

**Minutes of 1013th Meeting of the
Town Planning Board held on 8.6.2012**

Present

Mr. Stanley Y.F. Wong

Vice-Chairman

Professor S.C. Wong

Mr. Timothy K.W. Ma

Ms. Bonnie J.Y. Chan

Professor K.C. Chau

Mr. H.W. Cheung

Dr. Wilton W.T. Fok

Mr. Ivan C.S. Fu

Mr. Lincoln L.H. Huang

Professor Eddie C.M. Hui

Mr. Dominic K.K. Lam

Dr. C.P. Lau

Mr. Patrick H. T. Lau

Ms. Julia M.K. Lau

Mr. Maurice W. M. Lee

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

Dr. W.K. Lo

Mr. Roger K.H. Luk

Ms. Anita W.T. Ma

Mr. Stephen H.B. Yau

Dr. W.K. Yau

Principal Assistant Secretary (Transport)
Transport and Housing Bureau
Mr. Fletch Chan

Deputy Director of Environmental Protection
Mr. Benny Wong

Director of Lands
Miss Annie Tam

Director of Planning
Mr. Jimmy C.F. Leung

Deputy Director of Planning/District
Miss Ophelia Y.S. Wong

Secretary

Absent with Apologies

Permanent Secretary for Development
(Planning and Lands)
Mr. Thomas Chow

Chairman

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Mr. Sunny L.K. Ho

Professor P.P. Ho

Miss Janice W.M. Lai

Ms. Christina M. Lee

Mr. H.F. Leung

Assistor Director (2), Home Affairs Department
Mr. Eric Hui

In Attendance

Assistant Director of Planning/Board
Mr. C.T. Ling

Chief Town Planner/Town Planning Board
Ms. Maggie M.Y. Chin

Senior Town Planner/Town Planning Board
Ms. Donna Tam

Agenda Item 1

[Open meeting]

Confirmation of Minutes of the 1012th Meeting held on 25.5.2012

[The meeting was conducted in Cantonese.]

1. The minutes of the 1012th meeting held on 25.5.2012 were confirmed without amendments.

Agenda Item 2

[Open meeting]

Matters Arising

[The meeting was conducted in Cantonese.]

2. There were no matters arising.

Agenda Item 3

[Open meeting]

Consideration of Further Representations to
the Draft Kai Tak Outline Zoning Plan No. S/K22/3
(TPB Paper No. 9099)

[The meeting was conducted in Cantonese.]

3. Mr. Patrick H.T. Lau had declared an interest in this item as he was a Member of the Kai Tak Development Taskforce of the Harbourfront Commission. As Mr. Lau's interest was indirect and the subject item was part of the plan-making process, Members agreed that Mr. Lau should be allowed to stay at the meeting for the item.

Presentation and Question Session

4. The following representatives from the Planning Department (PlanD) and Civil Engineering and Development Department (CEDD), representers and further representers and their representatives were invited to the meeting at this point:

Miss Fiona Lung District Planning Officer/Kowloon (DPO/K),
PlanD

Mr. Stephen Chan Senior Town Planner/Kowloon (STP/K), PlanD

Ms. Carmen Chan Town Planner/Kowloon (TP/K), PlanD

Mr. Anthony Lo Chief Engineer/Kowloon (CE/K), CEDD

F7 (Tsui Siu Ning)

R1023 (Tsui Siu Ning)

Ms. Tsui Siu Ning Further Representer/Representer

F9 (A group of residents in the Latitude)

R204 (Augustine Lee)

Mr. Augustine Lee Kin Wah Further Representer's Representative/
Representer

R52 (Chan Sau Lin)

R53 (Tsang Kam Mui)

R54 (Chan Sau Chun)

R55 (Tsang Hing Hung)

R56 (Woo Tip Ngan)

Ms. Chan Sau Lin Representer/Representers'
Representative

R67 (Lung Hon Lui)

R80 (Lung)

Ms. Lung Yuk Ying Representers' Representative

R813 (Leung Chi Wang)

Mr. Leung Chi Wang

Representer

[Ms. Julia M.K. Lau arrived to join the meeting at this point.]

