

**Minutes of 1359th Meeting of the
Town Planning Board held on 24.4.2026**

Present

Mr Stephen L.H. Liu Vice-chairperson

Ms Sandy H.Y. Wong

Mr Daniel K.S. Lau

Mr Vincent K.Y. Ho

Mr Ben S.S. Lui

Mr Timothy K.W. Ma

Ms Kelly Y.S. Chan

Mr Daniel K.W. Chung

Dr Tony C.M. Ip

Mr Ryan M.K. Ip

Professor B.S. Tang

Professor Simon K.L. Wong

Mr Simon Y.S. Wong

Mr Derrick S.M. Yip

Mr Eric C.B. Chan

Professor Janet K.Y. Chan

Mr Vincent K.C. Cheung

Professor Herbert P.K. Chia

Mr Wilson H.K. Shum

Mr Gary X.Y. Zhang

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

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

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

Deputy Director of Lands/General
Ms Jane K.C. Choi

Director of Planning
Mr C.K. Yip

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

Secretary

Absent with Apologies

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

Chairperson

Professor Bernadette W.S. Tsui

Dr C.M. Cheng

Mr Rocky L.K. Poon

Dr Chris K.T. Lam

Dr Kelvin K.Y. Leung

In Attendance

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

Chief Town Planner/Town Planning Board
Mr K.K. Lee

Senior Town Planner/Town Planning Board
Mr Jeff K.C. Ho

1. The Vice-chairperson said that as the Chairperson was engaged in another official duty, he would take up chairmanship of the meeting.

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1357th and 1358th Meetings

[The item was conducted in Cantonese.]

2. The draft minutes of the 1357th meeting held on 18.3.2026 and 19.3.2026 and the 1358th meeting held on 20.3.2026 were confirmed without amendment.

[Post-meeting note: A typographic error in paragraph 31 of the confirmed minutes of the 1358th meeting was rectified, which would be recorded in the form of an addendum to the said confirmed minutes and uploaded to the Town Planning Board's website.]

Agenda Item 2

[Open Meeting]

Matters Arising

[The item was conducted in Cantonese.]

(i) Approval of Draft Outline Zoning Plans

3. The Secretary reported that the Chief Executive in Council approved (a) the draft Cheung Sha Wan OZP (renumbered as No. S/K5/41), the draft Lam Tei and Yick Yuen OZP (renumbered as No. S/TM-LTYYY/14) and the draft Peng Chau OZP (renumbered as No. S/I-PC/14) on 17.3.2026; (b) the draft Kwun Tong (North) OZP (renumbered as No. S/K14N/17) and the draft Yuen Long OZP (renumbered as No. S/YL/29) on 24.3.2026; (c) the draft Kwun Tong (South) OZP (renumbered as No. S/K14S/28), the draft Clear Water Bay Peninsula North OZP (renumbered as No. S/SK-CWBN/8) and the draft Nam San Wai OZP (renumbered as No. S/YL-NSW/11) on 31.3.2026; and (d) the draft Wan Chai OZP (renumbered as S/H5/33) on 14.4.2026.

4. The approvals of the OZPs under items (a) to (d) above were notified in the Gazette

on 27.3.2026, 10.4.2026, 17.4.2026 and 24.4.2026 respectively.

(ii) New Judicial Review Received

Judicial Review (JR) Application (HCAL 517/2026) Lodged against a Decision of the Town Planning Board in respect of the Draft Wan Chai Outline Zoning Plan No. S/H5/32

5. The Secretary reported that the JR application was lodged by Lam Kin Chung Morning Sun Charity Fund (the JR Applicant) against the decision of the Town Planning Board (TPB/the Board) on 14.11.2025 on the opposing representations in respect of the draft Wan Chai Outline Zoning Plan No. S/H5/32 (the draft OZP). The following Members had declared interests on the item:

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| Mr Simon Y.S. Wong | - both he and his spouse owning properties in Wan Chai; and |
| Mr Eric C.B. Chan | - being acquainted with the JR Applicant and having previous discussions on the JR application. |

6. As the item was only to report a new JR application received and no discussion was required, Members agreed that Messrs Simon Y.S. Wong and Eric C.B. Chan could stay in the meeting.

7. The Secretary reported that the JR application was lodged on 4.3.2026 against the decision of the Board (i) not to uphold the opposing representations; (ii) to consider that the draft OZP should not be amended to meet the representations; and (iii) to agree that the draft OZP was suitable for submission under section (s.) 8(1)(a) of the Town Planning Ordinance (TPO) to the Chief Executive in Council for approval (collectively referred to “the Decision”).

8. The draft OZP was gazetted on 27.6.2025 to take forward the decisions of the Metro Planning Committee of the Board on two s.12A applications No. Y/H5/7 and Y/H5/8 to rezone

the site at Sau Wa Fong and St. Francis Street (i.e. the SWF Site) for a residential development with commercial uses (Item A); to rezone the site at Nam Koo Terrace (NKT) and adjoining land (i.e. the NKT Site) for a comprehensive residential development with in-situ preservation of the historic building of NKT for adaptive reuse for cultural and commercial facilities, and provision of open space open to the public (Item B1); and to rezone a strip of government land on the stairs of Ship Street for an elevated walkway to Hopewell Mall and Hopewell Hotel (Item B2). A representation (R12) opposing Items A and B1 was submitted by Lam Kin Chung Morning Sun Charity Fund (i.e. the JR Applicant) and its representative (Dr Lam Kin Chung) attended the hearing meeting on 14.11.2025. The applicants of s.12A applications No. Y/H5/7 (i.e. Great Kinetic Limited, Full Glory Development Limited and Ever Genius Limited) and No. Y/H5/8 (i.e. Yuba Company Limited) were named as 1st to 3rd and 4th Interested Parties respectively in the JR application.

