

**Minutes of 1170<sup>th</sup> Meeting of the  
Town Planning Board held on 27.4.2018**

**Present**

Permanent Secretary for Development  
(Planning and Lands)  
Ms Bernadette H.H. Linn

Chairperson

Professor S.C. Wong

Vice-Chairperson

Mr Lincoln L.H. Huang

Mr H.W. Cheung

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Mr Stephen H.B. Yau

Dr F.C. Chan

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Mr Wilson Y.W. Fung

Mr Alex T.H. Lai

Mr Stephen L.H. Liu

Professor T.S. Liu

Miss Winnie W.M. Ng

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Mr K.W. Leung

Professor John C.Y. Ng

Professor Jonathan W.C. Wong

Mr Ricky W.Y. Yu

Deputy Director (1)  
Environmental Protection Department  
Mr Elvis W.K. Au

Director of Lands  
Mr Thomas C.C. Chan

Chief Engineer (Works)  
Home Affairs Department  
Mr Martin W.C. Kwan

Chief Traffic Engineer (New Territories East)  
Transport Department  
Mr Ricky W.K. Ho

Director of Planning  
Mr Raymond K.W. Lee

Deputy Director of Planning/District  
Ms Jacinta K.C. Woo

Secretary

**Absent with Apologies**

Mr David Y.T. Lui

Dr Frankie W.C. Yeung

Mr Thomas O.S. Ho

Mr K.K. Cheung

Dr Lawrence K.C. Li

Dr C.H. Hau

Mr Stanley T.S. Choi

Mr L.T. Kwok

Dr Jeanne C.Y. Ng

**In Attendance**

Assistant Director of Planning/Board

Ms April K.Y. Kun

Chief Town Planner/Town Planning Board

Mr Kepler S.Y. Yuen

Senior Town Planner/Town Planning Board

Mr Eric C.Y. Chiu

## **Agenda Item 1**

### Confirmation of Minutes of the 1168<sup>th</sup> Meeting held on 13.4.2018

[The item was conducted in Cantonese.]

1. The Secretary reported that the draft minutes of the 1168<sup>th</sup> meeting held on 13.4.2018 were sent to Members and tabled at the meeting. Subject to no proposed amendments by Members by 30.4.2018, the minutes would be confirmed without amendments.

[Post-meeting Note: The minutes were confirmed on 30.4.2018 upon minor revision regarding Members' attendance.]

## **Agenda Item 2**

### Matters Arising

[Open Meeting]

2. The Secretary reported that there were no matters arising.

**Sha Tin, Tai Po & North District**

**Agenda Item 3**

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-KLH/539

Proposed Rural Committee/Village Office (Nam Wa Po Village Office) in “Green Belt” Zone, Government Land in D.D. 9, Nam Wa Po Village, Tai Po  
(TPB Paper No. 10418)

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[The meeting was conducted in Cantonese.]

**Presentation and Question Sessions**

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

- |                           |   |   |
|---------------------------|---|---|
| Ms Jessica H.F. Chu       | - | District Planning Officer/Shu Tin, Tai Po and North District, PlanD (DPO/STN) |
| Ms Kathy C.L. Chan        | - | Senior Town Planner/Tai Po, PlanD   |
| Mr Cheng Lun Kwong Gilvig | ] |   |
|                           | ] | Applicant’s Representatives   |
| Mr Yu Tsz Yin             | ] |   |

4. The Chairperson extended a welcome and explained the procedure of the review hearing. She then invited DPO/STN to brief Members on the review application.

5. With the aid of a PowerPoint presentation, Ms Jessica H.F. Chu, DPO/STN, briefed Members on background of the review application including the consideration of the application by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board), departmental and public comments, and planning considerations and assessments as detailed in TPB Paper No. 10418 (the Paper). She then made reference to a

PowerPoint slide and said that based on the clarification provided by the applicant, the piece of vacant government land involved in an application to Lands Department (LandsD) for Small House grant, as mentioned by the applicant in his written justification for review, was located adjacent to Lot 1578, instead of 1588, in D.D. 9.

