

**Minutes of 1362nd Meeting of the
Town Planning Board held on 3.7.2026**

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 Ben S.S. Lui

Mr Timothy K.W. Ma

Professor Bernadette W.S. Tsui

Dr C.M. Cheng

Mr Daniel K.W. Chung

Mr Rocky L.K. Poon

Professor B.S. Tang

Mr Derrick S.M. Yip

Mr Eric C.B. Chan

Professor Janet K.Y. Chan

Professor Herbert P.K. Chia

Dr Chris K.T. Lam

Dr Kelvin K.Y. Leung

Mr Wilson H.K. Shum

Mr Gary X.Y. Zhang

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

Chief Traffic Engineer/Traffic Survey & Support
Transport Department
Mr W.H. Poon (a.m.)

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

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

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 Daniel K.S. Lau

Mr Vincent K.Y. Ho

Ms Kelly Y.S. Chan

Dr Tony C.M. Ip

Mr Ryan M.K. Ip

Professor Simon K.L. Wong

Mr Simon Y.S. Wong

Mr Vincent K.C. Cheung

In Attendance

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

Chief Town Planner/Town Planning Board
Ms Katy C.W. Fung (a.m.)

Senior Town Planner/Town Planning Board
Ms Carol K.L. Kan (a.m.)
Mr Edward H.C. Leung (p.m.)

Opening Remarks

1. The Chairperson and Members congratulated Ms Sandy H.Y. Wong and Mr Daniel K.S. Lau in recognition of their contributions to the Town Planning Board, and Professor Herbert P.K. Chia in recognition of his contributions to digital transformation, on being awarded the Medal of Honour on 1.7.2026.

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1361st Meeting

[The item was conducted in Cantonese.]

2. The draft minutes of the 1361st meeting held on 12.6.2026 were confirmed without amendment.

Agenda Item 2

[Open Meeting]

Matters Arising

[The item was conducted in Cantonese.]

Approval of Draft Outline Zoning Plan

3. The Secretary reported that on 2.6.2026, the Chief Executive in Council approved the draft Shek Kong Outline Zoning Plan (OZP) (renumbered as S/YL-SK/11) under section 9(1)(a) of the Town Planning Ordinance. The approval of the OZP was notified in the Gazette on 12.6.2026.

[Professor Bernadette W.S. Tsui joined the meeting at this point.]

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 Hung Shui Kiu and Ha Tsuen Outline Zoning Plan No. S/HSK/3

(TPB Paper No. 11064)

[The item was conducted in Cantonese and English.]

4. The Secretary reported that the amendments incorporated in the draft Hung Shui Kiu (HSK) and Ha Tsuen (HT) Outline Zoning Plan No. S/HSK/3 (the draft OZP) involved, inter alia, rezoning of around 23 hectares (ha) of industry land in the HSK and HT New Development Area (HSK/HT NDA) within the Northern Metropolis (NM) for the development of the HSK Industry Park by the HSK Industry Park Company Limited (the Park Company) under Amendment Item A (Item A); rezoning of three sites in Planning Area 4B for higher density residential uses to support funding for the Smart and Green Mass Transit System (SGMTS) in HSK/HT NDA under Amendment Items B1 and B2 (Items B1 & B2); and rezoning of a site in Planning Area 34E for the reprovisioning of a planned divisional fire station and ambulance depot (FSAD) cum staff quarters under Amendment Item C (Item C). Both feasibility studies to support the amendments under Items B1 & B2 and Item C were conducted by the Civil Engineering and Development Department (CEDD), with Ove Arup & Partners Hong Kong Limited (Arup) as the consultant. Amendment Item D (Item D) was to take forward the decision of the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board/TPB) on an agreed section 12A (s.12A) application (No. Y/HSK/1) submitted by Pok Oi Hospital, with P&T Architects and Engineers Limited (P&T) and AECOM Asia Company Limited (AECOM) as the consultants. The following Members had declared interests on the items:

Ms Doris P.L. Ho]

(the Chairperson)

Mr C.K. Yip]

*(as Director of Planning (D of
Plan))*

Mr Maurice K.W. Loo	]	being members of the Advisory Committee on
(as Director of Lands)		the NM and/or its sub-committee, working
Mr Timothy K.W. Ma	]	group or task force;
Mr Ryan M.K. Ip	]	
Mr Eric C.B. Chan	]	
Dr Kelvin K.Y. Leung	]	
Mr Wilson H.K. Shum	]	
Mr Gary X.Y. Zhang	]	

Dr Tony C.M. Ip - having current business dealings with CEDD, P&T and AECOM, and past business dealings with Arup;

Mr Daniel K.W. Chung - being a former director of CEDD; and

Mr Vincent K.Y. Ho - being a member of Hospital Safety Committee of Pok Oi Hospital; and having current business dealings with AECOM.

5. Members noted that Dr Tony C.M. Ip, Messrs Ryan M.K. Ip and Vincent K.Y. Ho had tendered apologies for being unable to attend the meeting.

6. As the interests of Ms Doris P.L. Ho, Messrs C.K. Yip, Maurice K.W. Loo, Timothy K.W. Ma, Eric C.B. Chan, Kelvin K.Y. Leung, Wilson H.K. Shum and Gary X.Y. Zhang, were considered indirect, and as Mr Daniel K.W. Chung had no involvement in Items B1, B2 and C, Members agreed that they could stay in the meeting.

Presentation and Question Sessions

7. The Chairperson said that reasonable notice had been given to the representers inviting them to attend the hearing, but other than the representer who was present at 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.

8. The following government representatives (including the consultants) (hereinafter referred to as “government representatives”) and representer were invited to the meeting at this point:

Government Representatives

Development Bureau (DEVB)

Miss Agnes W.H. Ng	-	Principal Assistant Secretary (PAS), DEVB
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Planning Department (PlanD)

Mr Raymond H.F. Au	-	District Planning Officer/Tuen Mun and Yuen Long West (DPO/TMYLW)
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Ms Carman C.Y. Cheung	- -	Senior Town Planner/Tuen Mun and Yuen Long West (STP/TMYLW)
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Ms Charlotte C.Y. Lam	-	Town Planner/Tuen Mun and Yuen Long West
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CEDD

Mr Benjamin K.H. Chan	-	Project Manager (West) (PM(W))
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Mr W.T. Tang	-	Chief Engineer
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Mr Raymond T.C. Leung	-	Chief Engineer
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Mr Gordon C.C. Kwan	-	Engineer
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Arup

Dr K.S. Leung	]	Consultants
Mr Hamlyn Kuong	]	
Mr Ricky Chui	]	
Ms Sabrina Law	]	
Ms Natalie Chu	]	

Representer

R3 – Mary Mulvihill

Ms Mary Mulvihill	-	Representer
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9. The Chairperson extended a welcome and briefly explained the procedures of the hearing. She said that PlanD's representatives would be invited to brief Members on the representations. The representer would then be invited to make an oral submission. To ensure efficient operation of the hearing, the representer would be allotted 10 minutes for making presentation. There was a timer device to alert the representer 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 had completed her oral submission. Members could direct their questions to government representatives or the representer. After the Q&A session, government representatives and the representer would be invited to leave the meeting. The Board would then deliberate on the representations in closed meeting and inform the representers of the Board's decision in due course.

10. The Chairperson invited PlanD's representatives to brief Members on the representations. With the aid of a PowerPoint presentation, Ms Carman C.Y. Cheung, STP/TMYLW, PlanD briefed Members on the representations, including the background of the amendment items on the draft OZP, the grounds/views of the representers, government responses and PlanD's views on the representations as detailed in TPB Paper No. 11064 (the Paper). The amendment items included:

- (a) Item A – rezoning of an area from “Other Specified Uses” (“OU”) annotated “Port Back-up, Storage and Workshop Uses” (“OU(PBU&SWU)”) to “OU” annotated “Industry Park” (“OU(IP)”) subject to a maximum building height (BH) of 110 metres above the Principal Datum (mPD) to facilitate the development of the HSK Industry Park (Item A Site);
- (b) Item B1 – rezoning of three sites in Planning Area 4B (Item B1 Sites) from “Residential (Group B) 3” (“R(B)3”) to “Residential (Group A) 6” (“R(A)6”) subject to a maximum plot ratio (PR) of 5.2 and a maximum BH of 120mPD for private residential development;
- (c) Item B2 – rezoning of the existing roads with proposed road and footpath widening in Planning Area 4B from “R(B)3” to area shown as ‘Road’;

- (d) Item C – rezoning of the southern site of Planning Area 34E from “Government, Institution or Community” (“G/IC”) to “G/IC(1)” subject to a maximum BH of 160mPD for the reprovisioning of the planned divisional FSAD cum staff quarters;
- (e) Item D – revision to the BH restriction from three storeys to 50mPD for the “G/IC” zone to the east of Sha Chau Lei for the redevelopment of the Pok Oi Hospital Yeung Chun Pui Care and Attention Home for social welfare and related ancillary facilities; and
- (f) Item E – rezoning of a site to the south of Tuen Ma Line (TML) Tin Shui Wai (TSW) Station from “Comprehensive Development Area” to “R(A)7” subject to a maximum gross floor area (GFA) of 128,350m² and a maximum BH of 110mPD.