9. The four grounds of the JR application were as follows:

- (a) Ground 1: the Decision was Wednesbury unreasonable, as the Board irrationally considered that the proposed amendments would improve pedestrian safety through the provision of barrier-free access as set out in Plan H-6 (of the concerned TPB Paper), despite the traffic increase brought upon by the population increase resulting from the rezoning. Further or alternatively, the Board ought to have discharged its Tameside duty to make further enquiries into the likelihood of pedestrians using the barrier-free access through Sau Wa Fong, Hillside Terrace and Ship Street (Ship Street Route) instead of the non-barrier free access at the foot of the slope of St. Francis Street (SFS Foot Route), rather than assuming that pedestrians would take the Ship Street Route which would therefore improve pedestrian safety;
- (b) Ground 2: in making the Decision, the Board was Wednesbury unreasonable, failed to discharge its Tameside duty, and/or unlawfully delegated its town planning duty by not considering the issue of the limit on the number of units (with respect to Item A), and by leaving the issue to the land exchange process (with respect to Item B). This was because the number of units to be constructed would directly affect the expected population increase and therefore the traffic impact of the rezoning, a matter which the Board was duty-

bound to consider. The Board was also in breach of its statutory duty under s.3 of TPO;

- (c) Ground 3: in making the Decision, the Board failed to discharge its Tameside duty to ascertain the credibility of the Interested Parties (1st to 3rd Interested Parties of the JR application, i.e. the applicants of the s.12A application No. Y/H5/7 (Item A), represented by Mr David Fok at the Board's hearing meeting) when they asserted that they had discussed with Dr Lam Kin Chung on the footbridge proposal, directly contrary to Dr Lam's representation. Such consideration was material in assessing whether the Board should take the Interested Parties' word for it when they claimed that they would implement various mitigating measures upon construction of the Item A proposed redevelopment, which were put forward to support the rezoning. Further or alternatively, this was a consideration which the Board ought, but failed, to take into account in making the Decision; and
- (d) Ground 4: the Board considered the answers given by Mr Horace W. Hong, Chief Traffic Engineer/Hong Kong, Transport Department in the question and answer session of the hearing. However, Mr Hong was neither a representative of the Planning Department, nor a representative of the representers. The fact that he provided substantive answers to Members' questions, and stayed behind for the deliberation, contradicted the Board's own practice and was in breach of the fundamental principle that no judge should be an advocate for his own cause.

10. The JR Applicant requested the Court to grant reliefs, *inter alia*, an order of certiorari to remove into the High Court and quash the Decision, and an order of mandamus to require the Board to reconsider the opposing representations. On 18.3.2026, the Court made directions for a rolled-up hearing to be held on 25.6.2026 in respect of the JR application.

11. On 19.3.2026, the legal representative for the 1st to 3rd Interested Parties (the applicants of s.12A application No. Y/H5/7) submitted a letter to the Court requesting refusal to grant leave for the JR. On 25.3.2026 and 27.3.2026, the same legal representative which also represented the 4th Interested Party (the applicant of s.12A application No. Y/H5/8) and the Department of Justice which represented the Respondent (i.e. TPB) submitted letters to the

Court respectively requesting that the JR leave application be refused.

12. On 30.3.2026, referring to the recent correspondence from the Respondent and Interested Parties, the Court changed its previous directions and directed that an oral hearing for the JR leave application be held on 25.6.2026.

13. Members noted the above and agreed that the Secretary would represent the Board in all matters relating to the JR application in the usual manner.

[Ms Sandy H.Y. Wong, Messrs Simon Y.S. Wong, Ryan M.K. Ip, Vincent K.Y. Ho and Gary X.Y. Zhang, Professor Herbert P.K. Chia and Professor Simon K.L. Wong joined the meeting during reporting of the above item.]

(iii) New Town Planning Appeal Received

Town Planning Appeal No. 2 of 2026

Proposed 'Flat' Use (Vehicular Access and Pedestrian Walkway for Residential Development) in "Green Belt" and "Residential (Group B)" Zones and Area shown as 'Road', Government Land adjoining Inland Lots 6621 S.A and 6621 R.P. and Ext., 58 Tai Hang Road, Causeway Bay, Hong Kong

Application No. A/H6/96

14. The Secretary reported that a Notice of Appeal was received by the Appeal Board Panel (Town Planning) (TPAB) on 16.3.2026 against the decision of the Town Planning Board (the Board) on 2.1.2026 to reject on review an application No. A/H6/96 for a proposed vehicular access and pedestrian walkway for residential development.

15. The site fell within an area mostly zoned "Green Belt" ("GB"), with minor portions encroaching onto the "Residential (Group B)" zone and an area shown as 'Road' on the approved Causeway Bay Outline Zoning Plan (OZP) No. S/H6/17.

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

(a) the proposed development was not in line with the planning intention of the

“GB” zone which was primarily for conservation of the natural environment and to safeguard it from encroachment by urban-type development. There was a general presumption against development within this zone. No strong justification was given in the submission for a departure from such planning intention; and

- (b) the proposed development did not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance’ in that there were no exceptional circumstances to justify the proposed development within the “GB” zone; the proposed development was excessive in scale; and the proposed development would alter the existing landscape character of the site and its surroundings.

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

(iv) Appeal Statistics

18. The Secretary reported that as at 24.4.2026, two cases were yet to be heard by the Appeal Board Panel (Town Planning).

19. Details of the appeal statistics were as follows:

Allowed	46
Dismissed	181
Abandoned/Withdrawn/Invalid	214
Yet to be Heard	2
Decision Outstanding	2
<hr/> Total	445

Sha Tin, Tai Po and North District

Agenda Item 3

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations in respect of the Draft Sha Tin Outline Zoning Plan No. S/ST/39

(TPB Paper No. 11057)

[The item was conducted in Cantonese and English.]

Presentation and Question Sessions

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

PlanD

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| Mr Rico Tsang | - District Planning Officer/Shan Tin, Tai Po and North (DPO/STN) |
| Mr Louis Cheung | - Senior Town Planner/Shan Tin, Tai Po and North (STP/STN) |
| Ms Jess Chan | - Town Planner/ Shan Tin, Tai Po and North |

Representer and Representer's Representatives

R1 – Sai Lam (Salvation) Foundation Limited

- | | |
|--------------------------------|---------------------------------|
| Ms Chung May Hing |] |
| Mr Chan Shing Yiu |] |
| Mr Chan Tat Choi |] Representer's Representatives |
| Mr Wei Daniel James Cherk Hung |] |
| Ms Ho Jacqueline Lily |] |

R2 – Mary Mulvihill

- | | |
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| Ms Mary Mulvihill | - Representer |
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21. The Vice-chairperson extended a welcome and briefly explained the procedures of

the hearing. He said that PlanD's representatives 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 two minutes before the allotted time was to expire, and when the allotted time limit was up. A question and answer (Q&A) session would be held after the representer and representer's representatives had completed their oral submissions. Members could direct their questions to PlanD's representatives, the representer and representer's representatives. After the Q&A session, PlanD's 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 inform the representers of the Board's decision in due course.