6. The Chairperson then invited the applicant's representatives to elaborate on the review application. With the aid of a visualiser, Mr Cheng Lun Kwong Gilvig made the following main points:

- (a) the proposed village office (VO) was an important facility for the village. It could meet the need for a meeting and gathering venue for the villagers, as well as government use, such as polling station, command center or shelter during emergency;
- (b) despite there was other vacant government land within the "Village Type Development" ("V") zone in Nam Wah Po, they were located on steep slope or densely vegetated areas and not suitable for development of a VO. Most of the other vacant private lots within the village were not owned by Tso/Tong hence they could not be used for development of the proposed VO. As each village could only have one VO, it would not create an undesirable precedent for similar development within the "Green Belt" ("GB") zone;
- (c) during the deliberation of the application at s.16 stage, some Members of the RNTPC considered that the vacant school located to the west of the site on the top of a slope might be used for the proposed VO. However, the school was surrounded by steep slope therefore the construction cost, including those for geotechnical works and site formation works, could be very high and unaffordable by the applicant and the villagers. Also, as the vacant school was only accessible via a steep local track, it would be very inconvenient for elders or people with physical disability to get there;
- (d) the application site (the Site) was once zoned "V" on the Development Permission Area Plan in 1994. However, due to the flooding issues of the

adjacent Ma Wat River, the villagers suggested that the area around the Site should not be zoned “V” and the area was subsequently rezoned to “GB”. Now that the drainage improvement project at Ma Wat River was completed and the drainage channel had been widened, the Site was no longer subject to flooding. Given the Site was located adjacent to local roads and a car park of the village, it was conveniently located and suitable for development of a VO. It was undesirable for the villagers to continue using the premises of the Nam Wah Po Tsung Tsin Church (the church) to carry out village functions; and

- (e) ancestor of the villagers had donated a large piece of land to the Government in 1984 for development of the existing children’s playground and vehicular access in the village. The village had been well-planned and the villagers had paid great attention to beautification and greening of the environment.

7. As the presentation from DPO/STN and the applicant’s representative had been completed, the Chairperson invited questions from Members.

8. The Chairperson, Vice-Chairperson and some Members raised the following questions to DPO/STN:

- (a) whether a VO could be developed on government land or private land;
- (b) whether the dimension of the VO was restricted to that of a New Territories Exempted House (NTEH);
- (c) whether approval of the application would really constitute to creating an undesirable precedent if only one VO could be allowed in each village;
- (d) noting that PlanD had no objection to the application at s.16 stage but did not support the current review, the reason for a change in stance;
- (e) whether vacant government land in the “V” zone was covered by

government land licence;

- (f) based on PlanD's assessment, any potential vacant government land within the "V" zone of Nam Wah Po would be suitable for development of VO;
- (g) whether additional land at Nam Wah Po had been rezoned to "V" in 2006 on Kau Lung Hang OZP No. S/NE-KLH/6;
- (h) land status of the land within the "GB" zone near the Site; and
- (i) whether the car park to the south of the site within the "GB" zone could be used for development of the proposed VO.

9. In response, Ms Jessica H.F. Chu, DPO/STN, made the following main points with the aid of some PowerPoint slides:

- (a) VO could be developed on government land or private lot. LandsD would then process the application for Short Term Tenancy (STT) or waiver to allow the development of VO;
- (b) while there was no restriction for dimension of VO stipulated in the OZP, the proposed VO, if built as a NTEH, would be exempted from requirements for submission of general building plans;
- (c) VO of most other indigenous villages in Kau Lung Hang were located within the relevant "V" zone. While there would not be another application for VO in Nam Wah Po, allowing the subject application would create a precedent for other development in the "GB" zone and thus might affect the integrity of the "GB" zone and eventually result in a degradation of the general environment;
- (d) during the s.16 stage, while PlanD had no objection to the application, the RNTPC rejected the application mainly on the grounds that the proposed development was not in line with the planning intention of the "GB" zone;

land was still available within the “V” zone of Nam Wa Po; and approval of the application would set an undesirable precedent for other similar applications. During the deliberation, some Members also considered that the proposed VO should be located within the “V” zone or should utilise the vacant school site located uphill to the northwest of the village. As the applicant had not fully addressed the RNTPC’s concerns, PlanD did not support the review application;

