, and whether the overall visual impact of the proposed LSPS development was acceptable warranted consideration in a comprehensive manner. Protection of views to the ridgelines referred to those on both sides of Victoria Harbour mainly because of the unique views with the combination of harbour, hills and buildings defining the skyline of the city.

Design of the Proposed LSPS Development

31. Some Members raised the following questions:

- (a) noting that a flat size of 50m² was assumed for public housing in the proposed LSPS development, whether the assumption was on a high side and whether there would be any traffic impact if the flat size was subsequently reduced to produce more flats;
- (b) whether there was any record of flooding in the area due to extreme weather and whether the concept of sponge city should be adopted;
- (c) with some villages in the vicinity such as Wing Ning Tsuen and Ha Mei San Tsuen, whether there were any urban-rural integration measures, in particular in respect of connectivity; and
- (d) noting R3's comment on building separation in relation to fire risk, whether the building separation of the proposed LSPS development as shown in the indicative layout was sufficient.

32. In response, Mr Raymond H.F. Au, DPO/TMYLW, PlanD, with the aid of some PowerPoint slides, made the following points:

- (a) the LSPS development had assumed the flat size of about 50m² for both public and private housing developments. These assumptions were adopted for conducting technical assessments to demonstrate technical feasibility in terms of traffic, drainage and sewerage, etc. at the planning stage. As a general practice, a flat size of 50m² was assumed for public housing with a view to providing better living conditions;
- (b) the area was not a flooding blackspot as confirmed with the Drainage Services Department. According to the Drainage Impact Assessment conducted for the proposed LSPS development, the new drainage pipes of the development would be connected to the existing public drainage system, which ultimately discharged into a nullah in Yuen Long West. The proposed LSPS development would not entail adverse drainage impact or flooding risk;
- (c) the LSPS applicant and the Government had been in liaison with PSHRC and the village representative of Wing Ning Tsuen. Although the design of the proposed LSPS development would not affect the existing graves and feng shui woodland of the village, the village office and ancillary facilities had to be relocated to the two Item C sites zoned "G/IC". During the consultation process, a pledge was made to maintain communication with villagers at the detailed design stage to facilitate a compatible design and enhance access to the proposed GIC facilities, public transport terminus (PTT) and public vehicle park by the public, including local villagers; and
- (d) the building separation proposed in the current layout was indicative for improving ventilation and visual amenities. For fire safety purposes, the building layout would be examined by the Fire Services Department against the relevant ordinances and regulations at the building plan submission stage. Where appropriate, the detailed layout of the proposed development would also be circulated to relevant government departments for comment and be subject to scrutiny at the detailed design stage.

33. A Member followed up and enquired which party would bear the cost of reprovisioning the public facilities, including the village office. In response, Mr Mann M.H. Chow, H of LSO, DEVB said that based on the LSPS guidelines, the costs of reprovisioning the village office and constructing roads and drainage facilities would be borne by the LSPS applicant and would subsequently be deducted from the land premium upon vetting and acceptance by the Government.

Traffic and Connectivity of the Proposed LSPS Development

34. Two Member raised the following questions:

- (a) noting the connectivity issue raised by R3, whether the pedestrian crossings along the public road (Item B) would be at grade; and
- (b) whether the public road (Item B) would extend westwards towards Long Tin Road, and if not, how vehicles would turn around upon reaching the cul-de-sac.

35. In response, Mr Mann M.H. Chow, H of LSO, DEVB and Mr Raymond H.F. Au, DPO/TMYLW, PlanD, with the aid of some PowerPoint slides, made the following points:

- (a) in addition to widening the existing single-track access road to form a public road comprising a two-lane carriageway with 3m-wide pedestrian sidewalk on both sides (Item B) under the MTR Tuen Ma Line viaduct, a cycling track would also run along the public road to link the proposed LSPS development with the surrounding areas. Subject to detailed design and in consultation with the Transport Department (TD), there would be at-grade crossings along the public road; and
- (b) according to the proposed scheme of the LSPS development, the public road (Item B) currently ran up to Item A1 site. The vehicles would have to turn back at the hammer head at the end of the public road towards the east to Long Ping Road. The traffic arrangement proposed in the Traffic Impact Assessment (TIA) was considered acceptable by TD. A study for public

housing development at the “CDA” site to the west of the proposed LSPS development was being undertaken and the need for extension of the public road (Item B) westwards would be considered.