11. There were also amendments to the Notes of the OZP to reflect the above rezonings, and incorporate other amendments to align with the latest Master Schedule of Notes to Statutory Plans and other technical amendments, including amending the covering Notes to keep pace with modern needs.

12. The Chairperson then invited the representer to elaborate on her representation.

R3 – Mary Mulvihill

13. With the aid of a visualizer, Ms Mary Mulvihill made the following main points:

Item A

- (a) any objection was unlikely to be seriously considered for the implementation of the HSK Industry Park. As the detailed supporting documents were not accessible, it was difficult for the public to understand the key planning and design issues and to properly evaluate the proposal;
- (b) without adequate information including the layout and visual materials for the

HSK Industry Park, it was not possible to assess the visual impact of the wall effect of the proposed BH of 110mPD and the implications on the drainage aspect due to excavation and filling works associated with slopes. The original predominantly low-rise development as planned under the “OU(PBU&SWU)” zone appeared to have been set aside. There was no indication that any of the operations to be relocated, which were currently occupying agricultural land, recreation land and open space, would be returned to the HSK Industry Park. The establishment of the Park Company by the Government alone did not guarantee an acceptable outcome;

Item B1

- (c) the assertion of a “stepped BH profile” was questionable, noting that revising the BH restriction from six storeys to 120mPD would amount to a substantial increase in BH rather than a genuinely stepped arrangement. With the nearby low-rise developments, such as the 6-storey Casa De Oro (金閣豪園) and the 3-storey Parkview Garden (柏雨花園), the proposed BH at the Item B1 Sites would appear as a continuous high-rise frontage and would likely generate adverse visual and air ventilation impacts, including wall effect, reduce wind permeability and diminish sunlight penetration to the surrounding low-rise developments;

Item C

- (d) the proposal was considered an example of reshuffling land uses primarily to maximise land revenue rather than prioritising local community benefits. Limited information on the detailed design was provided, and the average flat size of about 700ft² for the proposed government quarters was significantly larger than what many middle-class households could afford in the private market;
- (e) the site was originally reserved for a sports centre, a community hall and a public library, but those facilities would be relocated to a site in Planning Area 6A which was a reserve site to cater for unforeseen government uses

when the need arose. With reference to Plan H-8 of the Paper, it was observed that the reprovisioning “G/IC” site in Planning Area 6A appeared to be only about half the size of the original “G/IC” site in Planning Area 34E. She was concerned that the community would receive a reduced provision of public facilities originally envisaged, and questioned why the reprovisioning site was not at least comparable in size to the original “G/IC” site;

Items D and E

- (f) she supported the amendment under Item D and considered that the proposed development would provide genuinely needed community services that were urgently required, and that the proposal incorporated a stepped-down BH profile. The proposal was different from some other recent government, institution and community (GIC) developments, where the focus appeared to be placed more on staff accommodation than on services meeting community needs;
- (g) Item E was a housekeeping amendment;

Provision of GIC Facilities

- (h) the inadequacy of some GIC provisions was a significant concern and was considered unacceptable. With reference to the GIC table for the Yuen Long District Council (YLDC) area, there were shortfalls in various facilities, including sports centres, sports ground, swimming pools, hospital services, clinics and health centres, child care, community and residential care services for the elderly, and rehabilitation services. The draft OZP appeared to underpin further large-scale commercial and residential developments without commensurate community services, which would replicate the issues of TSW development;
- (i) “G/IC” sites originally intended to cater for future community needs were being gradually taken up for other uses. It was alarming that the provision of essential community services appeared to be compromised by financial

considerations. If the Government could not afford to provide basic community services, the scale of development in NM should be adjusted to match available public service resources;

Amendments to the Notes of the OZP

- (j) she strongly objected to the amendment relating to small unmanned aircraft (SUA) in the covering Notes, and considered that allowing SUA take-off and landing facilities within public open spaces would effectively commercialise parks and could generate noise, safety and privacy concerns, affecting the neighbourhood. Low-flying drones operating over public areas, schools and areas of high ecological value could cause disturbance, and relying solely on separate legislation would not be sufficient to address the associated impacts;
- (k) exempting above-ground parking facilities from PR or GFA calculation in the “R(A)” zone would encourage above-ground rather than underground parking spaces, thereby increasing development intensity at street level and generating adverse visual and air ventilation impacts. The community interest had been sacrificed for the profit-making activities of developers through lower construction costs, which would not, in turn, translate into lower flat prices;
- (l) the original intention of the “Village Type Development” (“V”) zone was to provide family homes for indigenous villagers. Incorporating ‘Government Refuse Collection Point’ and ‘Public Convenience’ uses under Column 1, and ‘Field Study/Education/Visitor Centre’ use under Column 2 of the Notes would affect public scrutiny of the location and design of the two Column 1 uses and encourage further abuse of the New Territories Exempted House policy due to the incorporation of the latter under Column 2, including commercial operations under the guise of service centres;
- (m) the relaxation of controls in the “V” zone had already allowed Small Houses to be subdivided into multiple units, rendering many recent developments unsuitable for genuine villagers and more oriented towards sale to outsiders.

She was concerned that the amendments would exacerbate this situation and further undermine the original planning intention;

- (n) the deletion of the remarks in the “V” zone related to filling of land/pond or excavation of land would adversely affect village character and amenity as ponds in traditional villages provided visual benefits and contributed to the landscape and character of villages, which could promote tourism;
- (o) the amendments to the OZP tended to favour development and focused on financial considerations and streamlining procedures rather than delivering community benefits and improving livability;

Cycling Facilities

- (p) she supported the views expressed regarding the proposals for widening cycle tracks and footpaths, as stated in the Paper, for the enhancement of living quality, and considered that these views should be taken into account by Members, while such views were not adequately reflected in the planning process;

Others

- (q) she expressed disappointment that the attachments to the Paper on the proposed amendments to the approved HSK and HT OZP No. S/HSK/2 considered by RNTPC comprised a single electronic file of over 900 pages, which took a very long time to download from TPB website even with adequate computer equipment and capacity. She also enquired whether Members had read all the documents. Public information should be reasonably accessible to facilitate submission of representations by the public, and poor access to public information would greatly affect the public consultation process; and
- (r) owing to the difficulty in downloading the attachments, she had to request that the Hong Kong Planning Standards and Guidelines (HKPSG) data (i.e.

the attachment on Provision of Major Community Facilities and Open Space of the YLDC Area (the GIC Table)) be sent to her separately. While the response in the Paper stated that hard copies of documents were available for public inspection at the Planning Enquiry Counters during office hours to assist members of the public, members of the public might need to travel from distant areas, spend time inspecting voluminous documents and pay for photocopies. She reiterated that more accessible and user-friendly electronic access arrangements should be provided to facilitate public participation.

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

Item A

15. A Member enquired about the Government's role in the Park Company, including whether any master plan prepared by the Park Company would require the Government's approval and whether design guidelines would be prepared for the HSK Industry Park. In response, Miss Agnes W.H. Ng, PAS, DEVB said that the Government had established the Park Company, which would be responsible for the development and operation of the HSK Industry Park, and the Government played an important role in the Park Company. In terms of corporate structure, the Board of Directors of the Park Company comprised, inter alia, five official directors who were the heads of the relevant policy bureaux, including the Secretary for Development. Any decision of the Board of Directors of the Park Company would require the affirmative vote of at least one official director. All work plans and proposals for the use of land within the HSK Industry Park would be fully discussed at the Board of Directors level and should therefore be endorsed by the Government's representatives before implementation. This governance and corporate structure enabled the Government to directly participate in the decisions regarding the development and operation of the HSK Industry Park.

16. Noting that R3 raised concerns about the lack of accessible information on the HSK Industry Park, a Member enquired whether, apart from the RNTPC Paper, relevant documents were readily accessible online. In response, Mr Raymond H.F. Au, DPO/TMYLW, PlanD said that all materials relevant to the amendment items, including reports on technical assessments and the GIC table, had been provided in the RNTPC Paper which was accessible to the public, including via TPB's website and at the Planning Enquiry Counters. The operation of the HSK Industry Park and the establishment of the Park Company had also been presented at relevant Legislative Council (LegCo) meetings, and relevant documents were accessible to the public via the LegCo website.

Item B1

17. Noting R3's objection to Item B1, particularly her concern that the proposed increase in PR for the residential sites would be for funding support to the SGMSTs, a Member enquired whether applying the railway-plus-property model was a common practice in Hong Kong and whether there were any precedents; the reasons for adopting this model and; if this funding arrangement was not adopted, what other options would be available.