- (e) after excluding areas with steep slope, tree clusters, public playground, access/footpath etc., there was still about 0.5ha of vacant government land within the “V” zone of Nam Wah Po. Based on site inspection conducted by PlanD, six pieces of government land within the “V” zone were identified as having potential to accommodate the proposed VO;
- (f) while some of the vacant government land in the village might be covered by government licences, if required, they could be terminated by LandsD;
- (g) the Site was located within the “GB” zone and adjacent to an access road to Nam Wah Po Village. Most of the land within the “GB” zone immediately adjacent to the Site were privately owned. The Site was once zoned “V” on the Development Permission Area Plan but on the draft Kau Lung Hang OZP No. S/NE-KLH/1 published in 1994, the Site had been rezoned to “GB”. Since then, the “GB” zoning of the Site remained unchanged. On the other hand, an area of 1.7ha had been rezoned to “V” on the OZP No. S/NE-KLH/6 gazetted in 1999 to meet the demand for Small House development; and
- (h) the car park to the south of the Site fell within the “GB” zone and planning permission from the Board would be required for the development of a VO.

10. The Chairperson, the Vice-Chairperson and some Members raised the following questions to the applicant’s representative:

- (a) background for not having a VO in Nam Wah Po before and the reason for the current proposal;
- (b) whether any of the alternative sites located on government land within the “V” zone as identified by PlanD was suitable for the proposed VO;
- (c) background on donation of private land by the applicant’s ancestor for development of the children’s playground and whether consideration had been given to use part of the playground for the proposed VO;
- (d) whether the applicant had any involvement in the operation of the public car park adjacent to the children’s playground;
- (e) whether the proposed VO would be used for celebration of festive events such as Tin Hau Festival;
- (f) whether the applicant had considered possible alternative use for the vacant school inside the village; and
- (g) if the application was approved, whether the applicant would be prepared to accept approval conditions governing the use of the site to ensure it would be used to serve the community.

11. In response, Mr Cheng Lun Kwong Gilvig made the following main points:

- (a) the former village representative had not pursued the construction of a proper VO and as a result the villagers could only occasionally use the church for various village functions. However, it was undesirable for such practice to continue in the long run given the church was mainly to serve a religious purpose. With the increase in population of the village, there was a genuine need for a VO in Nam Wah Po for carrying out the administrative work and storage of documents. Before carrying out of the drainage improvement works by the Government, the area of the Site was susceptible to severe flooding from Ma Wat River. It was the main

reason behind the villagers' suggestion to rezone the area to "GB" in 1994. Since then, it had been 24 years and the flooding issue had been resolved with the completion of the drainage channel. The character of the area had also undergone significant changes. The Site was now situated in a convenient location with road access and the Board should take into account these latest circumstances in considering the application. Approval of the proposed VO would not cause a degradation of the quality of the "GB" zone. The village committee of Nam Wah Po had taken active steps to work with the Home Affairs Department to enhance greening of the village;

- (b) the six pieces of government land identified by PlanD as having potential for development of VO, as presented in the Paper and PowerPoint presentation, were either being occupied by squatter, waste materials and villagers' private garden. It was impractical and undesirable to use any of these sites for the proposed VO as it would likely create conflicts among the villagers;
- (c) ancestor of the applicant had acquired Lot 599 in D.D. 9 in 1937 and surrendered to the Government in 1984 for provision of a children's playground. There was a consensus among the villagers that no new building should be constructed on land immediate adjacent to the children's playground;
- (d) while the operator of the public car park in the village would make small donations/sponsorship to the village, the applicant was not affiliated with them and had no involvement in the operation of the car park;
- (e) the proposed VO would provide a venue for gathering of villagers, meetings, reception of outside guests and celebration ceremonies during festivals. It could also be used as a polling station during elections and other organisations could also make use of it for providing various community services to the villagers;

- (f) the vacant school site, which had been vacated for over 30 years, was located in an inconvenient location on top of a slope and only accessible by a steep local track. No alternative use had been considered; and
- (g) if planning approval was granted, LandsD could stipulate restrictions on the use of the VO as appropriate.