36. Ms Vilian W.L. Sum, Chief Traffic Engineer (New Territories West) (CTE(NTW)), TD, with the aid of some PowerPoint slides, supplemented that a PTT was located at the western end of Item A1 site and could be accessed from the public road (Item B) by bus, green mini-bus and taxi for loading/unloading. Other small vehicles could turn around at the hammer head at the western end of the public road (Item B).

Item F

37. A Member enquired whether a 2-storey building within Item F site, as shown in Photo 14 on Plan H-3d of the Paper, was of any historical value and whether there was any plan for development in the area. In response, Mr Raymond H.F. Au, DPO/TMYLW, PlanD, with the aid of some PowerPoint slides, said that the 2-storey building in Photo 14 was a low-density private residential dwelling. According to the Antiquities and Monuments Office, it was neither a declared monument nor a graded historic building. No redevelopment proposal had been received. While Item F site was rezoned from “CDA” to “R(B)2”, the development restrictions of a maximum PR of 1 and a maximum BH of 5 storeys including car parks had remained unchanged. The site was largely occupied by a private residential dwelling with garden, a low-rise residential development known as Green Orchid and temporary structures. The purpose of the rezoning exercise was to reflect the existing conditions and to encourage redevelopment so as to facilitate early transformation of the area.

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

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

Deliberation Session

39. The Chairperson invited views from Members.

40. Mr C.K. Yip, D of Plan, remarked that protection of views to the ridgelines was an important concept in urban design but it was mainly confined to those on the two sides of Victoria Harbour. Through the public consultation on a study on the Urban Design Guidelines for Hong Kong, there had been public consensus on preserving the views to the ridgelines and Victoria Harbour and hence on setting a 20% building-free zone as viewed from strategic VPs. In general, all key visual elements within the assessment area should be covered, including those that currently existed or were known to be planned, and the visual impact depended on various factors such as the massing, significance and character of the visual elements. The appraisal would consider aspects of visual composition, visual obstruction and changes brought by the proposed development. The changes in the existing and future public views should be compared before and after the proposed development. As stated in TPB-PG No. 41A, key public VPs covering views from strategic and popular local VPs at various locations and distances would be selected for assessment and evaluation of the visual impact of a proposed development. The foremost underlying principle of VIA would be, in balancing other relevant factors, to avoid developments that would likely result in major adverse visual impact within the existing and planned development context, especially where visually sensitive areas, visual amenities, visual resources and/or public views were affected. While the assessment would involve judgement, PlanD would, based on TPB-PG No. 41A, consider the VIA undertaken by the project proponent and assess whether the holistic assessment was reasonable and whether the overall visual impact would be acceptable. Regarding R3's comment on the ridgeline being breached by the proposed LSPS development at VP5, instead of focusing on a single VP, the overall visual impact across all VPs should be considered collectively in order to determine whether the visual impact brought by the proposed LSPS was acceptable.

41. Noting that the proposed LSPS development was a large-scale development, a Member was concerned that the traffic conditions would worsen should the actual flat size of the public housing units be much smaller than 50m² assumed for conducting technical assessments. Mr C.K. Yip, D of Plan, responded that the assumption of an average flat size of 50m² for public housing was related to the planning vision and policy as exemplified in the strategic study of Hong Kong 2030+ for pursuing a larger average living space per person. In

the new development areas, the average size of new flats had increased by about 10% to 20%. Adopting the same approach, the Housing Department was working in the same direction to increase the average flat size of public housing units. In conducting technical assessments, sensitivity test was included to assess the impact of changes in assumptions and buffers would be introduced in the assessments. As the development would be completed after several years, and depending on the timing of population intake and the availability of road connections, the impact of the development on the infrastructure would be dynamic. The Government would monitor the cumulative impact of all the developments in the area and adjust the traffic measures when appropriate. In practice, the proposed LSPS development would be subject to lease conditions and building plan approval after the planning stage. Relevant government departments would request impact reassessments at the detailed design stage where circumstances warranted. Ms Vilian W.L. Sum, CTE(NTW), TD supplemented that a traffic review would be undertaken if the development intensified when it proceeded to the detailed design stage, and this could be stipulated in the lease documents. TIA was conducted based on a design year and an area of influence which would take into account the cumulative traffic impact of the existing and planned developments in the area.