18. In response, Mr Benjamin K.H. Chan, PM(W), CEDD, with the aid of some PowerPoint slides, made the following main points:

- (a) as background information, the HSK/HT NDA was currently under the second phase of development, with site formation and infrastructure works in progress and major population intake expected to start from around 2030. Near the HSK/HT NDA, there was also the Yuen Long South NDA. In addition to the TSW Station, there would be HSK Station on the TML targeted for completion in around 2030 and the planned Hong Kong–Shenzhen Western Rail Link (HSWRL) (HSK – Qianhai) targeted for completion in around 2035. To meet the commuting needs of the future population in the area and to provide connections among major transport nodes, a public transport system was required and the SGMSTs was considered an appropriate system for the purpose;

- (b) to provide funding support for bridging the funding gap for large-scale transport infrastructure, the railway-plus-property model had been adopted through granting property development rights to the appropriate organisation to implement and operate the infrastructure concerned. As in the recent cases of the Tuen Mun South Extension and the Tung Chung Line Extension, the railway-plus-property model had been successfully applied. These new railway projects were supported by granting property development rights to the railway organisation to provide funding support to bridge the funding gap in relation to the implementation and operation of the infrastructure, and this arrangement had been commonly adopted in railway projects in Hong Kong; and
- (c) the railway-plus-property approach was considered appropriate for the SGMTS. By increasing development intensity at the three sites under Item B1 supported by technical assessments, the SGMTS project would be implemented timely to meet the development of the area and the transport demand arising from population intake and employment. Otherwise, there might be significant delay in project implementation. The Government would invite tenders for the SGMTS in HSK/HT NDA in 2026.

19. A Member enquired about the compatibility of the proposed development under Item B1 with the surrounding low-rise developments such as Casa De Oro, and any measures to mitigate the incompatibility if needed. The Member expressed that the interface issue might occur in future given the rapid development of NDAs and NM.

20. In response, Mr Raymond H.F. Au, DPO/TMYLW, PlanD, with the aid of a PowerPoint slide, made the following main points:

- (a) prior to submission of the rezoning proposal to the Board, the project team had consulted the relevant rural committee and the YLDC, and had gathered comments and concerns on the interface between the proposed development, the surrounding environment and existing residents; and
- (b) in formulating the notional scheme, the project team had taken into account the

existing low-rise developments in the vicinity, including the villages and the adjoining Casa De Oro, and had introduced design measures to better integrate the proposed development on the Item B1 Sites with the surroundings and reduce potential impacts. These design measures included designating three low-rise building zones, providing building setbacks (i.e. setbacks of about 2m along the internal street facing Casa De Oro), and widening footpaths along adjoining roads such as Tin Ha Road. Building separations had also been incorporated within the sites to help improve air ventilation and visual permeability, thereby mitigating potential impacts on the adjoining areas.

21. Noting from the Air Ventilation Assessment – Expert Evaluation (AVA-EE) report for Item B1 that the building positions shown in Figure 7 appeared to be located across Castle Peak Road, a Member enquired whether the grid points used for the assessment were correctly located.

22. In response, Mr Benjamin K.H. Chan, PM(W), CEDD said that an AVA-EE, had been conducted to support the rezoning of the Item B1 Sites and to assess whether the future development of the sites would adversely affect air ventilation in the surrounding area. The grid points extracted from the Regional Atmospheric Modeling System (RAMS) model were selected with regard to the actual position of the development sites and the planned building blocks. The plans and figures in the report were for illustrative purposes and minor discrepancies in the plotting of outlines might occur. In the assessment, the roads near the Item B1 Sites, including Tin Sum Road, Hung Kei Road and Tin Ha Road, had been taken into account, and these roads functioned as air paths that helped maintain air ventilation in the vicinity of the sites. The proposed development under Item B1 was not expected to cause any significant adverse impact on air ventilation in the surrounding area. For the avoidance of doubt, he clarified that the coordinates of the grid points in relation to the Item B1 Sites applied in the RAMS model were correct.

[Post-meeting note: According to CEDD, Figure 7 of Annex J (AVA-EE Report) under Attachment V to RNTPC Paper No. 3/26 was amended on 16.7.2026 to rectify discrepancies in the presentation of the outline of the Item B1 Sites, which would not affect the results of the assessment.]

Item C

23. Noting that R3 raised concerns regarding the smaller size of the reprovisioning site in Planning Area 6A compared with the original site in Planning Area 34E under Item C, two Members sought clarifications on the respective site areas and the reprovisioning arrangement for the affected GIC facilities.

24. In response, Mr Raymond H.F. Au, DPO/TMYLW, PlanD, with the aid of a PowerPoint slide, clarified that Item C covered only the southern part of Planning Area 34E, which was originally planned for a sports centre, community hall and library, with a site area of about 0.83 ha, of which the developable area was around 0.64 ha as part of the site (around 0.19 ha) was used as a landscape strip along Kong Sham Western Highway. The divisional FSAD cum staff quarters originally planned at the northern part of Planning Area 34E were proposed to be relocated to the southern part (i.e. Item C) which was rezoned from “G/IC” to “G/IC(1)”, subject to a maximum BH of 160mPD. Subsequently, the sports centre, community hall and library originally planned at the Item C Site would be relocated to another “G/IC” site in Planning Area 6A, with an area of about 0.75 ha, which was designated as a government reserve site to cater for unforeseen government uses. In gist, the “G/IC” site in Planning Area 6A would have a slightly larger developable area than the Item C Site.

Implementation and Operation Modes of the HSK Industry Park

25. A Member expressed that financing development project by residential development was understandable, but cautioned that the past experience of Cyberport should not be replicated that it gave an impression that the project was for primarily for residential development and took many years of effort to change that perception. He remarked that the HSK Industry Park should incorporate innovation elements and should be conveniently connected with the wider district.

26. The Chairperson said that industry land in the Item A Site had been granted by the Government to the Park Company for development, and that the LegCo had already approved an initial capital injection of about HK\$10 billion to support the Park Company’s initial operational and development needs. She remarked that the Park Company and other future industry park companies in NM would not follow the model of Cyberport. While the

Government granted initial capital and land to support the Park Company's early-stage operation, the Park Company would operate and manage the HSK Industry Park in a financially sustainable manner through diversified public-private partnership models. With regard to the Member's views on the adoption of innovation elements, the Government shared the same aspiration for the HSK Industry Park to incorporate innovation elements, and efforts would be made through investment promotion and the planning of the tenant mix to ensure that the HSK Industry Park would be developed as a sustainable and innovation-oriented hub.

27. For the Item B1 Sites, the Chairperson explained that the rezoning was to increase the development intensity of the residential sites to provide funding support for the SGMETS and such approach was similar to the railway-plus-property model adopted for other railway projects by the MTR Corporation Limited, and was not for financing the HSK Industry Park.

Planning Concepts and Principles

28. Noting R3's concern that the amendments might worsen rather than improve the planning outcomes, a Member enquired whether consideration had been given to making the city more attractive and liveable in the OZP amendment exercise in addition to meeting the development needs, and whether there would be scope to upgrade and improve the overall design.

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

- (a) HSK/HT NDA had a long planning history, with comprehensive planning and engineering studies and three rounds of public consultation conducted before formulation of the land use framework and the OZP. In view of evolving economic conditions, market dynamics and government policies, and in alignment with national strategies such as the National Five-Year Plan, refinements had been progressively made to the planning of the NDA over the years;
- (b) the positioning of HSK/HT NDA had evolved from a regional economic or cultural centre to a high-end professional services and logistics hub serving

Hong Kong and the Chinese Mainland. To cater for the changing planning circumstances, social aspirations and development needs over the years, the development intensity for both public and private housing developments had been upscaled, while a more flexible planning approach had been adopted to facilitate the initiatives of large-scale land disposal and HSK Industry Park, with a view to expediting the development of NM; and

- (c) PlanD had been closely working with the relevant government bureaux/departments (B/Ds) to ensure that transport infrastructure, GIC facilities, open space and other supporting facilities would meet the needs arising from population growth.

Provision of GIC facilities

30. Noting Hong Kong's ageing population and the significant shortfalls in elderly and mental wellness facilities shown in the GIC table, a Member enquired how these shortfalls would be addressed in the foreseeable future. In response, Mr Raymond H.F. Au, DPO/TMYLW, PlanD made the following main points:

- (a) the estimated requirements in the GIC table were based on an ultimate planned population of about 1.61 million for the YLDC area in the future, compared with the existing population of about 600 000, implying an additional one million people over the next 10 to 20 years or more;
- (b) the adopted standards and requirements were formulated by the relevant B/Ds, while the provisions in the HKPSG were consolidated by PlanD based on the inputs from relevant B/Ds;
- (c) for social welfare facilities, it was understood that the Social Welfare Department (SWD) would meet the demand gradually through long-term planning by different means, and SWD had adopted a multi-pronged approach including identifying suitable sites/premises in new public and/or private housing developments for social welfare facilities. For some social welfare facilities, the requirements would be applied on a wider geographical basis

rather than to an individual district or OZP area, and actual provision would depend on service demand as a result of population growth and demographic changes, policy considerations, financial resources and programme priorities at different times. As such, the shortfalls shown in the current GIC table should be interpreted in the context of phased implementation over different timeframes, having regard to the long implementation period and cross-district provision arrangements;

- (d) about 5% of domestic GFA in new public housing developments were reserved for social welfare and community facilities. As the type of facilities of some public housing developments had yet to be confirmed, they had not been reflected in the GIC table. There had also been an increasing number of planning applications under section 16 or section 12A with the provision of self-financed residential care home for elderly and other welfare facilities, thereby supplementing the provision of public facilities; and
- (e) PlanD had maintained close liaison with the relevant B/Ds to monitor the provision of facilities and review future needs, and to ensure that in the longer term, community services, including those for elderly care and mental wellness, could be adequately provided.