12. Mr Thomas C.C. Chan, Director of Lands, said that the land occupied by the children's playground had been allocated to the Leisure and Cultural Services Department (LCSD) and any changes to the boundary of the playground would have to be notified in gazette. Regarding the unallocated government land within the "V" zone, there were also STTs or government licences thereon..

13. As Members had no further question, the Chairperson said that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application in the absence of the applicant's representatives and inform the applicant of the Board's decision in due course. The Chairperson thanked the applicant's representatives and PlanD's representatives for attending the meeting. They left the meeting at this point.

[Professor Jonathan W.C. Wong left the meeting at this point.]

#### Deliberation Session

14. Mr Thomas C.C. Chan, Director of Lands, said that subject to support by the Home Affairs Department usually each recognised village would be allowed to construct one VO. To ensure proper control on use of the VO, the VO would be allowed to be built on government land by way of STT or on private land owned by Tso/Tong by way of license or waiver. In granting of STT or licence for development of a VO, suitable restrictions/conditions would be imposed by LandsD as appropriate on the advice of the relevant District Officers of the Home Affairs Department.

15. Mr Raymond K.W. Lee, Director of Planning, said that while there was a presumption against development within the "GB" zone, as shown in the aerial photos, the area had undergone substantial transformation over the years. After completion of the

drainage improvement works for Ma Wat River, a man-made drainage channel now passed through the “GB” zone.

16. A Member expressed concern that without subsidies from the government, construction and maintenance of the proposed VO might not be financially feasible. Another Member added that without sufficient funding, there was very limited scope for the applicant to consider utilising the vacant school site for the proposed VO as substantial site formation and rebuilding works might be required. In response, Mr Martin W.C. Kwan, Chief Engineer (Works), Home Affairs Department, said that some funding would be provided by the Government for maintenance of VOs, but minimal for the construction.

17. A Member said that upon completion of the drainage improvement works and some major roads traversing it, the original natural setting of the “GB” zone had been changed. Two other Members supported this view and added that many of the possible alternative sites for VO as presented by PlanD had been occupied by villagers for various purposes for years and it might not be practical to assume that they could be used for the proposed VO.

18. A Member considered that the justifications provided by the applicant were not convincing enough and could not demonstrate that all possible alternatives had been exhausted, and there was no exceptional circumstances warranting the use of the Site which was within the “GB” zone. The Member said that rather than allowing development to encroach into the “GB” zone, there was scope to utilise part of the existing children’s playground for development of the proposed VO. The Government should take a proactive approach to encourage maximising site utilisation to provide various community facilities. Suitable review should be taken by the LCSD to explore possibility to achieve multi-purpose land use and make best use of land resources and such attempts should not be discouraged simply due to the complexity of procedures involved. Another Member echoed this view and considered that with suitable design measures, the children’s playground would not be adversely affected even if part of it was excised for development of the proposed VO. However, a Member had reservation in this regard as LCSD would have to surrender part of the site before it could be used for the proposed VO and the villagers would most likely react strongly against such proposal. Given the Site was located on the periphery of the “GB” zone and the unique nature of the VO, approval of the application should not set an undesirable precedent.

19. The Vice-chairperson said that he had some reservation on the applicant's argument. Specifically, for those possible sites cited by PlanD within the "V" zone, illegal occupation and land dispute on government land should not be the major reason standing in the way of the applicant's further examination of the suitability of using one of those sites for the proposed VO. A Member considered otherwise and said that it was not practical to assume that the government land concerned could be used for the proposed VO without going through lengthy land clearance procedures. On the other hand, without funding support, the cost for renovating the vacant school for the proposed VO would likely be unaffordable to the applicant and villagers.

20. A Member considered that based on the information provided by PlanD and the applicant, due effort had been given by relevant parties to explore the prospect of using available government land within the "V" zone for the proposed VO. On overall terms, the application was considered acceptable but there was some concern on whether it would create a precedent case for development on private land around the Site inside the "GB" zone. In response, the Chairperson said that due to the unique nature of the VO, it would unlikely set an undesirable precedent for other types of development in the "GB" zone.

