

HONG KONG TOWN PLANNING BOARD

CONFIDENTIAL

(downgraded on 8.9.2006)

**Minutes of 864th Meeting of the
Town Planning Board held on 11.8.2006**

Agenda Item 4

Consideration of Representations and Comment in Respect of
Draft Urban Renewal Authority Yu Lok Lane
/Centre Street Development Scheme Plan No. S/H3/URA2/1
(TPB Papers No. 7645 and 7646)

[Open Meeting (Presentation and Question Session only)]

[The hearing was conducted in Cantonese.]

1. The Secretary said that as the Development Scheme Plan (DSP) was prepared by the Urban Renewal Authority (URA), the following Members had declared interests in this item:

Mrs. Ava S.Y. Ng - being a non-executive director of the URA
(as Director of Planning)

Mr. Patrick L.C. Lau - ditto
(as Director of Lands)

Miss Linda Law - being a co-opt member of the Planning,
(as Assistant Director (2) of the Development and Conservation Committee
Home Affairs Department) of the URA

Dr. Greg C.Y. Wong - having current business dealings with the
URA

Professor Bernard V.W.F. Lim - ditto

Mr. Michael K.C. Lai - being an ex-member of the URA

2. The Secretary said that Dr. Daniel B.M. To had also declared an interest in this item as he belonged to an organization related to the Tsung Tsin Mission of Hong Kong, which ran Kau Yan Church, the owner of one of representation sites under Representation No.

1. Members noted that Mr. Michael K.C. Lai and Professor Bernard V.W.F. Lim, and Dr. Greg C.Y. Wong had tendered apologies for being unable to attend the meeting and the morning session of the meeting respectively. Mrs. Ava S.Y. Ng and Mr. Patrick L.C. Lau had already left the meeting temporarily and Miss Linda Law and Dr. Daniel B.M. To had already left the meeting.

3. The Chairperson said that on 17.3.2006, the draft Urban Renewal Authority Yu Lok Lane/Centre Street DSP No. S/H3/URA2/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance. 3 valid representations and 1 valid comment were received during the 2-month exhibition period of the DSP and 3-week publication period of the representations respectively.

Presentation and Question Session

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

Ms. Christine K.C. Tse	- District Planning Officer/Hong Kong
Ms. Lily Y.M. Yam	- Senior Town Planner/Hong Kong

5. The following representatives of the representers and commenter were invited to the meeting at this point:

Representation No. 1

Ms. Cheng Lai-king	- Representer's representative
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Representation No. 2

Ms. Betty Ho) Representer's representatives
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Ms. Kit Cheung)
Mrs. Karanda Leung)
Ms. Leung Po Chun)
Mr. Ma Pan)
Ms. Tsui Lai Kuan)
Ms. Yuen Wai Man)
Ms. Cheung Yuk Lan)
Mr. Thomas Tsang)

Comment No. 1

Mr. Michael Ma) Commenter's representatives
Mr. David Au)

6. The Secretary reported that two letters, one from the Office of Lee Chi-hang District Council Member and another from the Central and Western Branch of the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) were received in a petition that morning. The two letters were tabled at the meeting and the contents were basically the same. The petitioners requested the Board to accept the following suggestions on the Yu Lok Lane/Centre Street redevelopment scheme:

- (a) preservation of pre-war buildings and boundary milestones with high conservation value;
- (b) preservation of two old trees and some banyan trees within the redevelopment scheme area;
- (c) construction of open space for the use of the public; and
- (d) inclusion of Tsung Tsin Mansion into the redevelopment scheme.

7. The Chairperson extended a welcome and briefly explained the procedures of the hearing. She then invited Ms. Christine K.C. Tse to brief Members on the background to the representations and comment.