Green Initiatives

31. A Member considered that the proposed large-scale development offered opportunities for adoption of environmentally-friendly innovation initiatives. He cited the example of the district cooling system (DCS) at Kai Tak Sports Park, which could reduce energy consumption by 30% to 40% compared with a traditional air-cooled system, and suggested exploring the introduction of DCS to help address climate change and reduce temperatures. The Member also suggested providing environmentally friendly walkways with green covers and innovative technological measures such as solar-powered lighting and temperature-sensitive ventilation systems to provide all-weather protection along key footpaths leading to public transport nodes. These measures could enhance the environment, particularly in terms of district cooling and pedestrian comfort, in new developments.

32. In response, Mr Raymond H.F. Au, DPO/TMYLW, PlanD explained that a site had been reserved in HSK/HT NDA for a DCS plant, located in the southern part of the NM University Town near the future town centre, and the planned DCS plant would mainly serve non-domestic sites in the town centre. A Member supplemented that the construction of the DCS plant would adopt a design-build-operate model, and tenders were expected to be invited this year, in line with the planning principle of “Infrastructure-led”.

33. Regarding environmentally friendly walkways, Mr Benjamin K.H. Chan, PM(W), CEDD emphasised that the planning concept for HSK/HT NDA was to promote urban-rural integration and adopt environmentally friendly and nature-based solutions designs. A comprehensive network of pedestrian footpaths and cycle tracks would be provided along watercourses such as TSW River and Tin Sum River, which would be revitalised to enhance their ecological value, and native tree species would be planted along such footpaths and cycle tracks. He further said that consideration would be given to installing solar panels on appropriate lift towers of new footbridges to provide electricity for lifts and lighting, subject to site conditions and possible overshadowing by nearby buildings.

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

Deliberation Session

35. The Chairperson invited views from Members.

36. Members generally had no objection to the amendments to the OZP and the Notes of the OZP. Two Members expressed the view that similar adoption of the railway-plus-property model, involving an increase in development intensity for the proposed development under Item B1 to provide funding support for the SGMTS, would facilitate the implementation of the SGMTS in serving the community. This established and effective arrangement could relieve pressure on the Government for capital injection and help avoid

management and implementation issues encountered in projects that did not adopt such arrangement.

Provision of GIC facilities

37. Some Members expressed the following views or suggestions:

- (a) the GIC table presented was based on district-wide population and provisions, which might not fully reflect the local circumstances, particularly in large areas such as districts within NM where sub-areas differed significantly in demographics and service needs. It was suggested that the provisions could be refined on a sub-area basis, supported by more detailed demographic data, and that a task force, including representatives from the welfare sector, might be set up to review the actual demand and provision of different social welfare facilities;
- (b) the utilisation rates and service demand varied across districts, with some facilities operating at relatively low utilisation while others required expansion or additional satellite centres to meet the demand due to differing demographic structures;
- (c) the 5% of domestic GFA in new public housing developments reserved for social welfare uses was subject to adjustment (for example, from elderly services to services for persons with disabilities) and review by relevant B/Ds having regard to the need for and subsequent provision of community facilities, and this information had yet to be included in the GIC table. As such, the shortfall figures in the GIC table might not fully reflect the actual situation;
- (d) as there was no population information in the GIC table, it was suggested that information on the projected year for the planned population should be included in the GIC table for clarity as the shortfalls mainly reflected the projected future scenarios in NDAs developed to full capacity upon full population intake, and that these shortfalls would be addressed progressively over time through phased implementation of GIC facilities;

- (e) each round of OZP amendment exercise should be taken as an opportunity to review whether the overall provision and distribution of GIC facilities (such as elderly facilities) remained appropriate in view of the changing planning circumstances since the gazettal of the previous OZP. Given Hong Kong's ageing population, a more comprehensive overview of the provision and distribution of welfare and community facilities, particularly those for the elderly in the district, taking into account the planned population, especially when the OZP amendment exercise involved large-scale development, would assist the Board and the community in understanding where additional provision might be required; and
- (f) noting that the Item B1 Sites did not include welfare and community facilities and there was shortfall in the provision of some GIC facilities, it was suggested that explanation could be provided for no such provision.

38. At the invitation of the Chairperson, Mr C.K. Yip, D of Plan, made the following main points in response to Members' concerns:

- (a) the GIC table provided planning standards in numerical terms based on input/advice from relevant B/Ds and the planned population. Nevertheless, the actual provision of facilities was far more complex, varying across districts and in scale. Some requirement/standards for the provision of services/facilities, mainly related to elderly and rehabilitation facilities, were formulated and advised by SWD, and were incorporated in the HKPSG in recent years as long-term targets, to be met progressively and pragmatically. Given the uncertainty in resource availability and future service demand, there was practical difficulty for SWD to commit at an early stage the provision in a longer timeframe. The shortfalls shown in the GIC table therefore represented the gap between these long-term targets and the existing and planned provisions, and there should be an understanding that such shortfalls could only be met over a longer timeframe rather than within a short period of time;

- (b) some reserved “G/IC” sites for certain facilities would not imply immediate provision, as the implementation programme was subject to SWD’s resource availability, having regard to the actual needs of different districts. From planning perspective, PlanD would assist the relevant B/Ds in reserving land for the GIC facilities if needed, for example, through the designation of dedicated “G/IC” sites, the reservation of about 5% of domestic GFA in new public housing developments for social welfare facilities, and encouraging private developments to incorporate suitable GIC uses, thereby facilitating SWD’s timely implementation of facilities as required; and
- (c) in response to Members’ suggestion, PlanD could state the year for the planned population in the GIC table and explore the appropriate way to present the information having regard to the actual circumstances, including adding remarks for explanation.

39. The Secretary supplemented the following main points:

- (a) the planned provision in the GIC table was based on the planned population at full development capacity over a 10- to 30-year horizon, particularly for NDAs. The intake of the planned population would take time while the provision of GIC facilities would be implemented progressively and assessed against the demand arising from the planned population in accordance with the HKPSG which represented a long-term requirement/standard, and the provision was subject to the resource availability and policy priorities of the relevant B/Ds. Members might recall that SWD had previously been invited to brief the Board on its long-term plans, although it remained difficult for B/Ds to set out detailed 5- to 10-year commitments given the constraints in formulating programme information including securing resources and funding;
- (b) while the presentation of GIC table was under review, PlanD colleagues had been informed to prepare information such as the 5% of domestic GFA in new public housing developments, and reservation of undesignated “G/IC” sites to meet unforeseen demand, as well as provisions in the private sector

(such as hospital beds in the private sector), where appropriate, for explanation at meetings; and

- (c) the GIC table now adopted District Council boundaries as the unit of analysis, instead of the OZP boundaries used previously, to provide a more consistent and objective reference framework given that different departments adopted different service catchments, for example, the Hospital Authority's cluster-based arrangements. The actual provision of facilities in individual areas would nevertheless continue to be assessed according to demand, taking into account population changes, as well as the latest policy considerations, resource availability and programme priorities of relevant B/Ds.

40. A Member also expressed that the HSK Industry Park was intended for large-scale automated manufacturing industry development and would not require substantial on-site workforce, and the future resident population was not expected to be high. Therefore, simply applying conventional population-based methods for the provision of GIC facilities might not align with the future character of the district in which the HSK Industry Park was located. As one of the first industry parks to be developed and operated through a Government-owned company, the HSK Industry Park should serve as a pilot area for exploring new planning approaches and deriving appropriate measures applicable to other areas in NM.

41. The Chairperson said that to support early operation of the Park Company and accelerate development of industries in the HSK Industry Park, it was crucial for the amendments to the HSK/HT OZP to be carried out at an early stage with a higher level of flexibility allowed under the "OU(IP)" zone to facilitate the establishment of enterprises and commencement of their businesses in the HSK Industry Park. There would be another round of amendments to the HSK/HT OZP to reflect other changes, including the expansion of the University Town as well as the latest findings of the Developments at Lau Fau Shan, Tsim Bei Tsui and Pak Nai Areas – Investigation Study which included the HSWRL (HSK – Qianhai) project. Similar to the "OU(IP)" zone, a higher level of flexibility of the amended/new zones including that for the University Town would be adopted to facilitate the early implementation of projects in NM.

AVA

42. A Member observed that there was a trend towards having larger building bulk and longer building frontages in recent proposed developments, which could adversely affect air ventilation and aggravate the heat island effect, particularly at street level, while AVAs were conducted by expert evaluation instead of a quantitative model. The Member suggested that additional greenery and tree planting would help mitigate such impacts. In response, Mr C.K. Yip, D of Plan, said that an AVA in the form of expert evaluation conducted for the current rezoning proposal under Item B1 had drawn on existing wind data, relevant previous AVA studies and prevailing wind conditions, with expert engaged to provide professional analysis and assessment as well as recommendations on design measures such as building setbacks and building gaps. For large-scale developments, quantitative AVA using detailed simulations might be required, and reference would be made to Technical Circular No. 1/06 on AVAs.

Application of Artificial Intelligence (AI)

43. A Member observed that many representations repeatedly raised concerns on technical aspects, such as carbon emissions, drainage, transport, air ventilation and visual impact. It was suggested that the Government could explore the use of AI-based modelling to present dynamic simulations of projected situations at different timeframes, particularly for large-scale developments in NM. AI-based tools could also be deployed to generate concise summaries of lengthy documents, which would enable the public, representers and Members to discuss issues on the basis of shared quantitative information and enhance the effectiveness of the discussion.