21. A Member considered that the proposal to develop the VO on part of the children's playground was not without merit, noting that the children's playground did not appear to be in high usage and the facilities were quite limited. However, given that the portion of "GB" zone where the Site was located had a relatively low conservation value, this Member had no strong view against the application. In response, a Member expressed doubts on whether the Board was in a position to suggest to the applicant to pursue the proposal to use part of the playground for development of VO, given that the applicant was applying for planning permission at another site. Another Member echoed this view and said that the main consideration for the Board should be whether there was sufficient justification to approve the review application, rather than directing where the proposed development should be located.

22. A Member said that the children's playground was an important facility serving the locals and at the same time there was a genuine need for a VO in Nam Wah Po. It appeared that none of the six pieces of government land within "V" zone as discussed before represented a practical alternative to the Site. Noting that the landscape character of the Site and the surrounding area zoned "GB" had undergone substantial changes over the years and

there would unlikely be another application for an additional VO in the same village, approval of the application should not create a precedent and sympathetic consideration could be given. Two Members supported this view and considered that the review application could be approved. A Member said that the development of a VO was supported but there should be proper mechanism to ensure the VO would not be mis-used and became just a gathering place of a few villagers.

23. A Member said that given the proposed VO was a facility to serve the local community, rather than for the personal benefit of the applicant, it could warrant a sympathetic consideration. The Board should make clear that such sympathetic consideration was not applicable to proposals involving the development of Small Houses outside the “V” zone.

24. In response to a Member’s enquiry on whether condition restricting the use of the VO could be imposed, the Secretary said that if the application was approved, the planning permission would lapse upon completion of the approved development. For matters requiring continuous monitoring or long-term obligations from the applicant beyond the life of the planning permission, it would be more suitable to stipulate these requirements into the STT or building licence to be granted by LandsD.

25. In response to the Chairperson and a Member’s comment, Mr Raymond K.W. Lee, Director of Planning, said that the Home Affairs Bureau had given policy support for development of the proposed VO. Land use zonings would be subject to review as required. At the moment, there was no plan to review the “V” zone in Nam Wah Po.

26. The Chairperson then summarised the views of Members and said that the proposed VO would serve a useful and meaningful purpose for the local village and there would be only one VO in each recognised village. Members generally considered that the other pieces of government land within the “V” zone were not readily available for development of VO. The Site was immediately adjacent to a road and given the unique nature of the VO, it would unlikely set an undesirable precedent for other developments such as Small Houses in “GB” zone. Regarding some Members’ comments urging for multi-purpose land use and better design of the children’s playground, such views would be conveyed to LCSD for consideration.

27. After deliberation, the Board decided to approve the application on review, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 27.4.2022, 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 permission was subject to the following conditions:

- “ (a) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (c) the provision of protection measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.”

28. The Board also agreed to advise the applicant to note the advisory clauses as set out at Annex G of the Paper.

[Mr Lincoln L.H. Huang and Mr Ricky W.Y. Yu left the meeting at this point.]

**Agenda Item 4**

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-LYT/641

Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone,  
Lot 586 S.B ss.3 in D.D. 85, Lau Shui Heung, Fanling  
(TPB Paper No. 10419)

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[The meeting was conducted in Cantonese.]

**Presentation and Question Sessions**

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

Ms Jessica H.F. Chu	-	District Planning Officer/Shau Tin, Tai Po and North District, PlanD (DPO/STN)
Mr Tim T.Y. Fung	-	Senior Town Planner/North, PlanD
Me Lee Lok Hang	-	Applicant
Mr Lee Koon Young	]	
	]	
Mr Lee Koon Yan	]	
	]	Applicant’s Representatives
Mr Lee Sheung Ching	]	
	]	
Mr Frank Lui	]	

30. The Chairperson extended a welcome and explained the procedure of the review hearing. She then invited DPO/STN to brief Members on the review application.

31. With the aid of a PowerPoint presentation, Ms Jessica H.F. Chu, DPO/STN, briefed Members on background of the review application including the consideration of the application by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board), departmental and public comments, and planning considerations and assessments as detailed in TPB Paper No. 10419 (the Paper).