8. With the aid of a PowerPoint presentation, Ms. Christine K.C. Tse covered the

following main aspects as detailed in Paper No. 7645:

- (a) the background of the URA Yu Lok Lane/Centre Street DSP as detailed in paragraph 1.1 of the Paper;
- (b) subjects of the representations – Representations No. 1 and 2 were respectively against the non-inclusion of the open play area of Kau Yan Church and Tsung Tsin Mansion, and non-inclusion of the latter site;
- (c) the grounds of the representations as summarized in paragraph 2.2(a) to (f) of the Paper;
- (d) the representers' proposals as summarized in paragraph 2.2(g) of the Paper. Representer No. 2 indicated that if inclusion of Tsung Tsin Mansion was not accepted, Yu Lok Lane should be excluded from the DSP so as not to infringe upon the redevelopment right of Tsung Tsin Mansion;
- (e) the comment on the representations as detailed in paragraph 3 of the Paper; and
- (f) PlanD's views – PlanD supported amending the DSP to partially meet Representation No. 1 and to meet Representation No. 2 by including Tsung Tsin Mansion into the draft DSP. The planning considerations and assessments of the representers' proposals were detailed in paragraph 5 of the Paper.

9. The Chairperson then invited the representatives of the representers and commenter to elaborate on their representations and comment.

Representation No.1

10. Ms. Cheng Lai-king, representing the Food, Environment Hygiene and Works Committee of the Central and Western District Council, made the following main points:

- (a) the open play area of Kau Yan Church had been zoned "Open Space" ("O") on the OZP for more than 30 years and some of the residential buildings within the redevelopment area were previously zoned "O". The residents in the area

welcomed the “O” zone and would like to have its early implementation;

- (b) the Central and Western District Council supported redevelopment of the area, and wished to relay that 22 out of the 31 owners of Tsung Tsin Mansion supported inclusion of their building into the redevelopment scheme;
- (c) inclusion of Tsung Tsin Mansion would provide a greater scope for the widening of Third Street, which was considered beneficial to the local community;
- (d) the owners of Tsung Tsin Mansion were concerned that the redevelopment potential of Tsung Tsin Mansion, if not included in the scheme, might be adversely affected;
- (e) the residents in the area had also expressed concerns on the future building height of the proposed development and considered development of any out-of-context building undesirable;
- (f) consideration should be given to preserving the old and valuable trees, and preserve some of the building structures which could reflect the architectural features of old tenement buildings; and
- (g) there were also concerns on the accessibility and public order of the proposed public open space with the redevelopment scheme, which was of elongated shape with limited access from Third Street and Centre Street.

Representation No. 2

11. Ms. Betty Ho, representing various owners of Tsung Tsin Mansion, made the following main points:

- (a) the lease of the representation site was virtually unrestricted except with the non-offensive trade and the rate and range clauses. Tsung Tsin Mansion was built by the Tsung Tsin Mission. In view of the rate and range clause, the height and conditions of Tsung Tsin Mansion were built similar to those of the

adjoining buildings, i.e. 6 storeys, and without lift and liquefied petroleum gas (LPG) supply. Despite Tsung Tsin Mansion, which was 29 years' old, was relatively newer when compared with the adjacent buildings of over 40 years, the living conditions of the residents were poor and would further deteriorate with the proposed development. Tsung Tsin Mansion would be enclosed by tall buildings including the adjacent Lechler Court;

- (b) the residents had grave concern on the adverse impact of the proposed development on the redevelopment potential of Tsung Tsin Mansion, particularly noting that similar concern was raised by the Buildings Department; and
- (c) inclusion of Tsung Tsin Mansion into the DSP would allow more comprehensive development of the area, which was in line with the planning intention of the "Comprehensive Development Area" zone.

12. The Chairperson then invited the representatives of the commenter to elaborate on the comment.

Comment No. 1

13. Mr. Michael Ma made the following points regarding the URA's concerns on inclusion of Tsung Tsin Mansion into the DSP:

- (a) around 3,000 buildings (or about 84% of the total stock) within the URA's action areas were built in or before the mid 1970s. The inclusion of a relatively new building like Tsung Tsin Mansion into the DSP would set an undesirable precedent; and
- (b) inclusion of Tsung Tsin Mansion might delay the implementation programme of the redevelopment scheme as not all property owners expressed support to its inclusion into the DSP.