44. Another Member pointed out that AI-generated summaries might not fully capture or reflect the matters that the Board regarded as being of primary importance. The use of AI might be more suitable for simple analysis and factual extraction, or for helping users quickly locate relevant information upon request, while the TPB paper would continue to provide the full materials in depth for the Board's consideration.

45. Mr C.K. Yip, D of Plan, said that all government departments including PlanD were actively exploring AI applications, and agreed that AI could assist in expediting data processing and enhancing visual presentation, including testing of different scenarios, though it might have

resources implication. Nevertheless, it was stressed that given the need to ensure the accuracy and robustness of figures/data and visual materials, particularly in light of the possibility of judicial review, a cautious approach should be adopted to avoid over-reliance on AI tools, which might generate inaccurate or misleading outputs if used casually.

Access to Meeting Documents

46. Two Members expressed the following views or observations:

- (a) noting R3's repeated concerns about the lengthy meeting documents and difficulties in downloading and locating appendices, it was suggested that improvements could be made to the uploading arrangement by uploading the documents as separate files on TPB's website to enhance accessibility for both the public and Members; and
- (b) attention was drawn to R3's query as to whether Members had read all the documents. In practice, Members would read the main paper prepared by PlanD, which included the proposals, key issues and departmental/public comments, and refer to the relevant appendices as necessary, it was not sure whether such practice was considered appropriate.

47. The Secretary said that R3 had encountered difficulty in locating the GIC table during the statutory exhibition of the draft OZP for the submission of representation as the appendices of the relevant RNTPC Paper comprising also all technical assessment reports had previously been uploaded to TPB's website as a single file, which took a longer time to download and made it difficult for her to locate the GIC table. Starting from 6.3.2026, the uploading arrangement had been enhanced so that each appendix was uploaded as a separate file for easier accessibility. As the RNTPC Paper was considered by RNTPC in February 2026, the file had originally followed the old arrangement. Upon receipt of R3's enquiry, the Secretariat had sent the GIC table to her, and the appendices of the RNTPC Paper were reprocessed in accordance with the current enhanced practice to facilitate access, with each appendix uploaded as a separate file on the website before the deadline for submitting representations on the draft OZP.

48. Regarding the Member's enquiry as to whether reading the main paper and referring to the relevant appendices when required would suffice, Mr C.K. Yip, D of Plan, said that Members were expected to read the documents submitted to them and grasp the key content, although this did not mean that every page and line had to be read in detail. It was considered acceptable for Members to read the main paper, which included all key points, highlighted key issues and summarised the findings of technical assessment reports, etc., and to refer to the appendices as appropriate. As the cases would be discussed at meetings which comprised the presentation (from both the Government and the representers), Q&A and deliberation sessions, the overall arrangement of TPB meetings would facilitate Members in understanding the cases with sufficient information for decision-making.

Conclusion

49. 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 representations. All grounds of the representations had been addressed by the departmental responses as detailed in the Paper as well as the presentation and responses made by the government representatives at the meeting.

50. After deliberation, the Town Planning Board (the Board) noted the supportive views of **R1 and R3 (part)** and views of **R4**, and decided not to uphold R2 and the remaining part of R3; and agreed that the draft Hung Shui Kiu (HSK) and Ha Tsuen (HT) Outline Zoning Plan (OZP) should not be amended to meet the representations for the following reasons:

“Item A

- (a) the designated “Other Specified Uses” (“OU”) annotated “Industry Park” (“OU(IP)”) zoning is to facilitate the development of the HSK Industry Park by reflecting the latest planning intention and maximising the land use flexibility in allowing various suitable industry-related, supporting and ancillary uses to be planned comprehensively by the HSK Industry Park Company Limited (the Park Company). The Park Company will formulate the overall development of the HSK Industry Park and submit a development work plan to the Government (**R3**);

- (b) as compared with the previous “OU” annotated “Port Back-up, Storage and Workshop Uses” zone, the “OU(IP) zone has maintained the same building height (BH) restriction of 110 metres above the Principal Datum (mPD) on the Plan, while the total gross floor area (equivalent to the previous plot ratio restriction of 7) has been stipulated in the Explanatory Statement (ES) of the draft OZP and will be incorporated in land documents. The types of industry and use, disposition and layout of buildings and development intensity for individual sites within the HSK Industry Park, as well as the ancillary and supporting facilities to be provided, will be determined by the Park Company at the detailed design and implementation stages with due regard to the infrastructural capacity, the compatibility and the synergy that different industries to be taken place in the HSK Industry Park **(R3)**;

Item B1

- (c) the Smart and Green Mass Transit System (SGMTS) in HSK and HT will serve as light and green feeder services to enhance the accessibility within the New Development Areas (NDAs). Item B1 would provide funding support to the SGMTS. Furthermore, Item B1 which permits residential developments with higher density would optimise the development potential of the sites and contribute to housing supply **(R3)**;
- (d) the maximum BH of 120mPD for the three sites within the “Residential (Group A) 6” (“R(A)6”) zone would form part of a stepped BH profile descending from the future town centre towards the periphery, which is considered not incompatible with the surrounding existing and planned developments. Relevant technical assessments including Visual Impact Assessment and Air Ventilation Assessment – Expert Evaluation have demonstrated that with implementation of appropriate mitigation measures such as varying BHs and low-rise building zone as specified in the ES of the OZP, the proposed higher density residential developments would not cause any insurmountable impacts on the surrounding. Relevant government bureaux/departments (B/Ds) have no objection to or no adverse comment on Item B1 **(R3)**;

Item C

- (e) the reprovisioning of the divisional fire station and ambulance depot (FSAD) cum staff quarters at the subject site has been formulated in consultation with relevant B/Ds and with consideration of the site's access to existing/planned road facilities, and its proximity to the future town centre and planned high-density developments. Relocating the original planned facilities (i.e. a sports centre, a community hall and a library) to a government reserve site in Planning Area 6A zoned "Government, Institution or Community" is considered suitable since it is located close to existing and planned residential developments with good accessibility to road and cycling networks and public transport services. Relevant B/Ds have no adverse comment on this relocation proposal **(R3)**;
- (f) an indicative scheme has been formulated to set out the key development parameters of the proposed divisional FSAD cum staff quarters. The average flat size of about 70m² is adopted for assessment purpose and may be subject to change based on the detailed design requirements of the development to be formulated by the Architectural Services Department in consultation with the Fire Services Department **(R3)**;

Item E

- (g) Item E is to reflect the completed public housing development of Ping Yan Court pursuant to the recommendations of the Rural and New Town Planning Committee (RNTPC) regarding the "Comprehensive Development Area" Review 2023/2025. The "Residential (Group A) 7" zoning and development restrictions have reflected the as-built condition and the development parameters stipulated under the lease of the completed development. There are no technical assessments conducted to support the proposal to further increase the BH restriction to 160mPD **(R2)**;

Amendments to the Notes (a) for the Covering Notes and (c) for "Residential (Group A)" ("R(A)") Zone

- (h) allowing provision, maintenance or repair of small unmanned aircraft take-off and landing facilities under the covering Notes of the OZP is to facilitate

the low-altitude economy development while the amendments to the Notes for the “R(A)” zone is to reflect the latest policy and align with the latest Master Schedule of Notes to Statutory Plans (MSN) promulgated by the Board. Any proposals for the aforesaid uses will be governed by other legislation in Hong Kong, and follow the relevant requirements and guidelines set out by relevant government B/Ds and regulatory authorities **(R3)**;

Amendments to the Notes (h), (i), (j) for “Village Type Development” (“V”) Zone

- (i) 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 “V” zone, is in line with the MSN promulgated by the Board. The provisions of these facilities will follow the relevant established government procedures and/or require planning permission from the Board. Also, since the “V” zone is primarily intended for development and the infrastructure improvement works have already been planned under the NDA development to comprehensively address drainage and flooding concerns, it is considered that filling/excavation activities would no longer pose a significant threat to the local environment and that deletion of the clauses will streamline planning control **(R3)**;

Public Consultation

- (j) the statutory plan-making process and public consultation have been conducted in accordance with the Town Planning Ordinance (TPO) and established administrative procedures. The draft OZP together with its Notes and ES, the RNTPC paper and relevant attachments, including supporting technical assessments and plans, as well as government, institution and community (GIC) table summarising provision of GIC facilities and open space in the Yuen Long district were made available for public inspection during the exhibition period. Full sets of hard copies were also available for public inspection at the Board’s Secretariat and the Planning Enquiry Counters of Planning Department (PlanD) **(R3)**; and

Provision of GIC facilities

- (k) the existing and planned provisions of GIC facilities are generally sufficient to meet the demand of the planned population in Yuen Long District Council area in accordance with the Hong Kong Planning Standards and Guidelines. The provision of GIC facilities will be closely monitored, reviewed and planned by relevant B/Ds. PlanD will work closely with relevant B/Ds to facilitate the provision of GIC facilities in future developments/redevelopments when opportunities arise. Besides, the services/facilities provided from the private market will help address some of the shortfalls (R3).”