42. Members generally considered that the amendment items could be supported and expressed the following views/suggestions:

- (a) the LSPS development was supported. The function of the “GB” in the area had been weakened. Idle land should be better utilised for residential development so as to ensure adequate housing supply in the long term;
- (b) on the whole, the development intensity and BH of the proposed LSPS development were considered appropriate. The proposed LSPS development was not out of proportion to existing and other planned developments. As an extension of the new town, its overall visual impact, having regard to all selected VPs assessed, was considered not significant or unacceptable. The VIA was a qualitative assessment rather than an exact science. A balanced and macro view, taking into account the wider development context, should be adopted in assessing the visual impact;

- (c) it was inevitable that development in the rural area would induce some visual changes to the surrounding areas. Adopting a gradual transition of BH variations might be able to mitigate the impact. Setting out the positioning of the development in the area and presenting a full picture of the prospective views of the existing and planned developments in the area would facilitate understanding and discussion of the ensuing visual impact;
- (d) an objective approach in assessing visual impact was advocated. While complicated, it was worth exploring a three-dimensional simulated view incorporating existing, planned and committed developments or a 360° assessment that evaluated comprehensively a proposed project's panoramic effects on the surrounding landscape from various angles and at different timeframes. The traditional presentation of photomontages showing only the outline of buildings was not realistic and might attract criticism;
- (e) noting that the layout was indicative and the proposed building separation of the LSPS development would be subject to change at the detailed design stage and departmental comments, a Member considered that a larger separation distance was desirable in view of the concerns regarding fire safety. Another Member opined that there was no need to advise on the specific building separation requirements at this stage as building design would be affected by various factors other than fire prevention, which would be subject to statutory requirements and regulations;
- (f) the assumption of an average flat size of 50m² was considered appropriate. As the proposed LSPS development sites were scattered, there was concern about potentially high management fees should the public housing be offered for sale;
- (g) flooding was not considered a concern in the area of the proposed LSPS development as it was not a flooding blackspot. Low-lying land to the west and northwest would facilitate drainage. The proposed site formation level at 9.7mPD would significantly reduce the risk of storm surge; and

- (h) Item B was supported as it would widen the local access road into a public road with cycling track and pedestrian connection. In line with the plans in Yuen Long and the Northern Metropolis, bicycles and electric mobility devices might serve as short-haul feeder services. It was necessary to enhance the connectivity of the proposed LSPS development so as to facilitate public access, including that of local villagers, to the proposed community and public transport facilities within the development. A timetable for the future extension of the public road (Item B) westwards connecting to the junction at Long Tin Road should be provided.

43. The Chairperson said that the issue relating to building separation for fire safety in the proposed development should be considered by the relevant government bureaux/departments and project proponent at the detailed design stage. The VIA could be carried out with the aid of technology. Instead of a two-dimensional photomontage presentation, improved presentation method, such as providing 360° view of the development context with the existing, planned and proposed developments, would facilitate better understanding of the overall development of an area and might alleviate concerns regarding visual impact generated by the proposed development. PlanD would follow up on this matter.

Conclusion

44. The Chairperson concluded that Members generally supported or had no objection to the OZP amendments and agreed that the OZP should not be amended to meet the adverse representation. All grounds of the representations had been addressed by the departmental responses as detailed in the Paper as well as the presentations and responses made by the government representatives at the meeting.

45. After deliberation, the Town Planning Board (the Board) noted the supportive views of **R1** and **R2** and the views provided by **R4**, decided not to uphold R3 and agreed that the draft Ping Shan Outline Zoning Plan (OZP) should not be amended to meet the representation for the following reasons:

“Items A1, A2, B and C

- (a) the Government has been adopting a multi-pronged approach to increase land and housing supply in the short-to-medium term, and the Land Sharing Pilot Scheme (LSPS) is one of the initiatives. It is considered appropriate to rezone the sites under Items A1, A2, B and C to take forward the proposed LSPS development endorsed by the Chief Executive in Council (CE in C);
- (b) technical assessments covering various aspects including traffic, environmental, air ventilation, landscape and visual have been conducted for the proposed LSPS development at the sites under Items A1, A2, B and C to assess potential impacts. With the implementation of the proposed mitigation measures, significant adverse landscape, visual and air ventilation impacts are not envisaged. The zonings and relevant development restrictions on the OZP are considered appropriate;
- (c) to take forward the endorsed LSPS application involving sites under Items A1, A2, B and C, the relevant amendments to the OZP have been submitted for the Board’s agreement and subsequently been exhibited for public inspection under the Town Planning Ordinance. All relevant statutory and administrative public consultation procedures have been duly followed in taking forward the endorsed LSPS application;
- (d) the existing and planned provision of government, institution and community (GIC) facilities in Yuen Long District was generally sufficient to meet the demand of the planned population. The provision of GIC facilities will be closely monitored by the relevant government bureaux/departments (B/Ds);

Item D

- (e) Item D is to take forward the decision of the Rural and New Town Planning Committee of the Board on an agreed section 12A application. The proposed development is considered not incompatible with the surrounding environment. Relevant technical assessments have been conducted which demonstrate that no insurmountable impacts on the surroundings are anticipated, and concerned B/Ds have no objection to or no adverse comment on the proposed development.