32. The Chairperson then invited the applicant and his representatives to elaborate on the review application. Mr Lee Lok Hang, the applicant, made the following main points:

- (a) the proposed Small House was to meet his own housing need. There were three existing Small Houses in the vicinity and approval of the proposed Small House would not set an undesirable precedent; and
- (b) as stated by the Indigenous Inhabitant Representative of Lau Shui Heung in his public comment submitted to the Board, there was no plan for agricultural rehabilitation in the area.

33. As the presentation from DPO/STN and the applicant and his representatives had been completed, the Chairperson invited questions from Members.

34. The Chairperson, the Vice-Chairperson and some Members raised the following questions to DPO/STN:

- (a) background of the three existing Small Houses located to the north of the application site (the Site) within the “Agriculture” (“AGR”) zone;
- (b) noting that the Site was located in the “AGR” zone, whether there were any concerns on agricultural and nature conservation aspects;
- (c) the proposed measure to handle sewage generated from the proposed Small House noting that there was a natural river in the vicinity; and
- (d) the number of applications for Small House grant received by the Lands Department (LandsD).

35. In response, Ms Jessica H.F. Chu, DPO/STN, made the following main points with the aid of some PowerPoint slides:

- (a) the development of the three existing Small House to the north of the Site within the “AGR” zone was approved by the Board in 1997, before the promulgation of the ‘Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories’ (Interim Criteria). Since the promulgation of the Interim Criteria in 2000, no similar Small House application within the subject “AGR” zone had been approved;
- (b) as shown on the aerial photos, there were still some active agricultural activities in the area. The Director of Agriculture, Fisheries and Conservation advised that a section of the Kwan Tei River was about 25m away from the Site. In order to protect the natural habitat of the stream, a minimum buffer distance of 15m between the proposed Small House and the river was required;
- (c) based on the advice from the Environmental Protection Department, a septic tank and soakaway system was considered acceptable for the proposed Small House for collection and treatment for the sewage provided that the system was in compliance with the requirements stipulated in the ProPECC PN 5/93. The system should also be located as far away from the river as possible; and
- (d) there were 26 outstanding applications for Small House grant under processing by LandsD for Lau Shui Heung Village.

36. The Chairperson, the Vice-Chairperson and some Members raised the following questions to the applicant:

- (a) whether the Site had been owned by the applicant or his family or it had only been acquired recently; and

- (b) whether he had explored to utilise other suitable sites within the “V” zone for the proposed Small House development.

37. In response, Mr Lee Lok Hang, the applicant, and Mr Lee Koon Young and Lee Koon Yan, the applicant’s representatives, made the following main points:

- (a) the Site was purchased by the applicant in 2013 and it was the only piece of land owned by him;
- (b) there were three existing Small Houses in the vicinity of the Site within the “AGR” zone. Most of the land within the “V” zone were private lots. Despite the applicant wished to look for a suitable piece of land within the “V” zone for the proposed Small House, he had no money to purchase another piece of land from those owners. Moreover, these land owners would unlikely sell their lots as they would keep the land for their decedents to develop Small Houses;
- (c) while there were more than 100 villagers from Lau Shui Heung Village who were eligible for Small House grants, land available within the “V” zone was very limited and unable to meet such demand. Majority of land within the “V” zone was government land or private lots situated on steep terrain and hence could not be used for Small House development; and
- (d) given that the Site was about 25m away from Kwan Tei River, adverse impact on the ecology of the river was not expected. Moreover, the water level in the river had reduced significantly since a reservoir was constructed in the area.

[Mr Alex T.H. Lai left the meeting during the Q&A session.]

38. As Members had no further question, the Chairperson said that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application in the absence of the applicant and his representatives and inform the

applicant of the Board's decision in due course. The Chairperson thanked the applicant, the applicant's representatives and PlanD's representatives for attending the meeting. They left the meeting at this point.