22. The Vice-chairperson invited PlanD's representatives to brief Members on the representations. With the aid of a PowerPoint presentation, Mr Louis Cheung, STP/STN, PlanD briefed Members on the representations, including the background of the amendment items on the draft Sha Tin Outline Zoning Plan (OZP), the grounds/views of the representers, government responses and PlanD's views on the representations as detailed in TPB Paper No. 11057 (the Paper). The amendments mainly involved the rezoning of a site at Sheung Wo Che (the Site) from "Village Type Development" ("V") to "Government, Institution or Community (1)" ("G/IC(1)"), subject to a maximum gross floor area of 1,069m², a maximum building height of 3 storeys and a maximum number of 10,960 niches for columbarium use (Item A), to regularise the current religious institution with columbarium uses known as Sai Lam Temple (SLT). The Notes of the OZP had also been amended to incorporate a new set of Notes for the "G/IC(1)" zone with stipulation of relevant development restrictions for columbarium use.

23. The Vice-chairperson then invited the representer and representer's representatives to elaborate on their representations.

R1 – Sai Lam (Salvation) Foundation Limited

24. Mr Wei Daniel James Cherk Hung made the following main points:

- (a) he represented the planning consultant for R1 (i.e. the applicant of the related

section 12A (s.12A) application No. Y/ST/60);

- (b) R1 supported Item A as it fully reflected the Rural and New Town Planning Committee (RNTPC)'s decision on 18.7.2025 to agree to application No. Y/ST/60. The application aimed to regularise the existing columbarium at SLT in accordance with the spirit of the Private Columbaria Ordinance (PCO), taking a pragmatic approach to address the current demand for niches; and
- (c) R1 had conducted a series of technical assessments in support of the application, and relevant government departments had no objection to or adverse comment on the application. Following the application, R1 continued to actively comply with the relevant licensing requirements for the columbarium, and the process was proceeding smoothly.

R2 – Mary Mulvihill

25. Ms Mary Mulvihill made the following main points:

Item A

- (a) she took the opportunity of the representation hearing to address the new Members, and hoped that they realised their mission was to scrutinise development plans and their community impacts, and to make decisions based on community benefits, rather than fully supporting all government proposals;
- (b) some members of the public might be shocked by the Tai Po Fire, as they considered the incident to be the indication of a steady decline in standards driven by the city's governance attitudes, including the TPB's decisions;
- (c) Members failed to question whether religious activities had taken place at the Site or whether monks or nuns resided there during the consideration of the s.12A application at the RNTPC meeting on 18.7.2025. The religious function only constituted a very small portion of the development, amounting to less than 40m²;

- (d) although the applicant of the s.12A application No. Y/ST/60 claimed that SLT originally occupied the Site in the 1920s and provided columbarium services since 1936, no evidence was submitted to substantiate those claims. The applicant's representative explained that the Site was dilapidated when acquired around 2006; many urns were found in SLT during restoration works, but no relevant supporting documentation was submitted to prove that columbarium use had continued;
- (e) in 2007, the applicant submitted a section 16 application for redevelopment of the existing religious institution without mentioning columbarium use, which was rejected by RNTPC. In response to the then RNTPC Chairperson's question, the applicant stated that the temple was vacated before 2006. The applicant then undertook rehabilitation works at the Site, which were completed in 2009;
- (f) her search revealed that Sai Lam (Salvation) Foundation Limited was registered on 15.8.2006 as a funeral business company, with no record of non-governmental organisation or charity activities. There were no details regarding the company's directors or site management. She suspected that the company was not related to the founders of SLT but adopted the name merely to facilitate commercial operations. That was consistent with public discussions in 2006 about reforms in private columbaria, which prompted many operators to exploit loopholes in this lucrative sector;
- (g) the operation of the columbarium was initially planned for about 3,000 niches but had expanded incrementally. As of 30.6.2017, the Development Bureau recorded that 3,618 niches had been occupied, which indicated non-compliance with the original planning requirements. The previous application No. Y/ST/16 proposed 6,000 niches at the Site in 2012¹, representing a 100% increase from the original 3,000 niches. In application No. Y/ST/34 in 2016,

¹ According to the records, Application No. Y/ST/16 proposed 9,000 niches (including about 3,000 sold and occupied niches and about 6,000 sold and unoccupied niches) and was withdrawn in 2013.

the number of niches increased to about 9,500, marking a 318% increase over the original figure. Finally, application No. Y/ST/60, which was agreed by RNTPC in July 2025, included 10,960 niches, which was equivalent to a 365% increase from the initial 3,000 niches;

- (h) unlike other columbaria with parking or public transport access, SLT lacked vehicular access, forcing visitors to arrive on foot. The proposed closure on the Chung Yeung and Ching Ming Festival Days was intended to mitigate traffic impacts but was dismissed as absurd and unenforceable given public traditions, and would require constant government monitoring. Moreover, sewage and wastewater tankering was not feasible without vehicular access. Such an operational mode did not qualify as a use always permitted or a use covered by planning permission, nor was it regarded as an existing use prior to the publication of the first statutory plan under the Town Planning Ordinance. There were unauthorised buildings on the Site, and no enforcement action had been taken;
- (i) the claim that SLT was a social service organisation involved in various charitable activities lacked verification. In contrast, the company registration stated funeral services only. Conditions for compliance with PCO (Cap. 630), such as establishing a trust fund for long-term maintenance amid declining niche sales, were not included in the submission. The above concerns were not addressed in the applicant's responses. If all the niches were sold while the operator was not the owner, the operation could be abandoned at any time;
- (j) Members were criticised for approving the s.12A application No. Y/SY/60 without enforcing guidelines or thoroughly examining the applicant's nature. That oversight effectively endorsed a 'destroy to build' approach and rewarded operations that undermined policy. There were instances of government regulatory manipulation, such as the 18.5% default rate in the Small and Medium-sized Enterprises (SME) Financing Guarantee Scheme, which was projected to reach approximately HK\$25.5 billion by August 2025;

- (k) she objected to the incorporation of ‘Government Refuse Collection Point’ and ‘Public Convenience’ under Column 1 of the Notes for the “V” zone, which would not be subject to public scrutiny. As their locations and designs were intrusive, the community should have a chance to discuss and raise objection; and
- (l) she also objected to the incorporation of ‘Field Study/Education/Visitor Centre’ under Column 2 of the Notes for the “V” zone. The planning intention of the “V” zone was for development of Small Houses by indigenous villagers. The amendments encouraged abuse of the New Territories Exempted Houses policy, allowing the sale of properties to outsiders and facilitating commercial developments under the guise of service centres.