51. The Board also agreed that the draft OZP, together with its Notes and updated ES, was suitable for submission under section 8(1)(a) of the TPO to the Chief Executive in Council for approval.

[The meeting was adjourned for a 20-minute break.]

[Dr Chris K.T. Lam left the meeting temporarily, and Messrs Derrick S.M. Yip and Wilson H.K. Shum left the meeting during the break.]

[Professor Janet K.Y. Chan joined the meeting at this point.]

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 4

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/YL-PH/1067

Proposed House (New Territories Exempted House - Small House) in “Village Type Development” and “Residential (Group D)” Zones, Lots 3003 S.D and 3005 RP in D.D. 111, Pat Heung, Yuen Long

(TPB Paper No. 11065)

[The item was conducted in Cantonese.]

Presentation and Question Sessions

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

Planning Department (PlanD)

Ms Josephine Y.M. Lo	-	District Planning Officer/Fanling, Sheung Shui and Yuen Long East (DPO/FSYLE)
Ms Winsome W.S. Lee	-	Town Planner/Fanling, Sheung Shui and Yuen Long East (TP/FSYLE)

Applicant and Applicant's Representatives

Mr Tang Kai Chun	-	Applicant
Mr Tang Yung Yiu, Ronnie	]	Applicant's Representatives
Mr Tang Siu Kin	]	
Mr Cheng Ka Cheung	]	

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

54. With the aid of a PowerPoint presentation, Ms Winsome W.S. Lee, TP/FSYLE, PlanD briefed Members on the background of the review application including the application site (the Site) and the surrounding areas, the applicant's proposal and justifications, the consideration of the section 16 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. 11065 (the Paper). Having considered the written representations and the latest information on the planning circumstances of the area, PlanD had no objection to the review application.

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

56. Mr Tang Yung Yiu, Ronnie, the applicant's representative, made the following main points:

- (a) the Small House (SH) grant application at the Site had been under processing for over 10 years. In accordance with the Lands Department (LandsD)'s advice, the applicant had amended the SH footprint three times and the current footprint fully complied with LandsD's requirements;
- (b) the Site was the only land parcel allocated to the applicant by his Tso/Tong in Wang Toi Shan Wing Ning Lei for SH development, and the applicant and his family had no other land available for this purpose and were unable to afford the acquisition of other private lots. More than 10 years ago, the Tso/Tong conducted a ballot to allocate house lots to eligible villagers, under which a total of 28 house lots were delineated, including the Site, while there were about 68 eligible villagers at that time. The applicant was allocated this land parcel through the ballot exercise;
- (c) the Site straddled the "Village Type Development" ("V") and "Residential (Group D)" ("R(D)") zones. Land within the "R(D)" zone was also intended for residential developments with similar form to SH developments, and the proposed SH would form part of the village cluster. Most of the land within the "V" zone had already been developed for various uses including recreational, community and public facilities, such as the ancestral hall, minibus stops, playground, ball courts, children's play area, drainage channels, parking areas, fung shui pond, village office and refuse collection points. The SH development at the Site would help improve the local environment, where some existing temporary uses, including vehicle stripping yards, were located in the vicinity; and
- (d) according to LandsD, about 90% of the administrative processing for this SH application had been completed. Once planning approval was granted, the land grant could be executed and this SH application, which had been under

processing for over 10 years, could be completed.

[Mr Rocky L.K. Poon left the meeting temporarily and Mr Gary X.Y. Zhang left the meeting during presentation of the applicant's representative.]

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

58. A Member asked whether the Site originally owned by the Tso/Tong had already been part of the village area when the first Pat Heung Outline Zoning Plan (OZP) was prepared. In response, Ms Josephine Y.M. Lo, DPO/FSYLE, PlanD, with the aid of some PowerPoint slides, made the following main points:

- (a) the Site straddled the "V" and "R(D)" zones since the first OZP was gazetted in 1994, and the two zonings for the Site had remained unchanged since then;
- (b) when the OZP was first prepared, there was no village 'environs' ('VE') boundary delineated for Wang Toi Shan, and such boundary was still under preparation by LandsD subject to liaison with and agreement by the relevant villagers. The "V" zones first delineated had taken into consideration the existing location and distribution of the village settlements at that time and their anticipated expansion, as well as topography and other site conditions such as the presence of slopes. The "V" zones broadly reflected the village areas at that time; and
- (c) the "R(D)" zone was designated based on the existing conditions at that time, where there were temporary structures and some rural workshop uses, with the planning intention of improving and upgrading the temporary structures in rural areas through their redevelopment into permanent buildings.

59. Mr Tang Yung Yiu, Ronnie, the applicant's representative, with the aid of a PowerPoint slide, supplemented that there had been no expansion of the village area since the establishment of PlanD in 1990, and villagers now faced a shortage of land for SH developments. Over the past decade, the Site was the only land parcel that had been allocated

to the applicant by his Tso/Tong, and no other suitable land within the “V” zone could be identified. It was considered more appropriate to reserve land for descendants for SH developments, while villagers would need to make their own arrangements for other ancillary uses such as car parking spaces. The Site had already been owned by the Tso/Tong before 1994 (i.e. before the first OZP was gazetted).

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

Deliberation Session

61. Members generally agreed with PlanD’s recommendation to approve the application on review and some Members had the following views and observations:

- (a) the concerned land parcel had long been owned by Tso/Tong but was not wholly covered by the “V” zone boundary when the OZP was first prepared. It was not sure if the Site formed part of the village area before allocation to the applicant and why it had not been included within the “V” zone;
- (b) whether the “V” zone boundary could be amended to include the Site which was owned by Tso/Tong as cases with similar situation might be encountered in future; and
- (c) while the application warranted sympathetic consideration, it might set a precedent for sites with similar background or circumstances, and if the application was approved, there might be issue with regard to the land grant or land title, and whether the applicant would obtain full ownership of the lot.

62. In response to some Members’ concerns, Mr C.K. Yip, Director of Planning, made the following main points:

- (a) in delineating the boundary of the 'V' zone, PlanD had taken into account various factors including 'VE' boundaries (where available), the existing village settlement pattern, SH demand forecast, land uses in the surrounding areas, local topography and site conditions such as slope, land with ecological value, etc. In the subject case, there was no 'VE' boundary, and the "V" zone was drawn with reference to the pattern of village settlements at that time, surrounding land uses and site conditions and topography. In general, lot boundaries, which were often highly irregular, including those under the ownership of Tso/Tong was not a factor to be considered in drawing up the zoning boundaries, which might result in only a portion of the lot falling within the "V" zone;
- (b) it would be technically difficult to amend the "V" zone boundary to include lots under similar situations as there would likely be a number of similar cases, resulting in very irregular zoning line and in fact, land status was not a material consideration in drawing up zoning boundaries. The current established mechanism through section 16 application, with assessment based on the Interim Criteria for Consideration of Application for New Territories Exempted Houses/Small House in New Territories (the Interim Criteria), worked effectively to consider each case based on its individual merits. In accordance with the Interim Criteria, if not less than 50% of the footprint of a SH fell within both the "V" zone and the 'VE', no planning application was required. As there was no 'VE' boundary for the Site in this case, such exemption criterion was not applicable and planning permission was required; and
- (c) as regards land title, it was noted in the Paper that the Site was solely owned by the applicant.

63. The Secretary supplemented that in the absence of a 'VE' boundary, there might be applications with similar situations where the site owned by the applicant or Tso/Tong was located along the edge of the 'V' zone. In this application, the applicant had demonstrated efforts to shift the footprint of the proposed SH as far as practicable so that more than 50% of

the SH footprint fell within the “V” zone. According to the information provided by LandsD, land adjoining the Site to the southwest and northwest was already subject to various ongoing SH grant applications by others and hence land in the vicinity would unlikely be available for the applicant to further adjust and confine the SH development within the “V” zone. Having considered the site location and conditions, as well as the surrounding land uses, Members might consider if the special circumstances of the case warranted sympathetic consideration. The Board should be mindful that each application should be considered on a case-by-case basis having regard to its individual merits.

64. After deliberation, the Town Planning Board (the Board) decided to approve the application on review, on the terms of the application as submitted to the Board. The permission should be valid until 3.7.2030, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The Board also agreed to advise the applicant to note the advisory clauses as set out at Annex F of the Paper.

65. The Chairperson said that the meeting would be adjourned for lunch break.

[The meeting was adjourned for lunch break at 12:10 p.m.]

[Professor Janet K.Y. Chan left the meeting during the lunch break.]

66. The meeting was resumed at 1:30 p.m.

67. The following Members and the Secretary were present:

Permanent Secretary for Development (Planning and Lands) Ms Doris P.L. Ho	Chairperson
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Mr Stephen L.H. Liu	Vice-chairperson
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Ms Sandy H.Y. Wong

Mr Ben S.S. Lui

Mr Timothy K.W. Ma

Professor Bernadette W.S. Tsui

Dr C.M. Cheng

Mr Daniel K.W. Chung

Mr Rocky L.K. Poon

Professor B.S. Tang

Mr Eric C.B. Chan

Professor Herbert P.K. Chia

Dr Chris K.T. Lam

Dr Kelvin K.Y. Leung

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

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

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

Director of Lands
Mr Maurice K.W. Loo

Director of Planning
Mr C.K. Yip

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 5

[Open Meeting]

Review of Application No. A/STT/26

Proposed Filling of Ponds for Permitted Innovation and Technology Hub (including Permitted Cargo Handling and Forwarding Facilities, Creative Industries, Eating Place, Flat (Staff Quarters only), Industrial Use, Information Technology and Telecommunications Industries, Office, Public Utility Installation, Research, Design and Development Centre, Shop and Services and Warehouse (excluding Dangerous Goods Godown)) in “Other Specified Uses” annotated “Innovation and Technology” Zone, Lot 764 RP (Part) in D.D. 99, San Tin, Yuen Long

(TPB Paper No. 11066)

[The item was conducted in Cantonese.]