The zoning and relevant development restrictions on the OZP are considered appropriate; and

Amendments to the Notes (g) and (h)

- (f) the incorporation of ‘Government Refuse Collection Point’ and ‘Public Convenience’ under Column 1, as well as ‘Field Study/Education/Visitor Centre’ and ‘Hotel (Holiday House only)’ under Column 2 of the Notes for the “Village Type Development” zone is in line with the latest Master Schedule of Notes to Statutory Plans. The provision of these facilities will follow the relevant established government procedures and/or require planning permission from the Board.”

46. The Board also agreed that the draft OZP, together with its Notes and updated Explanatory Statement, was suitable for submission under section 8(1)(a) of the Town Planning Ordinance to CE in C for approval.

[Ms Sandy H.Y. Wong, Ms Kelly Y.S. Chan and Mr Timothy K.W. Ma joined and Mr Maurice K.W. Loo rejoined the meeting at this point.]

General

Agenda Item 4

[Open Meeting]

Proposed Revisions to Town Planning Board Guidelines No. 16, 20 and 35D and Deletion of Town Planning Board Guidelines No. 11
(TPB Paper No. 11046)

[The item was conducted in Cantonese.]

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

- | | |
|--------------------|---|
| Ms Katy C.W. Fung | - Chief Town Planner/Town Planning Board (CTP/TPB) |
| Ms Bonnie K.C. Lee | - Senior Town Planner/Town Planning Board (STP/TPB) |

48. The Chairperson extended a welcome and invited PlanD's representatives to brief Members on TPB Paper No. 11046 (the Paper). With the aid of a PowerPoint presentation, Ms Bonnie C.K. Lee, STP/TPB, briefed Members on the background, and proposed amendments to and deletion of the Town Planning Board (TPB) Guidelines, as detailed in the Paper.

[Dr Tony C.M. Ip joined and Mr Bond C.P. Chow rejoined the meeting during PlanD's presentation.]

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

TPB Guidelines for Application for Development/Redevelopment within "Government, Institution or Community" Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 16)

50. Noting the amendment to paragraph 2.11 of TPB PG-No. 16, a Member enquired whether the proposed revision reflected the intention of the original guidelines and how “planning gain to the community” should be interpreted. In response, Ms Katy C.W. Fung, CTP/TPB, with the aid of a visualiser, said that “the circumstances and merits of each case” in the original paragraph 2.12 included “financial viability of a development/redevelopment proposal”, “the status of land under lease” and “the planning gains to be brought about by the proposed development”. As the aspects of financial viability and land status were not key considerations in the relevant planning applications, paragraph 2.12 was proposed to be deleted. Paragraph 2.11 was simultaneously added to retain consideration on the merit of bringing planning gain to the community. In actual practice, not every project might bring planning gain to the community due to site constraints, and whether there was planning gain brought by the project depended on the proposal, site context and merits of each case.

TPB Guidelines on Extension of Time for Commencement of Development (TPB PG-No. 35D)

51. Regarding the proposed revision to assessment criterion 4(d) of TPB PG-No. 35D, some Members had the following comments/suggestions:

- (a) while understanding the background of the proposed revision, the additions of “and/or” and “where applicable” appeared more complicated. From layman’s point of view, the scenarios for approval could be spelt out;
- (b) some examples, such as building plan submission, could be cited for reference, although they might not be exhaustive. Adding the word “etc.” after the examples might show the applicants that other factors not listed in the assessment criterion could also be considered;
- (c) “and/or” was common in legal documents and judgements to ensure completeness of meaning while providing flexibility. Adding more examples to the assessment criterion would obscure the purpose; and
- (d) the key to the assessment was how “reasonable action(s)” should be interpreted. Developers might choose to submit building plans that were not up to standard as a means of deliberate procrastination. Such malpractices should be

prevented.