26. Ms Mary Mulvihill also made the following main points not related to the representation and the subject OZP:

- (a) at the previous TPB meetings held on 21.3.2025 and 29.8.2025 to consider the rezoning proposal at Sandy Ridge for data centre use, the sponge city concepts were not mentioned despite Hong Kong’s reliance on Dongjiang water. Data centres such as the proposed one at Sandy Ridge required enormous amount of energy for cooling. However, no facilities were planned for the storage and use of rainwater for cooling purposes;
- (b) Members were reminded to read an article dated 18.4.2026 in Hong Kong Free Press. New Members, in particular, were advised to take the overall picture into account, going beyond the perspectives presented by PlanD or the applicant, especially in light of the current energy crises. Plans needed to be realistic to avoid overburdening the community; and
- (c) the Electrical and Mechanical Services Department confirmed that occupancy motion sensors were required in government buildings and would also be extended to commercial buildings in the Northern Metropolis. For any industrial or commercial conversions into youth hostels or dormitories, it was

recommended that energy-efficient installations be mandated during renovations.

27. 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 Vice-chairperson explained that Members would raise questions to the representer, representer's representatives and/or PlanD's representatives to answer. The Q&A session should not be taken as an occasion for the attendees to direct questions to the Board nor for cross-examination between parties.

28. Mr Wilson H.K. Shum declared an interest on the item as he knew one of the representatives of R1, i.e. the applicant of the related s.12A application No. Y/ST/60 personally. As Mr Shum had no involvement in Item A and the relevant representation, Members agreed that he could stay in the meeting.

29. The Vice-chairperson then invited questions from Members.

Rezoning Proposal

30. Noting that R2 raised concerns on the uses at STL, a Member raised the following questions:

- (a) whether 'Columbarium' use was considered a community use; and
- (b) whether it was acceptable for SLT to operate under a profit-making model or without being genuinely related to religion, given that many private columbaria regulated under the Food and Environmental Hygiene Department (FEHD) operated for profit and did not have any religious affiliation.

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

- (a) the Site was rezoned from "V" to "GIC(1)". The proposal put forward under the s.12A application was agreed by RNTPC on 18.7.2025. The proposed uses

in the Site included not only a private columbarium but also religious institution-related facilities, as SLT also accommodated ancestral tablet facilities and supported ancestor worship activities; and

- (b) in considering the s.12A application, the assessment was made primarily from land use perspective. Whether the applicant was a charitable body or a religious institution was not a material consideration. The key issue was whether the proposed “G/IC(1)” zoning, with a private columbarium at the Site, was appropriate from land use planning perspective. The proposal supported by relevant technical assessments had already been evaluated at the s.12A application stage, and relevant government departments had no adverse comment on the application. As such, the rezoning application was supported from planning perspective.

32. The Secretary supplemented that both ‘Religious Institution’ and ‘Columbarium’ uses were involved in the proposal supporting the proposed “G/IC(1)” zoning at the s.12A application stage. RNPTC had considered and accepted that both uses were suitable for the Site, and therefore agreed to rezone the Site from “V” to “G/IC(1)”.

33. In response to a follow-up question from another Member, Mr Rico Tsang, DPO/STN, PlanD said that the s.12A rezoning application was assessed based on the presence of both ‘Religious Institution’ and ‘Columbarium’ uses at the Site. As for the rezoning application, the key planning considerations were primarily the land uses and major development parameters, and the development scheme was indicative rather than scheme-specific as in a s.16 planning application. There would be flexibility for the applicant to adjust the proportion of various permitted uses. In any event, the layouts of buildings and columbaria had to be registered with the Private Columbaria Licensing Board (PCLB) so that their actual uses could not be changed arbitrarily.

34. Some Members asked the following questions:

- (a) whether the shop indicated in the Landscape Master Plan (Drawing H-1b of the Paper) was regarded as an existing use, which did not require planning permission from the Board, or should be treated as a new ‘Shop and Services’

use under Column 2 of the Notes for the “G/IC(1)” zone requiring planning permission;

- (b) whether there were other columbaria in the area;
- (c) whether the applicant intended to retain the existing buildings at the Site rather than demolishing and rebuilding them to accommodate the niches; and
- (d) whether the existence of SLT in the past was a key planning consideration, given the lack of evidence regarding its prior operation.

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

- (a) the shop within the Site was regarded as ancillary to the ‘Columbarium’ use, with its main function being the sale of incense products rather than serving as a general retail shop. A separate planning permission therefore would not be required;
- (b) there were two rezoning applications in the area, including the one (application No. Y/ST/60) related to the Site, which were agreed by the Board. Besides SLT, another columbarium, known as Tsz Ha Yuen, existed in the area, and was rezoned from “V” to “G/IC” in 2012 before the enactment of PCO (Cap. 630). There were other similar applications for columbarium use in the area but they were rejected;
- (c) the Site comprised five buildings, each containing areas for ancestor worship or columbarium use. Under the proposal of the s.12A application, there were no alteration and addition works proposed to the existing buildings, nor was there any erection of new buildings. The applicant also did not contemplate the demolition of the existing buildings, but sought to regularise the current ‘Religious Institution’ and ‘Columbarium’ uses on the Site. If Item A on the OZP was approved, the applicant would apply to PCLB for the necessary licence, and the existing layout of the five buildings would need to be formally

registered with PCLB. The future operation of the columbarium would follow the layout approved by PCLB; and

- (d) the applicant found it difficult to provide concrete evidence that the Site had been operating as a columbarium in the 1920s or 1930s. Nevertheless, whether the Site was previously operated as a columbarium was not a key planning consideration. The main consideration was whether the proposed “G/IC(1)” zoning was appropriate from land use perspective.