68. The Secretary reported that the application was withdrawn by the applicant.

Sha Tin, Tai Po and North District

Agenda Item 6

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-TKP/2

Proposed Temporary Private Garden for a Period of 3 Years in “Village Type Development” Zone, Government Land in D.D. 255, Pak Tam Au, Sai Kung North

(TPB Paper No. 11067)

[The item was conducted in Cantonese and English.]

Presentation and Question Sessions

69. The following representatives of the Planning Department (PlanD) and the

applicant were invited to the meeting at this point:

PlanD

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

Applicant

Mr James Herbert Stewart

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

[Dr Chris K.T. Lam rejoined the meeting at this point.]

71. With the aid of a PowerPoint presentation, Mr Louis H.W. 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. 11067 (the Paper). The application involved a proposed temporary private garden for a period of 3 years at the Site, which fell within an area zoned "Village Type Development" ("V") on the approved To Kwa Peng and Pak Tam Au Outline Zoning Plan (OZP) No. S/NE-TKP/2. 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.

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

73. Mr James Herbert Stewart, the applicant, made the following main points:

- (a) the Board was respectfully requested to reconsider the application in light of the temporary and reversible nature of the proposal, the specific circumstances of the Site and the factual information presented;
- (b) since the RNTPC decision on the application, the specific matters raised by the Lands Department (LandsD) and the Buildings Department in respect of the irregularities had been rectified, inspected and confirmed in writing as having been resolved. Such rectification removed the concerns related to compliance and demonstrated the willingness of the applicant to comply with government requirements;

Planning Intention of the “V” Zone and Small House (SH) Applications in Pak Tam Au

- (c) the planning intention of the “V” zone, which was primarily for SH development and village expansion, was acknowledged;
- (d) regarding the five SH grant applications in Pak Tam Au being processed by LandsD, the Paper did not provide details of those applications, such as location, status, technical feasibility, etc. LandsD confirmed that there was no SH application in relation to the Site. He sought written clarification from the Board and LandsD on the status of the five SH grant applications, specifically enquiring whether any of them had progressed to the stage at which the Water Supplies Department had accepted the relevant sewerage and water quality arrangements. A coordinated reply from relevant government departments was received in the morning before the meeting, but no clarification on that specific issue was provided in the reply;
- (e) the Board rejected the SH applications in Pak Tam Au in 2012 as the sewerage and water quality issues had not been satisfactorily addressed. The five SH grant applications currently being processed by LandsD had not demonstrated that they were technically feasible and would likely to be approved, or the respective sites were suitable for SH development. As such, the above

technical issues in relation to SH development in Pak Tam Au should be taken into account in considering the current application;

Temporary Nature of the Proposed Private Garden

- (f) while the Site fell almost entirely outside the village ‘environs’ of Pak Tam Au, the proposed private garden did not preclude SH development because the Site remained within the “V” zone and the proposed private garden was temporary and reversible in nature, thereby preserving the Site for future development. That said, the specific context of the Site, including its accessibility, topography, the water gathering ground (WGG) and the absence of public sewerage, was relevant in considering the current application;
- (g) if there was alternative use requiring the Site in future, the renewal application for the proposed use could be rejected after 3 years. Any Short Term Tenancy (STT) for the Site would be subject to separate terms imposed by LandsD;
- (h) approval of the application would not privatise government land (GL) by way of ownership or compel LandsD to grant a tenancy. LandsD would separately determine the STT area, rent, structures, conditions, reinstatement and termination provisions. Upon termination of any permission or tenancy, he would cease the use, remove any fence, sheds and personal property and reinstate the land as required. The Board and LandsD would retain full control of the Site;

Size and Scale of the Proposed Use

- (i) the previous STT No. 751 occupied an area of approximately 380m² for a private garden from 1990 until its voluntarily termination by the tenant in 2014 for financial reasons. That historical fact was not cited to assert any entitlement, but to demonstrate the land use compatibility of the proposed private garden use in the context of the Site;

- (j) the Site was less than half the area under the previous STT No. 751. In the Paper, a comparison was made between the area of the Site (i.e. about 177m²) and the footprint of a standard SH (i.e. about 65.03m²) to assess whether the current size of the Site was proportionate. At the RNTPC meeting held on 13.3.2026, the Chairperson confirmed that there was no hard and fast rule to determine whether a proposed private garden was proportionate, and each application would be considered on its individual merits, taking into account relevant planning considerations, including the zonings, site history, site context and site area. The updated photographs in the Paper, particularly the photograph taken from viewing point 5 on Plan R-4b of the Paper, illustrated the limited physical extent of the Site in its broader setting;
- (k) his preference was to obtain approval of the proposed area (i.e. about 177m²) for private garden use from the Board. If the Board considered that the site area was disproportionate to the adjoining House No. 16, which was currently owned by him, he was willing to further reduce the site area rather than have the application rejected by the Board;

Positive Planning

- (l) the Site had once been used as private garden for more than 20 years, with responsible management, practical measures to ensure privacy and safety, and no prejudice to future village use. The proposal would place an open and unmanaged area adjacent to an existing residence into controlled temporary use, which would be maintained in a tidy condition;
- (m) House No. 16 was close to Pak Tam Road, a bus stop and popular hiking routes. The specific concerns relating to its particular location were not general concerns applicable to every village house. A fence wall would prevent trespassing by hikers and visitors, as well as feral cattle from encroaching too close to the house. There was no public footpath across the Site, and the existing local track and access from Pak Tam Road would not be affected by the proposed private garden. The GL outside the Site would remain accessible to the public;

- (n) while the primary benefit of the proposed garden might be private in nature, the key planning considerations for the application should be whether the Site was suitable for private garden use, whether the proposed garden use would prejudice future village use or create unacceptable public or environmental harm and adverse impacts. The Paper confirmed that the proposed use was not incompatible with the rural environment in the surroundings and no significant adverse landscape impact was anticipated;

Public Comments

- (o) it was agreed that PlanD should report the public comments received on the application to the Board. That said, any allegation should be supported by facts, and the concerns raised should be assessed against the objective criteria;
- (p) during the statutory inspection period of the review application, nine public comments were received. Among them, five comments supported the application;
- (q) the alleged drainage risk raised in the public comments was not supported by relevant government departments. The Drainage Services Department had no objection to the application. WSD also had no objection to the application subject to the implementation of accepted mitigation measures in relation to WGG. The proposal involved no new drainage works, land filling or material alteration to ground levels. Relevant government departments did not consider that the proposed private garden use would exacerbate the drainage condition in the area;
- (r) there was no departmental support for the public comments objecting to the application on the ground of potential environmental impacts arising from the proposed private garden at the Site. The Environmental Protection Department and the Agriculture, Fisheries and Conservation Department had no objection to the application. The Urban Design and Landscape Section of PlanD had no adverse comment on the application from landscape planning

perspective. It should be noted that no significant landscape impact was anticipated and no tree felling was proposed. The vegetated GL in the surrounding areas would remain intact and outside the boundary of the proposed private garden;

- (s) regarding the public comment that the Site had not been reinstated following the rejection of the previous application, this assertion was not supported by the record. The fence wall and the enclosure for the liquefied petroleum gas cylinder had been demolished and a 'no further action' letter was issued by LandsD to the applicant. The historical photograph showed that the general configuration of the private garden and paved area adjoining House No. 16 were already established before the grant of STT No. 751 in 1990. The photographs taken by PlanD in the Paper also showed that the Site was currently vacant with no vehicles, sheds, stored materials, and without unauthorized occupation;
- (t) there was a public comment that the genuine intention of the application was for car parking rather than private garden use. Such allegation was inconsistent with the current scheme and the existing conditions of the Site. As compared with the previously rejected scheme, no parking spaces or parking facilities were proposed in the current scheme. It was clarified that the access as marked on Plan R-4a of the Paper would not serve as a vehicular access to the garden area;
- (u) no technical evidence had been provided in the public comments to demonstrate that the proposed use, comprising two removable sheds and a lightweight boundary wall/fence, would adversely affect the air ventilation in the area and undermine the function of undeveloped GL as visual relief;
- (v) while acknowledging that the absence of objections from relevant government departments did not constitute positive planning support for the application, it confirmed that the private garden use could proceed without identified unacceptable technical impacts. PlanD had also proposed workable planning conditions should the Board decide to approve the application; and

- (w) the Board was respectfully requested to approve the application under review and grant temporary planning permission for 3 years subject to the planning conditions proposed by PlanD.

[Mr Rocky L.K. Poon rejoined the meeting at this point.]