5. The Vice-chairman said that reasonable notice had been given to invite the representers, commenters and further representers to attend the hearing, but other than those who were present at the meeting, the rest had indicated that they would not attend the hearing or did not reply. Members agreed that the Board should proceed with the hearing in the absence of these representers, commenters and further representers.

6. The Vice-chairman extended a welcome and invited DPO/K to brief Members on the further representations.

7. With the aid of a Powerpoint presentation, Miss Fiona Lung, DPO/K, made the following main points as detailed in the Paper:

- (a) on 26.8.2011, the draft Kai Tak Outline Zoning Plan (OZP) No. S/K22/3, incorporating amendments arising from the in-situ preservation of the Lung Tsun Stone Bridge remnants, the relocation of roads away from the waterfront of the Runway and South Apron, the realignment of the underground shopping streets, the urban design enhancement proposals and the latest development proposals, was exhibited for public inspection under s.5 of the Town Planning Ordinance (the Ordinance). A total of 1,117 representations and 159 comments were received;
- (b) on 17.2.2012, after giving consideration to the representations and comments, the Board decided to partially meet 68 representations in relation to the "Comprehensive Development Area (1)" ("CDA(1)") and "CDA(2)" zones by revising the building height (BH) and plot ratio (PR) restrictions of the "CDA(1)", "CDA(2)", "CDA(3)" and "Commercial (6)" ("C(6)") zones, and to partially meet one representation by amending the Explanatory Statement (ES) of the OZP;

- (c) on 9.3.2012, the proposed amendments were published under s.6C(2) of the Ordinance and 10 further representations were received. On 27.4.2012, the Board decided that one further representation was invalid as it was not related to any of the proposed amendment items. F1 to F9 were to be considered by the Board at this meeting;

[Mr. Clarence W.C. Leung and Ms. Bonnie J.Y. Chan arrived to join the meeting at this point.]

The Further Representations

- (d) F1 supported and commended the Board's decision in formulating the draft Kai Tak OZP No. S/K22/3 but made no specific reference to any of the proposed amendment items;
- (e) F2 opposed the relaxation of the BH restriction for the "CDA(1)" zone from 175mPD to 200mPD. F9 was against the proposed amendments to the "CDA(1)" zone, in particular the alignment of the BH sub-zone boundary at the "CDA(1)" zone;
- (f) F3 to F8 in general opposed high-rise/wall buildings in Kai Tak but did not specify which proposed amendment items their further representations were referring to;

Grounds of Further Representations

- (g) F1 supported the draft Kai Tak OZP No. S/K22/3;
- (h) F2 opposed the BH restriction of 200mPD at the "CDA(1)" zone since the surrounding developments were largely below 150mPD; and F3 to F8 opposed high-rise/wall buildings in Kai Tak;
- (i) F3 to F9 considered that the proposed BH restriction of 200mPD and/or alignment of the BH sub-zone boundary for the "CDA(1)" zone would

induce adverse environmental/visual impacts and create wall effect;

- (j) F9 considered that the site specific study results shown in the Air Ventilation Assessment (AVA) No. AVR/G/01 in the AVA Register for the Kai Tak Planning Review had been ignored. The conclusion that a taller and bigger building would have no adverse air ventilation impacts on the Latitude was wrong and misleading;
- (k) F9 considered that misleading information had been provided, giving the impression that the building in the “CDA(1)” zone would only be taller, but not wider;

Further Representers’ Proposals

- (l) F2 and F7 proposed to revert the BH restriction for the “CDA(1)” zone back to 175mPD according to the OZP No. S/K22/2 and F3 proposed to reduce the BH to preserve the view to the Lion Rock;
- (m) F9 proposed to keep the original BH sub-zone boundary for the “CDA(1)” zone as the previously gazetted OZP No. S/K22/2, or to keep BH sub-zone boundary to the east as far as possible/practicable;
- (n) F4 proposed that the Board should duly consider the impact on surrounding housing developments and adopt environmental-friendly design; and F9 proposed to ensure that the air ventilation and noise impacts would not be worsened as a result of the increase of PR and BH/bulk at the “CDA(1)” zone;

[Mr. Laurence L.J. Li arrived to join the meeting at this point.]