Arrangement of Niches and Ancestral Tablets

36. Noting that R2 raised concerns on the increase in the number of niches, some Members raised the following questions:

- (a) how the proposed 10,960 niches within the Site were considered to be appropriate;
- (b) when the freezing survey on the number of niches was conducted by FEHD; and
- (c) the number of ancestral tablets provided within the Site, and whether they had been taken into account in the Traffic Impact Assessment (TIA) submitted by the applicant.

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

- (a) the applicant had proposed 10,960 niches, all of which had been sold before 30.6.2017, which was the date on which PCO came into force. The figure also accorded with the total number of existing niches at the Site. The TIA and other technical assessments were conducted on the basis of 10,960 niches, and FEHD had verified the figure;
- (b) the record of 10,960 niches came from a freezing survey conducted by FEHD.

While the exact date of the survey was not available, it was conducted before the implementation of PCO which took effect on 30.6.2017; and

- (c) there were about 600 ancestral tablets within the Site. The locations of the worshipping halls and ancestral tablet rooms were indicated in the s.12A application. The TIA as well as other relevant technical assessments submitted at the s.12A application stage had already taken into account the potential visitor flow generated by both the columbarium niches and the ancestral tablets. According to the proposal under the s.12A application, all visitors were required to make appointments in advance and not more than 116 visitors would be staying in the columbarium buildings within the Site at any one time, and the Site would be closed on the Chung Yeung and Ching Ming Festival Days. Relevant government departments had no objection or adverse comment in that regard.

38. Mr Wei Daniel James Cherk Hung, R1's representative, supplemented that the owners of the ancestral tablets were mainly the same families who visited the columbarium.

39. In response to a follow-up question from a Member regarding the methodology of the TIA, Mr Wei Daniel James Cherk Hung, R1's representative, said that the applicant had provided information on both the number of occupied and unoccupied niches, as well as the total number of ancestral tablets, which was 611. A traffic survey was conducted around the Chung Yeung and Ching Ming Festival Days. Based on those figures, the traffic consultant estimated the potential traffic impact when all niches and ancestral tablets were fully occupied or in use.

Provision of Facilities and Mitigation Measures

40. Some Members asked the following questions:

- (a) whether the use of the environmentally friendly furnace at the Site, as proposed by the applicant of the s.12A application, would reach its limit and generate pollution, and whether there were any mitigation measures, especially during peak festival periods;

- (b) whether Environmental Assessment was conducted during the s.12A application stage; and
- (c) whether the provision of other facilities, such as toilets and furnace, at SLT was assessed at the s.12A application stage.

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

- (a) the applicant had carried out relevant assessments and the Environmental Protection Department (EPD) had issued guidelines on air pollution control in relation to the use of joss paper furnaces. The operation of the columbarium had to comply with the relevant requirements under the guidelines. At the s.12A application stage, EPD had no adverse comment on the application. Other technical issues had also been reviewed by the relevant government departments, which had no adverse comment;
- (b) at the s.12A application stage, the applicant submitted the specification details about the environmentally friendly joss paper furnace as part of the application. If any exceedance of pollutants occurred during operation, EPD would conduct inspections and take necessary enforcement action in accordance with the relevant environmental legislation; and
- (c) according to the proposal under the s.12A application, the staff members and visitors could use the toilets located at Sam Yuen Kung (SYK) (三元宮) next to SLT. With regard to the burning of incense and joss paper, an outdoor area had been designated within the Site for such purpose.

42. Mr Gary C.W. Tam, Assistant Director (Environmental Assessment) (AD(EA)), EPD supplemented that the use of joss paper furnace should follow EPD's guidelines for worshipping in open areas. Plastic bags should not be burned in the furnace. There were established guidelines on good practice, including regular maintenance and proper operation of joss paper furnace in the facilities of Chinese temples, crematoria and similar places. In relation to air quality, the operation of joss paper furnace in accordance with the guidelines would not have

adverse environmental impact on the surrounding environment. Regarding noise impact, there should be no major concern as no large-scale religious activities were proposed. For wastewater management, it was noted that a staff toilet connected to the public sewer had been provided, together with some portable chemical toilets for public use. Sufficient measures were in place to address those concerns.

43. In response to a follow-up question from another Member regarding EPD's enforcement practices, Mr Gary C.W. Tam, AD(EA), EPD said that EPD employed preventive approach, proactive enforcement actions and complaint-driven investigations. The preventive approach required operators to adhere to established guidelines concerning design, operation and mitigation measures. If necessary, EPD might issue notices or warning letters requiring corrective actions within a specified timeframe to meet the required standards, particularly in relation to air or noise issues. EPD would act according to the potential impact of each project or any complaints. On the other hand, EPD also conducted regular inspections, with the frequency determined by factors such as the number of complaints received and the presence of sensitive receivers in the area. The circumstances would determine how often inspections would be carried out.

Management Plan

44. Two Members asked whether the s.12A applicant's assumed limit of 116 visitors per session could accommodate all visitors for a total of about 11,000 niches. In response, Mr Rico Tsang, DPO/STN, PlanD said that the operator of the columbarium at the Site would need to apply for a licence from PCLB and submit a management plan, including measures for crowd and traffic control. The s.12A applicant proposed to allow a maximum of 116 persons to stay within the columbarium buildings at any one time. A booking system would be adopted. If bookings were full, visitors would be asked to come on another day. The entire arrangement would be set out in the management plan and the traffic and crowd management proposal, which would be included in the licensing conditions, and PCLB would take into account the comments provided by concerned government departments including the Transport Department (TD) and Fire Services Department in the assessment and monitoring.

45. Mr C.K. Yip, Director of Planning (D of Plan), supplemented that the figure of 116 referred to the maximum number of visitors allowed indoors at the Site at any one time.

According to the minutes of the RNPTC meeting regarding the s.12A application, a total of 150 visitors would be allowed for each 30-minute session, which was equivalent to more than 2,000 visitors per day.

46. Mr Wei Daniel James Cherk Hung, R1's representative, supplemented that the main control mechanism for visiting the columbarium was a booking system. Only 150 visitors would be allowed at any one time, and if the capacity was reached, additional visitors would need to book another time slot. That approach ensured that the traffic could be managed effectively.