Representation No. 3

14. The Chairperson said that sufficient notice had been given to Representer No. 3, i.e. the Yu Lok Lane/Centre Street/Third Street Owners' Rights Concern Group, and the group had indicated that no representative would attend the hearing.

15. With the aid of a PowerPoint presentation, Ms. Christine K.C. Tse covered the following main aspects of Representation No. 3 and Comment No. 1 as detailed in Paper No. 7646:

- (a) subject of the representation – it was related to the provision of sufficient compensation to ensure rehousing within the same district for the property owners affected by the draft DSP;
- (b) the ground of the representation was mainly that the compensation packages offered by the URA were insufficient for the affected owners to acquire properties in the same district;
- (c) the representer's proposals on the rehousing and compensation arrangements as summarized in paragraph 2.2 (b) and (c) of the Paper;
- (d) the commenter's comments on the representation, which were the URA's responses to the concerns on rehousing and compensation arrangements, as detailed in paragraph 3 of the Paper; and
- (e) PlanD's views – the PlanD did not support any amendment to the DSP to meet Representation No. 3 since the concerns on rehousing and compensation were outside the ambit of the Town Planning Ordinance and should be considered at the acquisition and implementation stages.

16. Members noted that Commenter No. 1 had no further point to add.

17. A Member enquired about the views of the remaining 9 owners who had not expressed support for inclusion of Tsung Tsin Mansion and whether they were mainly owners of the ground floor premises. In response, Ms. Betty Ho said that the remaining 9 owners had not engaged her company to represent them in submitting the representation. It was her

understanding that there were 6 owning ground floor premises, of which 5 had indicated support for the inclusion of Tsung Tsin Mansion in the DSP while the remaining one had not expressed any view on this proposal.

18. Ms. Cheung Lai King said that it was difficult to gather the views of all the 31 owners as not all owners attended the meetings arranged on the subject matter, and there was no Owners' Corporation formed for Tsung Tsin Mansion.

19. Ms. Kit Cheung supplemented that she had resided in Tsung Tsin Mansion for a number of years and had contacted almost all the owners. The owners who had not signed in support of the inclusion of Tsung Tsin Mansion were mainly elderly people. They had neither indicated opposition to nor expressed any view on the proposal. Some of them considered it troublesome to request for inclusion of Tsung Tsin Mansion into the redevelopment scheme. One questioned the need for making such a request and another one expressed concern about compensation which might not be adequate to acquire a flat in the same district.

20. Another Member asked whether a choice could be offered to the URA to include Tsung Tsin Mansion in the DSP only if all the properties could be successfully acquired. The Chairperson said that it would not be appropriate as there should be a clear scope of the redevelopment scheme.

21. In response to a Member's enquiry on whether there was any precedent of including buildings of similar age as Tsung Tsin Mansion in other redevelopment schemes of the URA, Mr. Michael Ma said that a relatively new building located at the centre of the First Street/Second Street DSP was included to ensure the integrity of that scheme. The URA had reservation on the inclusion of Tsung Tsin Mansion as it was located at the fringe of the DSP.

22. Ms. Betty Ho referred to a drawing shown at the meeting and said that the relatively new building was actually not located at the centre of the First Street/Second Street DSP. Its inclusion was aimed at turning that redevelopment site into a Class C site which could enjoy a higher plot ratio. That building, which was built in 1986, was even newer than Tsung Tsin Mansion.

23. Another Member asked whether there was any problem encountered when

acquiring that relatively new building in the First Street/Second Street DSP. Mr. Michael Ma said that some affected owners did raise objection against acquisition of their properties.

24. In response to a Member's enquiry on whether there was any right of access of Tsung Tsin Mansion to Yu Lok Lane, Ms. Betty Ho said that Tsung Tsin Mansion was not directly linked to Yu Lok Lane, but linked with a rear lane, which served as a fire escape.