Responses to Grounds of Further Representations

BH restriction of 200mPD at the “CDA(1)” zone (F2); high-rise/wall buildings in Kai Tak (F3 to F8)

- (o) the Board's decision to revert to one-tower design concept was made after thorough deliberations of the grounds raised by representers and commenters;
- (p) the one-tower landmark building and the twin-tower design were two townscape design concepts with different emphasis and merits. The one-tower concept had put more emphasis on featuring the building as a landmark next to the Kai Tak River;
- (q) the broad urban design framework set out in the Kai Tak Planning Review for creating landmark development, the BH profile for commercial development in the general area, as well as the need for sustaining the development of Kai Tak as a commercial hub had been taken into account;
- (r) the Chief Town Planner/Urban Design & Landscape (CTP/UD&L), PlanD considered that as compared with the previous BH restriction of 175mPD, the proposed BH of 200mPD could provide a more obvious gradation building height profile;

Environmental Impact

- (s) the current proposed amendments involved the redistribution of commercial gross floor area (GFA) among three "CDA" zones and a "C(6)" zone in the Kai Tak City Centre without increasing the overall commercial GFA level for the area;
- (t) the Director of Environmental Protection (DEP) advised that as these zones were intended for office/retail/hotel use, adverse air quality and noise impacts on the surrounding sensitive uses were not anticipated;

Visual Impact

- (u) the realignment of the BH sub-zone boundary would allow a wider vista along the view corridor of Kai Tak and at the southern entrance of the Preservation Corridor towards the hinterland and the Lion Rock. No adverse visual impact and intensification of wall effect were anticipated;

- (v) the proposed BH restrictions for “CDA(1)”, “CDA(2)”, “CDA(3)” and “C(6)” zones would not breach the 20% building-free zone of the Lion Rock ridgeline at the strategic vantage point at Quarry Bay Park and would not block the view corridor along the Multi-purpose Stadium Complex to the Lion Rock which was the strategic vantage point within the Kai Tak Development;

The site specific study results shown in the AVA and adverse air ventilation impacts on the Latitude (F9)

- (w) the AVA No. AVR/G/01 was carried out in 2006/2007 under the Kai Tak Planning Review to evaluate the air ventilation performance of the three Outline Concept Plans and the draft Preliminary Outline Development Plan (PODP) then prepared. Subsequent to the recommendations of the AVA, the draft PODP had been amended to include the “podium-free” design concept and to reduce the BH of a number of sites along the Prince Edward Road East, among others. The layout of the Kai Tak City Centre had been amended several times since the preparation of the draft PODP in 2006, some of the results in the AVA study had been overtaken by events in the light of the changing circumstances;
- (x) the findings of the latest AVA study in 2010 concluded that the Kai Tak Development would not have significant overall adverse effects on air ventilation conditions inside Kai Tak Development and the surrounding hinterland;
- (y) given that the terraced low-portion design would be maintained and the downward direction of the terraced low-portion was adjusted towards the hinterland, the air ventilation conditions inside Kai Tak Development and the surrounding hinterland areas would be similar as for the twin-tower design;
- (z) any site specific impact could be addressed at the planning application

stage through submission of Master Layout Plan (MLP) with relevant technical assessments, including visual impact, air ventilation impact, environmental impact and traffic impact assessments to the Board;

- (aa) a planning brief would be prepared to set out the design concept as well as the planning requirements for the proposed development;

[Dr. W.K. Lo and Mr. Fletch Chan arrived to join the meeting at this point.]