47. Noting that R2 raised concerns about the closure of SLT on the Ching Ming and Chung Yeung Festival Days, two Members asked the following questions:

- (a) how the operator planned to enforce the closure of SLT on the Ching Ming and Chung Yeung Festival Days as proposed; and
- (b) whether other planning applications for private columbaria had also proposed closures on the Ching Ming and Chung Yeung Festival Days.

48. In response, Mr Rico Tsang, DPO/STN, PlanD made the following main points:

- (a) the applicant proposed to close the Site on the Ching Ming and Chung Yeung Festival Days while extending the operating hours in the two-week periods before and after the Festival Days to cater for the peak visitor flows. That arrangement would be set out in the management plan and licence conditions for the columbarium and would be monitored by the Private Columbaria Affairs Office of FEHD; and
- (b) there were precedent cases in which planning applications for private columbaria had proposed closures on the Ching Ming and Chung Yeung Festival Days.

49. At the invitation of the Vice-chairperson, Mr Wei Daniel James Cherk Hung, R1's representative, made the following main points:

- (a) the operator had carefully considered whether the Site should remain open on the Ching Ming and Chung Yeung Festival Days. The main concern was the potential traffic impact. The operator had made efforts to communicate with the visitors and informed them that the Site would be closed on the Festival Days in the future. It was noted that many people tended to avoid peak times and preferred to conduct ancestral worship on Saturdays and Sundays before and after the Festival Days; and
- (b) at present, the Site was open on the Ching Ming and Chung Yeung Festival Days. Nevertheless, the operator would inform the visitors in advance that the Site would not be open on the Festival Days in the future.

50. In response to a Member's enquiry regarding the management funding arrangement, Mr Wei Daniel James Cherk Hung, R1's representative, said that under PCO, one of the licensing requirements was for the operator to establish an operating fund. The fund should contain sufficient funds to support the operations until the licence expired. In addition, the operator had to submit a financial proposal to PCLB for consideration.

Background of the Operator

51. A Member noted the importance of exercising due diligence in identifying the operator of a columbarium business, given that problematic operations had in some cases been conducted by the same group of people through different companies in Hong Kong. The Member remarked that reputations and business practices of the columbaria should be examined carefully, and raised concern as to whether there would be any system to identify inferior operators. It was suggested that the identity of the operator could be taken into account when considering applications for columbarium use in the future.

52. As Members had no further questions to raise, the Vice-chairperson said that the hearing procedures for the presentation and Q&A sessions had been completed. The Vice-chairperson thanked the representer, representer's representatives and PlanD's representatives for attending the meeting. The Board would deliberate on the representations in closed meeting and would inform the representers of the Board's decision in due course. The representer, representer's representatives and PlanD's representatives left the meeting at this

point.

Deliberation Session

53. The Vice-chairperson invited views from Members.

Arrangement of Ancestral Tablets

54. Some Members expressed the following views on the arrangement of ancestral tablets:

- (a) there were currently 10,960 columbarium niches and 611 ancestral tablets provided within the Site. If two people visited one niche in each time slot, with a capacity of 116 visitors at any one time, it would take about 12 days to complete the visits for all the niches. Noting that the general visiting period for Chung Yeung and Ching Ming Festivals was about 10 to 14 days each, if there was no limit on the number of ancestral tablets and that number increased to several thousand, the time required for festival visits would extend far beyond the festival period. This would generate significant traffic impact on the surrounding environment and affect nearby residents. A formal remark requiring adherence to the freezing survey results conducted by FEHD, which recorded 10,960 niches and 611 ancestral tablets, was suggested;
- (b) the s.12A application had already been considered by RNTPC on 18.7.2025, and Members' concern on the existence of 611 ancestral tablets and relevant traffic assessments were discussed and properly recorded in the meeting minutes. According to paragraph 28 of the minutes of the RNTPC meeting held on 18.7.2025, RNTPC noted that the applications for columbarium that had been previously rejected were mainly due to inadequate traffic control measures, and hence the closure arrangement for SLT during the Ching Ming and Chung Yeung Festival Days was introduced. Moreover, obtaining planning permission from the Board was a prerequisite for registration under PCO. The applicant had already undertaken substantial preparatory work, including the TIA and other supporting studies at the s.12A application stage. Since there

had been no change in circumstances, the current zoning amendment under Item A should still be assessed on the same basis; and

- (c) the introduction of PCO primarily targeted illegal columbaria located in tenement and private buildings, particularly those in the Hung Hom area. Most of those illegal columbaria had been phased out as they could not obtain a columbarium licence due to failure to address the environmental and traffic impacts.

55. In response to Members' views on the arrangement of ancestral tablets, Mr C.K. Yip, D of Plan, made the following main points:

- (a) there were control mechanisms in place regarding the details and technical requirements for the subject columbarium under the licensing regime of PCO. The operator of the columbarium was required to submit a management plan covering traffic and financial arrangements to PCLB to demonstrate that the operation was viable. At the time when the private columbaria legislation was enacted, there were public discussions on the aspects that should be regulated. The primary focus of the regulation was on columbarium niches, which contained ashes of cremated bodies, while ancestral tablets, which could be kept at home, were not subject to regulation. Without the legislative backup, there were practical challenges in enforcing or regulating the ancestral tablets; and
- (b) according to the TIA submitted at the s.12A application stage, the subject columbarium allowed 150 visitors per half-hour period from 8:00 a.m. to 6:00 p.m., with a total daily capacity of about 3,000 visitors.

Licensing Arrangement and Operation of the Columbarium

56. Some Members expressed the following views on the mitigation measures:

- (a) the supply of columbarium niches in Hong Kong had been very tight in the past, giving rise to significant public concern about post-death arrangements.