25. As the representatives of representers and commenter had finished their presentations and Members had no further question to raise, the Chairperson informed them that the hearing procedures for the representations and comment had been completed, and the Board would deliberate on the representations and comment in their absence and inform the representers and commenter of the Board's decisions in due course. The Chairperson thanked the representatives of representers and commenter, and the representatives of the PlanD for attending the meeting. They all left the meeting at this point.

Deliberation Session

26. Ms. Starry W.K. Lee, being a member of the DAB, declared that the petition letter has submitted by other DAB's members and they had not contacted or discussed with her the issue before the meeting.

27. A Member said that while there was merit to include Tsung Tsin Mansion in the DSP for comprehensive development, its inclusion was not supported as extra time would be required in acquiring the concerned properties and this might delay the implementation programme of the scheme.

28. However, a majority of the Members supported the inclusion of Tsung Tsin Mansion in the DSP and had the following views:

- (a) Members had thought of including Tsung Tsin Mansion in the DSP already during the consideration of the draft DSP by the Board in February 2006. Having considered the representations made, its inclusion was considered desirable as it could provide a wider entrance to the proposed open space, which was quite narrow as proposed by the URA;

- (b) the previous concern on the owners' possible opposition had been addressed with the support expressed by a majority of the property owners of Tsung Tsin Mansion. As for the URA's concern on setting an undesirable precedent, should the Board agree with the representers' proposal, it would be the decision of the Board rather than the URA's policy to include newer buildings in their development schemes; and
- (c) it was considered desirable to include Tsung Tsin Mansion in the DSP in view of the poor conditions of the building and the greater design flexibility that could be provided for the redevelopment scheme.

29. The Chairperson said that while the concern on the possible adverse implication on the implementation programme was understandable, the inclusion of Tsung Tsin Mansion would better achieve the objective of comprehensive planning and enhance the design flexibility of the redevelopment scheme. Moreover, in view of the strong public sentiment in support of such inclusion, it was considered appropriate to propose amendment to the DSP to include Tsung Tsin Mansion.

Representations No. 1 and 2

30. After deliberation, the Board decided to propose amendment to the plan to partially meet Representation No. 1 and meet Representation No. 2 by including Tsung Tsin Mansion into the boundary of the draft Urban Renewal Authority Yu Lok Lane/Centre Street Development Scheme Plan No. S/H3/URA2/1. The Board agreed to the proposed amendment to the plan as shown at Annex III and the proposed revision to the Explanatory Statement of the plan at Annex IV of the Paper. The proposed amendment to the plan as agreed by the Board should be published for three weeks for further representations in accordance with the provisions of the Town Planning Ordinance.

31. The Board also decided not to propose amendment to the plan to meet the remaining part of Representation No. 1 reason being that the open play area was part of Kau Yan Church and there was no information in the submission to justify the inclusion of the open play area of Kau Yan Church within the scheme area of the Yu Lok Lane/Centre Street Development Scheme Plan.

Representation No. 3

32. After deliberation, the Board decided not to propose any amendment to the plan to meet Representation No. 3 reason being that the concerns on acquisition issues such as rehousing and compensation arrangements could be addressed during the acquisition and implementation stages of the Urban Renewal Authority Yu Lok Lane/Centre Street Development Scheme.

33. The Chairperson reminded Members that the Board's decisions on the representations and comment should be kept confidential for 3 to 4 weeks so as to allow time to arrange for the gazette of the expanded DSP boundaries, and for the URA to organize and conduct the additional freezing survey.

34. In response to a Member's question, the Secretary said that the Board had previously agreed to the arrangement of not releasing the Board's decisions for 3 to 4 weeks on all draft DSPs and on representations on draft DSPs, irrespective of whether the DSP boundaries would be amended or not. The Secretariat would inform Members when the decisions could be disclosed in due course.

[Mr. Erwin A. Hardy and Professor Paul K.S. Lam left the meeting, while Mrs. Ava S.Y. Ng and Mr. Patrick L.C. Lau returned to join the meeting at this point.]