Misleading information that the building in the “CDA(1)” zone will only be taller, but not wider (F9)

- (bb) the revised BH restriction for the “CDA(1)” zone was formulated based on various considerations and assumptions. Building design features to minimize the building bulk above ground (such as podium-free and basement carpark) and to enhance visual permeability and townscape design (such as cascading low structures and intervening spaces) had been duly considered;
- (cc) the sub-zone boundary had been realigned and the area for the tower portion under the 200mPD BH restriction had been extended/enlarged by 0.1 ha as compared with OZP No. S/K22/2. This would allow greater design flexibility for better building mass disposition and could also incorporate building separations, intervening space and permeable elements as part of the measures to foster a quality and sustainable built environment, and the creation of a distinctive landmark development in the Kai Tak City Centre;
- (dd) the site coverage restriction for the “CDA(1)” zone had been maintained at 65%;

Responses to Further Representers’ Proposals

To revert the BH restriction for the “CDA(1)” zone (F2 and F7); reduce the BH

to preserve the view to the Lion Rock (F3); to keep the original BH sub-zone boundary for the “CDA(1)” zone or to keep BH sub-zone boundary to the east as far as possible/practicable (F9)

- (ee) the one-tower design concept was an acceptable concept as long as the same level of planned commercial/office GFA was maintained;
- (ff) the BH of 200mPD at the “CDA(1)” zone was to allow creating a landmark building next to the Kai Tak River, while maintaining the broad urban design framework set out in the Kai Tak Planning Review;
- (gg) the Head of Pre-Kowloon East Development Office of Development Bureau advised that the scale of office development in Kai Tak would form an office core of the area which was an essential component in the future supply of office spaces of the Kowloon East;
- (hh) the District Lands Officer/Kowloon East considered that any commercial/office GFA displaced should be transferred to other office sites so as to maintain the overall non-domestic GFA in the Kai Tak development;
- (ii) shifting of the BH sub-zone boundary with a slightly larger site area of 0.9 ha for the tower portion development could allow design flexibility to better foster a quality and sustainable built environment. The site coverage restriction for the “CDA(1)” zone had been maintained at 65%;

[Miss Anita W.T. Ma arrived to join the meeting at this point.]

Duly consider the impact on surrounding housing developments and adopt environmental-friendly design (F4); to ensure that air ventilation and other impacts would not be worsened as a result of the increased PR and BH/bulk at the “CDA(1)” zone (F9)

- (jj) the commercial development in the “CDA(1)” zone with the proposed BH of 200mPD would not result in adverse visual, air ventilation,

environmental and traffic impacts;

- (kk) the development sites in Kai Tak including the “CDA(1)” zone would adopt a set of higher greening ratios (i.e. minimum greening ratio for all development sites should be 30% of the site area; 20% at the pedestrian zone and 20% of roof area) to ensure that there was abundant green landscaping at pedestrian zone and rooftop level to enhance the visual amenity of the environment and to achieve the planning vision of developing Kai Tak into a green hub;
- (ll) the future developer is required to submit a MLP together with relevant technical assessments including AVA and other impact assessments to ensure that site specific impact would be addressed;

PlanD’s Views

(mm) the support of F1 was noted;

(nn) F2 to F9 should not be upheld; and

(oo) the Board was recommended to amend the Kai Tak OZP by Amendment Items A to D to the Plan and Items (a) and (b) to the Notes, and the amendments to the ES as shown in Enclosure III of the Paper.

8. The Vice-chairman then invited the representers and further representers and their representatives to elaborate on their submissions.