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

Land Use and Status of the Site

75. In response to a Member's enquiry on whether the STT for private garden use for House No. 16 had been terminated, as indicated by the applicant in his presentation; and if so, the land use of the Site after the termination of the STT, Mr Rico W.K. Tsang, DPO/STN, PlanD, with the aid of a PowerPoint slide, made the following main points:

- (a) the Site was previously under STT No. 751 with a tenancy area of 380m² for private garden use, which was granted in 1990 before the gazettal of the first statutory plan for the area, i.e. the draft To Kwa Peng and Pak Tam Au Development Permission Area Plan No. DPA/NE-TKP/1. The private garden use was allowed to continue until the STT was voluntarily terminated in 2014 by the tenant, i.e. the previous owner of House No. 16. There was no record of private garden use for the Site since 2014. According to the record of the Land Registry, the applicant purchased House No. 16 in 2023;
- (b) under the covering Notes of the relevant OZP, "existing use of any land or building" meant that a use in existence before the publication of the first statutory plan covering the concerned land or building which had continued since it came into existence. The "existing use" of the land or building would be allowed to continue regardless of whether the use conformed to the statutory plan. If the "existing use" had been discontinued or there was a material change of use, the future use or material change of use should either be always permitted in terms of the relevant statutory plan or, if permission

was required, be in accordance with the permission granted by the Board; and

- (c) as the private garden use had been discontinued, it was necessary to assess the suitability of the Site for such use as proposed under the application.

Size and Scale of the Proposed Use

76. In response to a Member's enquiry on how the applicant would be prepared to address the issue of the proposed private garden being out of proportion to the adjoining House No. 16, Mr James Herbert Stewart, the applicant, said that the existing private garden with an area of 132m² under an STT for House No. 14, which was of the same type of house, could serve as a comparable reference.

Trespassing and Fencing

77. A Member raised the following questions to the applicant:

- (a) an elaboration on the issue of trespassing; and
- (b) how the proposed boundary fencing at the Site could be materialised.

78. In response, Mr James Herbert Stewart, the applicant, made the following main points:

- (a) House No. 16 was in close proximity to Pak Tam Road, a bus stop and popular hiking routes, resulting in frequent public access across his property. He was advised to establish a clear boundary around the Site to prevent public encroachment on his property should planning approval and an STT be granted; and
- (b) the proposal would involve the construction of a fence along the boundary of the Site. Such fencing would not impede access to other GL in the surrounding areas.

Private Garden at the Adjacent Houses

79. Noting the orange dotted line marked around House No. 14 on Plan R-2 of the Paper, a Member enquired whether there was any private garden use under STT for Houses No. 14 and 15. In response, Mr Rico W.K. Tsang, DPO/STN, PlanD, with the aid of a PowerPoint slide, made the following main points:

- (a) the area delineated by the orange dotted line referred to a private garden under an STT for House No. 14, which had been granted before the gazettal of the first statutory plan for the area, and the private garden use had continued to the present day; and
- (b) no STT for private garden was granted for House No. 15.

80. Mr James Herbert Stewart, the applicant, supplemented with the following main points:

- (a) he had previously owned House No. 14. An existing STT for private garden use was in force for that property. He had submitted an application to LandsD for the transfer of the tenancy to the new owner, which was approved by LandsD. After he sold the property in 2022, a new STT was granted by LandsD to the new owner of House No. 14; and
- (b) House No. 15 had a garden at the front and rear of the house, which was not subject to any STT. The house was constructed in 1990, and the owner had resided there since its completion. The previous owners of Houses No. 14 and 16 in the adjacent area had applied for and were granted STTs for their respective private garden around the same period in 1990.

The Previous STT

81. In response to a Member's enquiry about the record of the transfer of the right under the STT for private garden use for House No. 14, Mr Rico W.K. Tsang, DPO/STN, PlanD said that the latest change of STT number was recorded in 2022, which was likely due to the change

in ownership of the house, and despite such change, the private garden use had continued since it came into existence before the gazettal of the first statutory plan for the area.

Safety Issue and Application for an STT

82. A Member raised the following questions to the applicant:

- (a) whether the applicant had been concerned about the safety issue at the time of purchasing House No. 16 in 2023, noting that there was no private garden for the house; and
- (b) whether the applicant believed that it was possible for him to be granted an STT for private garden use when he purchased the house.

83. In response, Mr James Herbert Stewart, the applicant, made the following main points:

- (a) he was aware of the safety issue when he purchased House 16 in 2023; and
- (b) he purchased House No. 14 in 2015 and the STT for private garden was transferred to him in 2016. He understood that STT No. 751 for private garden use was voluntarily terminated in 2014 by the previous owner of House No. 16. Nevertheless, he did not know that there was a change in the requirement such that planning permission would be needed before applying to LandsD for a renewal of the previous STT for House No. 16. He was informed by LandsD of such requirement 10 months after the submission of his STT application.

Prevailing Statutory Requirements, Site Restrictions, and Obligations and Rights of Buyers

84. A Member said that the applicant should understand that while approval of an STT for private garden use had been granted to the previous owner of House No. 16, there was no guarantee that an approval for the same use would be granted to him at a later time. In the current case, planning permission would be needed before applying to LandsD for a new STT

for House No. 16. In response, Mr Rico W.K. Tsang, DPO/STN, PlanD made the following main points:

- (a) the private garden use for House No. 16 under STT No. 751 was voluntarily terminated by the previous owner of the house in 2014; and
- (b) since the private garden use at the Site was discontinued in 2014, and the applicant, having purchased House No. 16 in 2023, intended to resume such use, it was necessary to seek planning permission for the proposal.

85. The same Member expressed the view that the applicant should have been fully aware of the development requirements, obligations and rights before purchasing the property, and considered that ignorance of development requirements and site restrictions, which were set out in the relevant statutory plan, was not a valid excuse for seeking the Board's approval for the proposed private garden use. Approving the application for a private garden of such scale and size at the Site could create a negative public perception of the Board and might potentially encourage other applicants in similar cases to seek negotiations with the Government. In response, Mr Rico W.K. Tsang, DPO/STN, PlanD said that statutory plans were open documents accessible to the public and both the buyer and seller should fully understand the relevant requirements and restrictions applicable to the site concerned.

Site Conditions

86. In response to a Member's enquiry about the actual use and physical appearance of the Site from 2014 to 2023, Mr Rico W.K. Tsang, DPO/STN, PlanD, with the aid of a PowerPoint slide, said that save for an aerial photo taken on 23.3.2014 which showed the Site to be partly vegetated, no other photos or information were available at hand.

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

Deliberation Session

88. The Chairperson invited views from Members.

89. Members 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, and expressed the following views:

Planning Requirement

- (a) at the time of purchasing House No. 16 in 2023, the applicant should have been fully aware that the house had no private garden and of the associated safety issue. Ignorance of the prevailing development requirements and restrictions applicable to the Site did not constitute a valid excuse for granting planning approval for the proposed private garden use;
- (b) the proposed private garden use at the Site required planning permission, which was assessed based on the prevailing policies, requirements and other relevant factors. While the Site was previously used as a private garden under STT No. 751 by the previous owner of House No. 16, the applicant could not assume that the Board would grant planning permission for the same use at the Site. Following the termination of STT No. 751 in 2014, the actual use of the Site from 2014 to 2023 was not pertinent to the consideration of the application;

Size and Scale of the Proposed Use and Land Utilisation

- (c) the area of the private garden was 380m² under the previous STT No. 751. The proposed area of private garden in the application was reduced to about 177m². A reduction in the garden area did not necessarily warrant approval of the application; and
- (d) given the scarce land resources in Hong Kong, the proposed occupation of about 177m² of GL at the Site within a "V" zone for private garden use, which

was approximately 2.7 times larger than the standard SH footprint of about 65.03m², was considered excessive in size and scale and not commensurate with the pace of societal development. The Site was not of an irregular shape and could accommodate SH development and other beneficial uses if necessary. No strong justification had been provided in the submission for utilising such a large piece of GL in the “V” zone for private garden use. Approval of the application for the proposed private garden of such size and scale would likely give rise to negative public perception of the Board.

90. In response to the concern raised by two Members about the current condition of the Site, the Chairperson said that LandsD would unlikely carry out land enforcement if no structure had been erected on the Site. Mr Maurice K.W. Loo, Director of Lands, confirmed that the Site was unallocated and unleased GL and no land enforcement action would be undertaken given that no illegal structures were observed on the Site. Mr C.K. Yip, Director of Planning, supplemented that as the applicant did not occupy or privatise GL by erecting structures on the Site, it was considered unlikely that enforcement action could be undertaken under the planning regime.

91. The Chairperson concluded that Members unanimously considered that the review application could not be approved, having considered the justifications provided by the applicant and all relevant factors.

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

- “(a) the proposed use is not in line with the planning intention of the “Village Type Development” (“V”) zone, which is to provide land primarily intended for development of Small Houses by indigenous villagers. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis; and
- (b) the proposed use at the application site is excessive in size and scale, and is out of proportion to the adjoining house. There is no strong justification in

the submission for utilising a large piece of land in the “V” zone for the proposed use.”

Agenda Item 7

[Open Meeting]

Any Other Business

[The item was conducted in Cantonese.]

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