#### Deliberation Session

39. A Member considered that limited land available for Small House development in the subject village might have driven up the land prices, however, there was no strong justification to approve the review application. The Vice-chairperson said that the Site was away from the "V" zone of Lau Shui Heung Village. Even if there was really no alternative site available within the "V" zone, the applicant should explore the possibility to develop the proposed Small House at a site closer to the "V" zone. Based on the information of outstanding application for Small House grants, as shown in Plan R-2a of the Paper, many of them were located along the village 'environ' and far away from the "V" zone. In considering applications for Small House development outside the "V" zone, an incremental approach should be adopted so that these developments would be confined to areas around the existing village cluster to avoid random proliferation of Small House developments outside "V" zone. Another Member expressed concerns that if the subject application was approved, it would open a floodgate for similar applications at sites closer to Lau Shui Heung Road located to the north of the Site.

40. Members noted that the land available within the "V" zone (about 0.43 ha or equivalent to 17 Small House sites) was insufficient to meet the outstanding 26 Small House applications and the future Small House demand forecast of 180 (in total about 5.15 ha or equivalent to 206 Small House sites). In response to the Chairpersons' enquiry, Mr Raymond K.W. Lee, Director of Planning, said that as set out in the Paper, it was estimated that land available within the "V" zone could accommodate 17 additional Small Houses and among the 26 outstanding Small House applications under processing by LandsD, ten of them were located within the "V" zone. In recent years the RNTPC and the Board had adopted a more cautious approach in considering Small House applications. The three existing Small Houses located to the north of the Site within the "AGR" zone were approved by the Board in 1997 and no similar applications had been approved since the promulgation of the Interim Criteria in 2000. During the consideration of the application at s.16 stage, the RNTPC had given due consideration to the actual progress of Small House development in the subject "V"

zone. As reflected from the aerial photo at Plan R-3 of the Paper, most of the V” zone remain undeveloped as most of the Small House applications to LandsD were yet to be approved. The Secretary supplemented that in 2015 when the two similar applications (No. A/NE-LYT/569 and 571) were rejected, the number of outstanding Small House application under processing by LandsD was 4 and the figure had increased to 26 in 2017. It reflected that the majority of the outstanding Small House applications were only submitted to LandsD in the last two to three years. The Vice-chairperson added that from a general perspective there were also some concerns from the public on the reliability of 10-year Small House demand forecast figure provided by Indigenous Inhabitant Representatives and the Board should adopt a more cautious approach in considering applications for Small House development.

41. A Member asked whether the applicant could develop the proposed Small House in another village if he could secure a piece of suitable land. Mr Thomas C.C. Chan, Director of Lands, replied that subject to the receiving village was located within the same Heung and there was no objection from the relevant village representative and villagers, cross-village Small House application could be considered by LandsD.

42. A Member said that many of outstanding applications for Small House developments at sites within the “V” zone were still under processing by LandsD and most of the land in the “V” zone was actually still vacant. It would be more appropriate to review the land use of the area, if required, after these Small House developments were implemented and when there was a better indication of genuine shortage of land within the “V” zone.

43. A Member asked whether there was any control on the order and pattern of growth of village houses outside the “V” zone so that it would be easier for the applicants to follow. Mr Raymond K.W. Lee, Director of Planning, said while a prominent development pattern might not be found in all villages, as a general principle, the Board would consider confining developments near existing village clusters or sites where planning permission for Small House development had been granted so as to maintain a more orderly development pattern and more efficient provision of infrastructure and services.

44. Members generally agreed that while the land available within the “V” zone of Lau Shui Heung was insufficient to meet the outstanding Small House applications and the future

Small House demand forecast, only a relatively small portion of the land within the “V” zone had been developed. Land was still available within the “V” zone for Small House development and it was more appropriate to adopt an incremental approach in considering Small House applications to ensure a more orderly development pattern.

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

- “ (a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone in the Lung Yeuk Tau and Kwan Tei South area which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention; and
- (b) the approval of the application would set an undesirable precedent for similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the environment and landscape quality of the area.”

### **Agenda Item 5**

[Open Meeting]

### **Any Other Business**

[The item was conducted in Cantonese]

46. There being no other business, the meeting was closed at 12:45 p.m..