F9 (A Group of Residents in the Latitude)

R204 (Augustine Lee)

9. Mr. Augustine Lee Kin Wah, representative of F9 and R204, made the following main points:

- (a) the assessment made in the TPB Paper indicated that the views expressed

by representers during the hearing held in February 2012 had not been addressed. The assessment made in the Paper had avoided the contentious issues raised by representers;

- (b) it was questionable why developments should be concentrated within the “CDA(1)” and “CDA(2)” sites, but not other areas within Kai Tak Development. Developments could be allowed at the Kowloon East area as the proposed mono-rail system linking to Kowloon East would improve accessibility there;
- (c) even if the commercial GFA in the Kai Tak Development could not be reduced in order to maintain a critical mass, the displaced floor spaces could be accommodated in other sites;
- (d) Lung Tsun Bridge remnants were located in Kowloon City. Its preservation had made the Kowloon City area more open and provided scope for further development. However, the “CDA(3)” and “CDA(4)” sites near the Kowloon City area were only subject to BH restrictions of 80mPD and 70mPD only. It was unreasonable that the “CDA(1)” and “CDA(2)” sites, which were in San Po Kong area, were used to compensate the floor space displaced as a result of the preservation of Lung Tsun Bridge remnants;
- (e) the current proposal was just to combine the previously proposed twin towers into one single tower at the “CDA(1)” site. The building mass had not been reduced but increased given the increase in area of the “CDA(1)” sub-zone for the tower portion of 200mPD BH restriction. It was wrong to conclude that the future building would be more sustainable and have better quality;
- (f) as noted in PlanD’s presentation, a number of options had been considered by the consultant. However, it was doubtful if the options had been considered from the perspective of the residents living in the old district;

- (g) while the residents might accept to increase the BH at the “CDA(1)” site to 200mPD to accommodate some of the commercial floor space displaced for the preservation of Lung Tsun Bridge remnants, the residents would not accept the further increase in building bulk and the shifting of the tower to the west, as result of the shifting of the sub-zone boundary;
- (h) although the Latitude was located about 200m away from the “CDA(1)” site, the area between was occupied by the 10-lane Prince Edward Road East and the 100mPD government building under construction. The high-rise building at the “CDA(1)” site would block air ventilation and aggravate the reflection of noise from the busy Prince Edward Road East to the Latitude;
- (i) the AVA No. AVR/G/01 concluded that the Latitude site was mostly affected by the Kai Tak Development. It was noted in the Paper that this AVA which was done in 2006 was now not applicable as the “podium-free” design concept had been adopted and the BH of sites at Prince Edward Road East had been reduced. However, the BH and bulk of building at the “CDA(1)” site at Prince Edward Road East had now been increased. It should be explained why the AVA conclusion was considered not applicable. It was not clear which parts of the results in the 2006 AVA had been overtaken by events as stated in paragraphs 3.16 and 3.17 of the Paper;
- (j) the conclusion of the AVA study undertaken in 2010 that the Kai Tak Development would not have significant overall adverse effects on air ventilation conditions inside Kai Tak Development and the surrounding hinterland areas also made F9 frustrated, as it was not clear what the meanings of “significant” and “overall adverse effects” were;
- (k) the AVA undertaken in 2010 had not put emphasis on impact of the Kai Tak Development on the adjacent old district. Using the findings in this AVA study to conclude that the proposed 200mPD bulky building directly in front of the Latitude would not generate adverse impact on the Latitude

was considered irresponsible, unprofessional and unethical; and

- (l) Board Members were requested to consider from the perspective of the residents of the Latitude. They had used most of their savings to buy their properties, based on the planning of the Kai Tak Development shown on the approved Kai Tak OZP No. S/K22/2. They would suffer from substantial loss owing to the change of planning in the area. However, the government revenue would increase from the selling of land for commercial development. This was a kind of exploitation.