52. In response, Ms Katy C.W. Fung, CTP/TPB, with the aid of a visualiser and a PowerPoint slide, made the following points:

- (a) both building plan submission and application for relevant land documents were factors of consideration under the assessment criterion. Planning permission was usually granted for 4 years. To extend the validity of planning permission, applicants might demonstrate that both building plan submission and application for lease modification had been undertaken; or they might choose to submit building plans first, depending on development progress of the project. The textual amendment to “add/or” was to provide clarity and flexibility;
- (b) research had been conducted on the approved applications for extension of time for commencement of development in the past 3 years (August 2022 to December 2025). For the approved cases, assessment criterion 4(d) was adopted in 13 cases, of which 11 cases involved either the submission of building plans for approval or application for land exchange while 2 cases involved both submission of building plans for approval and application for land exchange. Another 21 approved cases adopted assessment criterion 4(e) on compliance with approval conditions. It could be concluded that it was the original intention, in which flexibility was allowed, for the applicant to demonstrate that reasonable action(s) such as submission of building plans for approval and/or application for land exchange had been taken based on its individual circumstances. As regards citing examples, it was difficult to list out different types of land documents that a project proponent might apply for. With assessment criterion 4(h) on “any other relevant considerations”, the applicants were allowed to submit other evidence or proof in addition to other criteria listed as justifications;
- (c) TPB PG-No. 35D was not a legal document but an administrative guideline for applicants seeking extension of time for commencement of development under a section 16A application. The assessment criteria therein provided a series of factors for consideration in recommending whether an application could be

approved; and

- (d) in clarifying what constituted reasonable actions taken for the implementation of the approved development, the proposed revision allowed flexibility to consider each case on its individual merits. Rejection of building plan submission would be due to various factors, including the scale and complexity of the project. For a complicated project, it was not uncommon that the building plans submitted might be rejected for several rounds. A simple project usually required fewer attempts to secure building plan approval. Should the building plans be rejected, the applicants might be requested to demonstrate whether other actions such as complying with approval conditions (assessment criterion 4(e)) had been undertaken. Depending on the merits of each case, all relevant factors embedded in the assessment criteria would be taken into account in considering the application.

53. Noting the intention to cover all scenarios, Mr C.K. Yip, Director of Planning, said that it might be simpler to delete “and” and retain “or” in assessment criterion 4(d) as the applicants might either submit building plans for approval or apply for relevant land documents. In response, Ms Katy C.W. Fung, CTP/TPB, with the aid of a visualiser, said that the proposed revision to assessment criterion 4(d) arose from an appeal judgment concerning a planning application (No. A/TM-LTYT/337-1). At the section 17 review stage in 2022, the Town Planning Board (the Board) noted that the only action taken by the applicant for implementing the approved development was the submission of a land exchange application (LEA). Although the LEA had been put on hold by the Lands Department, the Board considered that this did not preclude the applicant from submitting building plans and complying with approval conditions, as such actions were also essential for taking forward the approved development. It was therefore considered that the applicant failed to demonstrate that reasonable actions had been taken for the implementation of the approved development. At the appeal stage in 2023, the Appeal Board Panel (Town Planning) pointed out that according to TPB PG-No. 35D, the applicant could submit building plans for approval or apply for land exchange to demonstrate that reasonable actions had been taken for the implementation of the approved development under assessment criterion 4(d), and there was no clear indication in the guidelines that the applicant should submit building plans for approval and apply for land exchange (under assessment criterion 4(d)), and submit and implement proposals in complying with approval conditions (under assessment criterion 4(e)) based on its

individual circumstances. If satisfying one condition such as building plan submission was accepted by the Board, the original wording of the assessment criterion 4(d) could be retained.

54. The Chairperson concluded that the focus of the discussion was on “reasonable action(s)” and addition of “and/or” of assessment criterion 4(d) in TPB PG-No. 35D. Under the original wording “or”, taking any one action such as building plan submission or applying for land exchange was acceptable. In light of the judgment in the appeal case, the revised drafting of “and/or” sought to clarify that taking one or both actions, based on its individual circumstances, would be acceptable. The Department of Justice had been consulted and had no objection to the proposed revisions. As the Board’s intention was to allow the applicants to take one or both actions, where applicable, to support their planning application, the revised drafting was considered appropriate and could be retained. Members generally agreed with such intention and the proposed revision to assessment criterion 4(d).

55. After deliberation, the Board agreed that TPB PG-No. 11 at Attachment II should be deleted, and the revised TPB PG-No. 16, 20 and 35D (to be renumbered as TPB PG-No. 16A, 20A and 35E) at Attachments Ia to Ic of the Paper respectively, subject to detailed checking, should take effect upon promulgation and uploading to TPB’s website (i.e. upon confirmation of the minutes of the subject meeting).

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

Agenda Item 5

[Closed Meeting]

[Confidential Item]

57. There item was recorded under confidential cover.

Agenda Item 6

[Open Meeting]

Any Other Business

[The item was conducted in Cantonese.]

58. There being no other business, the meeting was closed at 1:05 p.m.