Approving the licence application for the columbarium at this stage primarily protected citizens who had already purchased niches, rather than the operator. While FEHD's work in effectively managing the operation of private columbaria was appreciated, there could be risks associated with private columbaria potentially running out of operating funds after some 20 years, which might lead to purchasers being unable to retrieve the ashes of their deceased family members;

- (b) the proposed closure of the columbarium on the Ching Ming and Chung Yeung Festival Days contradicted the columbarium's original purpose and failed to address the real issues, as those were the formal days for ancestral worship. Prohibiting visits on those days would not reduce overall demand, but would instead shift the demand to earlier or later days. On the other hand, the proposed restriction of 150 visitors per half-hour period was considered an effective measure for visitor control, which could help disperse visitor flows and prevent congestion on particular days. While the visitor restriction was technically acceptable for small-scale projects, its application in larger projects could be problematic, and there was room for improvement for other cases in the future;
- (c) technical measures should serve the primary purpose of facilitating visits. While closure might be suitable for specific cases, the normalisation of the closure of columbaria on festival days would be unreasonable for society. This would be particularly problematic if FEHD insisted on prohibiting visits on the Ching Ming and Chung Yeung Festival Days and made such closure a prerequisite for columbarium approval;
- (d) noting that an official had indicated during the Board's previous consideration of the proposed data centre in Sandy Ridge that the supply of columbarium niches was no longer regarded as urgent due to the availability of green burial options, and that a s.12A application for columbarium in Cumberland Road, Kowloon Tong was rejected in 2024, it was wondered whether there had been a change in the planning considerations for applications for columbarium use;

- (e) noting that a prior appointment system for visiting the columbarium was proposed, it was considered that even if the columbarium remained open on the Ching Ming and Chung Yeung Festival Days, the visitor flow could still be kept under control; and
- (f) despite being a regulatory requirement, if no worship was allowed on the Ching Ming and Chung Yeung Festival Days, the purchasers of the niches might claim that their rights had been violated, and commercial disputes between the purchasers and the operator might arise.

57. Regarding the planning considerations for applications for columbarium use, Mr C.K. Yip, D of Plan, made the following main points:

- (a) planning applications for columbarium use were usually rejected in the past mainly due to land use compatibility and traffic issues, while other technical issues such as environmental and wastewater concerns were generally manageable. In the subject case, there were no residential developments in the immediate vicinity, making the compatibility issue less significant. Some similar applications were rejected mainly due to traffic congestion caused during Ching Ming and Chung Yeung Festivals. Despite applicants proposing various mitigation measures, including closure on the festival days to restrict worship, the Board was unsure about their feasibility, leading to rejection. With the introduction of PCO and its licensing mechanism, the submission of management plans for columbaria, encompassing all traffic arrangements and operational measures, had formed an essential part of the licensing process. Specific proposals from applicants were included in the management plans for approval, and any non-compliance could lead to investigations and licence revocation by FEHD; and
- (b) instead of being requested by the Government, many columbarium operators had proactively proposed closures on the Chung Yeung and Ching Ming Festival Days to alleviate worship-related traffic. FEHD confirmed that they could effectively monitor those measures, and TD also considered the traffic assessments acceptable. Consequently, having taken into account relevant

government departments' views, the Board had approved a number of planning applications for columbarium use, many of which with the proposed closure on Festival Days, in recent years.

58. A Member expressed that it would be beneficial for the Board to receive updates from FEHD on the current status of approved planning applications for columbarium use after the enactment of PCO, in particular whether the applicants had complied with their proposed mitigation measures and approved management plans, including the proposals for closure of the columbaria on the Ching Ming and Chung Yeung Festival Days, as well as the traffic management plans. That would assist the Board in assessing whether the proposed management and mitigation measures were implementable and effective. In response, Mr C.K. Yip, D of Plan, said that, while the new licensing regime for columbarium use had been implemented for a short time, PlanD could follow up with FEHD to obtain information regarding any instances of non-compliance in the existing private columbaria which were covered by planning approvals, including whether the columbaria were actually closed during the Ching Ming and Chung Yeung Festival Days as proposed by the applicants and whether investigations and enforcement actions had been taken by FEHD in the event of breaches. PlanD would report back to the Board in due course.

Background of the Operator

59. At the invitation of the Vice-chairperson, the Secretary said that when the Board considered a planning application, the main considerations were on planning matters, including land use compatibility and impacts on the surrounding environment. As regards the identity of the applicants or operators, their past performance and any previous breaches of regulations, those were not factors relevant to planning considerations according to previous legal advice. If the Board was to reject an application based on past breaches or the applicant's poor operational history, that might be *ultra vires* and undermine the legitimacy of the Board's decision.

60. The meeting noted that links to the relevant s.12A application paper and meeting minutes in relation to the OZP amendment items would be provided in the representation consideration papers for Members' reference in the future.

61. After deliberation, the Town Planning Board (the Board) noted the supportive views

of **R1**, and decided not to uphold R2 and agreed that the draft Sha Tin Outline Zoning Plan (OZP) should not be amended to meet the representation for the following reasons:

“Item A

- (a) Item A is to take forward the section 12A application agreed by the Rural and New Town Planning Committee of the Board, taking into account the findings of relevant technical assessments, background of the application site and comments from relevant government departments. In view that a detailed development proposal with supporting technical assessments was submitted during the section 12A application stage, all the concerned government departments had no objection to or adverse comment on the proposal, and there will have control mechanism on the details and technical requirements of the proposed columbarium use under the licencing regime of the Private Columbaria Ordinance and land administrative regime, the zoning amendment is considered appropriate; and

Amendments to the Notes (c) and (d)

- (b) the incorporation of ‘Government Refuse Collection Point’ and ‘Public Convenience’ under Column 1 and ‘Field Study/Education/Visitor Centre’ 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 promulgated by the Board. The provisions of these facilities will follow the relevant government procedures and/or require planning permission from the Board.”

62. 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 the Chief Executive in Council for approval.

Agenda Item 4

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-SSH/166

Proposed House (New Territories Exempted House - Small House) in “Green Belt” Zone,
Government Land in D.D. 209, Kei Ling Ha San Wai, Sai Kung North

(TPB Paper No. 11058)

[The item was conducted in Cantonese.]

Presentation and Question Sessions

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

PlanD

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|-----------------|--|
| Mr Rico Tsang | - District Planning Officer/Shia Tin, Tai Po and North (DPO/STN) |
| Mr Louis Cheung | - Senior Town Planner/Shia Tin, Tai Po and North (STP/STN) |

Applicant’s Representative

- | | |
|---------------|------------------------------|
| Mr Ho Yuk Fei | - Applicant’s Representative |
|---------------|------------------------------|

64. The Vice-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’s representative. He then invited PlanD’s representatives to brief Members on the review application.

65. With the aid of a PowerPoint presentation, Mr Louis Cheung, STP/STN, PlanD briefed Members on the background of the review application including the application site (the Site) and the surrounding area, the applicant’s proposal and justifications, the consideration of the application by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board/TPB), departmental and public comments, and the planning considerations and assessments as detailed in TPB Paper No. 11058 (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.