R52 (Chan Sau Lin)

R53 (Tsang Kam Mui)

R54 (Chan Sau Chun)

R55 (Tsang Hing Hung)

R56 (Woo Tip Ngan)

10. Ms. Chan Sau Lin, representative of R52 to R56, make the following main points:

- (a) she was very disappointed with the amendments to the “CDA(1)” site to increase its BH from 175mPD to 200mPD and the PR from 8 to 10;
- (b) while it was stated in the Paper that the distance between the Latitude and the “CDA(1)” site was 200m, the Paper had not mentioned that the area between the two was occupied by a road and a 100mPD government building. Blocks 7 and 8 of the Latitude would be blocked by these two tall buildings, which would seriously affect the open view and air ventilation of the area. It was very unfair to the residents of the Latitude;
- (c) paragraphs 3.7 and 3.13 of the Paper stated that the realignment of the sub-zone boundary to “NE-to-SW” direction was to allow a wider vista from the view corridor of Kai Tak and the southern entrance of the Preservation Corridor towards the hinterland and the Lion Rock. It also allowed design flexibility to better foster a quality and sustainable built

environment. PlanD therefore concluded that no adverse visual impacts and intensification of wall effects were anticipated. Such assessment was misleading;

- (d) any potential visual impacts of the development would be on the residents living in the old district at San Po Kong, but not the on tourists visiting the Kai Tak area. The assessment focused on the view corridor of Kai Tak to make a conclusion that there would not be any adverse visual impact or intensification of wall effect was unreasonable. The open view of Blocks 7 and 8 of the Latitude would be blocked by the 100mPD government building and the 200mPD landmark building. The interest of residents in the old district had been ignored and the conclusion violated the principles of sustainable development; and it did not respect the right of living. People's right of living should be fairly treated and should not be exploited for commercial benefits;
- (e) while it was stated in paragraphs 3.19 and 3.28 of the Paper that relevant technical assessments would be submitted to the Board for consideration by the future developer, it should be noted that even if the public would be consulted on the developer's proposal and technical assessments, there would be little scope to change the development proposal at that time;
- (f) an impartial and open study report had been submitted by representers at the hearing held in February 2012. The report concluded that the air temperature at San Po Kong area reached 37°C; the air ventilation of the San Po Kong area would be mostly affected by the Kai Tak Development; the Latitude was the worst amongst all the air pollution spots; the air quality of San Po Kong area was the worst and the colour of the dust was black; and the noise reached 96dB which was 3 times above normal level. To improve the environment of the area, the follow proposals should be considered:
 - (i) to retain the BH and sub-zone boundary of the "CDA(1)" site as shown on OZP No. S/K22/2. The sub-zone boundary should be

shifted to the east as far as possible, as developments to the east were mostly industrial uses which were less susceptible to air quality impact;

(ii) to explore sites in the San Po Kong area for commercial developments; and

(iii) to enhance exterior design of the building at the “CDA(1)” site; and

(g) PlanD had only compared the currently proposed single tower with the twin towers proposal in assessing their potential adverse impact. It was considered that the comparison should be made with the land use shown on OZP No. S/K22/2. The public had made their investments based on the land uses shown on the approved OZP No. S/K22/2. The sudden substantial changes in the land use planning had affected people’s confidence on the Government. A responsible Government should not work to satisfy commercial interest at the expense of ordinary people’s investment on their homes.

R93 (Cheung Tin Fat)

R142 (Cheung Tin Fat & Chan Lai Shan)

R653 (Cheung Ka Fu)

R726 (Cheung Ming Ko)

R952 (Chan Hau Shui)

R1043 (Chan Lai Shan)

R1062 (Cheung Tin Fat)

11. Mr. Cheung Tin Fat, representative of R93, R142, R653, R726, R952, R1043 and R1062, made the following main points:

(a) the residents living in the old district hoped that the Board could amend the Kai Tak OZP by reverting back to the land uses shown on OZP No. S/K22/2. However, it was disappointed that this had not been made in the currently proposed amendments;