66. The Vice-chairperson then invited the applicant's representative to elaborate on the review application.

67. Mr Ho Yuk Fei, the applicant's representative, made the following main points:

- (a) he was an indigenous villager of Kei Ling Ha San Wai and was very familiar with the local environment. Most of the farmland in the area was privately owned. He did not own any land and therefore wished to apply for government land to build a Small House, as he could not afford to purchase private land. The areas within the "Village Type Development" ("V") zone, excluding private land, were primarily slopes, which were subject to flooding risk during heavy rainfall. Several existing houses built on slopes in the area had foundation issues. Building on a slope would require significant construction cost for foundation, which he could not afford; and
- (b) the Site was next to Lot 1175 in D.D. 209 and fell within the village 'environs' ('VE'). It was close to the road and was flat, posing no construction hazards. Some existing houses were situated farther from the "V" zone than the Site, including those to the west. Building on the Site would not affect any significant trees.

68. As the presentations of PlanD's representative and the applicant's representative had been completed, the Vice-chairperson invited questions from Members.

69. Two Members asked the following questions:

- (a) whether the Site was government or private land, and whether it fell within the 'VE';
- (b) whether there was sufficient land in the area for Small House development; and

- (c) when the similar applications in the area were approved.

70. In response, Mr Rico Tsang, DPO/STN, PlanD made the following main points:

- (a) the Site was a piece of government land within the 'VE';
- (b) there was ample land available within the "V" zone of Kei Ling Ha San Wai. Based on the latest estimate by PlanD, about 0.95 hectares of land, which was equivalent to about 37 Small House sites, was available within the concerned "V" zone. Although most of the land was under private ownership and not owned by the applicant, the applicant might consider purchasing land within the "V" zone for Small House development; and
- (c) there were 16 similar applications for Small House development in the same "Green Belt" ("GB") zone. Among them, 14 applications were approved and two applications were rejected by RNTPC. Among the 14 approved applications, 10 applications were approved with conditions before the Board formally adopted a more cautious approach in considering the Small House applications since August 2015. The remaining four applications were approved after August 2015 mainly on sympathetic considerations that the sites were the subject of previously approved applications, with one being an 'infill' site among existing village houses and the other three having the Small House grant applications already at an advance stage.

71. As the applicant's representative had no further points to raise and there were no further questions from Members, the Vice-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 Vice-chairperson thanked PlanD's representatives and the applicant's representative for attending the meeting. They left the meeting at this point.

Deliberation Session

72. Members generally agreed with PlanD's recommendation not to approve the

application as the applicant had not submitted strong planning justifications in support of the review application.

73. A Member expressed that the Small House Policy was introduced in 1972. It defined the 'VE' as a 300-foot boundary from the edge of the outermost village house built before that time. Within the 'VE', all eligible indigenous villagers could apply to build a Small House without limitations posed by the Town Planning Ordinance originally. Subsequently, with the introduction of statutory planning controls in the rural New Territories since around 1990/1991, areas within the 'VE', which should have been designated as "V" zone to permit Small House development, were zoned for different purposes, including "GB" and other zonings, which limited the right of the indigenous villagers to build Small Houses. It also created unfairness to the indigenous villagers who owned land or had inherited land from their ancestors within the 'VE' but were zoned for other uses by the Government. Sites within the "V" zone with potential for Small House development would obviously command higher values than those in the "GB" zone. However, exchanging or purchasing of ancestral land within the "V" zone was considered impractical. This might even lead to the illegal sale of 'Ding' rights by villagers who did not have land within the "V" zone. It might be necessary for the Government to review the Small House Policy at an appropriate time.

74. In response to the Member's views, Mr C.K. Yip, Director of Planning, made the following main points:

- (a) the Small House Policy was implemented in the early 1970s, while the rural Outline Zoning Plans were introduced in the New Territories in the early 1990s. The 'VE', which was defined by a uniform 300-foot boundary from the outermost village house, served to allow applications for Small House development under the land administration regime of the Small House Policy. Nevertheless, the Board designated land use zonings and considered planning applications from a wider planning perspective, taking into account various factors including the community needs and environmental protection, instead of merely catering for Small House development;
- (b) while 'VE' was one of the factors considered in delineating the "V" zone boundary, and "V" zone and 'VE' would overlap to a large extent in many cases,

multiple factors would be taken into account in drawing up the “V” zone, including Small House demand, topography, land use status and ecological value. As such, the sizes of “V” zones would vary across different villages. In general, the area of the “V” zone would be sufficient to meet the anticipated Small House demand of villagers. To provide flexibility, ‘Houses (New Territories Exempted House)’ use had been put under Column 2 of various land use zones, such as “Agriculture” (“AGR”) and “GB”, on the OZP to allow applicants to seek permission from the Board for Small House development; and

- (c) when considering a planning application for Small House development, the Board would adopt the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories and consider the planning circumstances in a holistic manner. Before 2015, the Small House demand was assessed generally based on the number of outstanding Small House applications provided by the Lands Department and the 10-year Small House demand forecast provided by the Indigenous Inhabitant Representative of the concerned village. It was observed that the number of outstanding applications was usually much lower than the forecasts. In a discussion in August 2015, the Board considered that the 10-year forecasts were generally unverifiable and decided to adopt a more cautious approach, with more weighting given to the outstanding number of Small House applications under processing which could be verified. If the land available within the “V” zone could not meet the outstanding Small House demand, the planning application would generally be permitted. Otherwise, concentrating Small House developments within “V” zones should be pursued for a more orderly development pattern and efficient provision of infrastructures and services.

75. Given that there had been no major change in planning circumstances since the consideration of the s.16 application by RNTPC and the applicants had not provided any substantive new information to support the review application, Members agreed to maintain RNTPC’s decision to reject the application.

76. After deliberation, the Town Planning Board decided to reject the application on review

for the following reasons:

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention;

- (b) the proposed development does not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance’ in that the proposed development would involve extensive clearance of existing natural vegetation; and

- (c) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that there is no general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of Kei Ling Ha San Wai. It is considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructures and services.”

Agenda Item 5

[Open Meeting]

Any Other Business

[The item was conducted in Cantonese.]

77. There being no other business, the meeting was closed at 11:30 a.m.