- (b) residents of the Latitude had been affected by noise impact due to the construction of the government building since April this year. This had been very disturbing to the daily lives, in particular, of the elderly and the children. It was very frustrated that the construction period would last for a further five to six years for the construction of a 200mPD tall bulky building in front of their homes;
- (c) the new developments would affect daily lives of local residents and generate adverse impact on air ventilation and traffic condition in the area;
- (d) in this connection, the representers had the following proposals:
 - (i) the Kai Tak OZP should be amended to follow the land uses shown on the version approved on 6.11.2007;
 - (ii) the noise and air quality impacts should be addressed in the planning process, such that adverse impacts on local residents could be reduced;
 - (iii) the exterior design of the building at the “CDA(1)” site should not affect wind circulation and should be beautiful. Reflective glossy building should be avoided;
 - (iv) to increase greening and environmentally friendly elements in the surrounding areas and roofs of building blocks;
 - (v) to plant more trees in the central divider and on both sides of Prince Edward Road East to reduce noise impact; and
 - (vi) to provide traffic infrastructure in support of the Kai Tak Development so as to reduce traffic congestion.

12. Mr. Wong Wai Chi made the following main points:

- (a) the population of Wong Tai Sin was 418,900 people;
- (b) the Government should spend time and pay more effort to solve the traffic and noise pollution problems such that the living environment in the old district could be improved; and
- (c) the planning of the new development area should integrate with the old district.

R97 (Lee Wing Yee)

13. With the aid of a Powerpoint presentation, Ms. Lee Wing Yee made the following main points:

- (a) a landmark building was not necessarily to be a high-rise development;
- (b) it was misleading that the building in the “CDA(1)” zone would only be taller, but not wider. The increase of the sub-zone area within the “CDA(1)” site from 0.8 ha to 0.9 ha amounted to 12.5% increase. The increase should not be considered as minor in terms of its impact to the Latitude, in particular that the BH and PR of the building had been increased. The design flexibility arising from the 0.1 ha increase in the sub-zone area was given at the expense of the health of the residents;
- (c) it was noted that PlanD’s consultant had concluded that the currently proposed development was considered as an “acceptable concept”. However, the residents of the Latitude were not just looking for an “acceptable” living environment. They had used up most of their savings to buy their homes and they wanted a perfect home; and
- (d) the consultant of PlanD had only taken one viewpoint at the western end of

the Latitude to assess the visual impact of the development from the “CDA(1)” site. The mostly affected parts of the Latitude development, i.e. Blocks 7 and 8, had not been assessed.

R109 (Lam Him Shing)

R208 (Lam Him Shing)

14. Mr. Lam Him Shing made the following main points:

- (a) while the twin towers had been combined to one single tower in the current proposal, the bulk of the building had been increased as a result of the increase in BH and PR;
- (b) the adverse impact created by the “CDA(1)” development would be borne by a small group of people i.e. residents of the Latitude. It would be fairer to accommodate the GFA displaced due to the preservation proposal evenly in all sites, instead of concentrating in the “CDA(1)” site; and
- (c) he suggested to increase the BH for those sites with BH restriction of 80mPD/40mPD by 10m.

R110 (Fung Wah Cheong)

R209 (Chan Ki Tak)

15. Mr. Chan Ki Tak, representatives of R110 and R209, made the following main points:

- (a) no greening proposal, in particular landmark-type greening proposal, was shown on the plan;
- (b) there had been no improvement to the traffic condition in the Kowloon City area for the last 20 years;
- (c) it was doubtful if a landmark building was required as there would be

public housing development in the adjacent area; and

- (d) it was hoped that the Kai Tak Development could be carefully planned and would be a perfect development area. A completed development was not reversible.

[Miss Annie Tam arrived to join the meeting at this point.]

F7 (Tsui Siu Ning)

R1023 (Tsui Siu Ning)

16. Ms. Tsui Siu Ning, representatives of F7 and R1023, made the following main points:

- (a) high-rise building might not necessarily be regarded as a landmark. A high-rise building would not form a landmark among other high-rise developments. There was no need for a landmark building in the area;
- (b) it was noted that the site with a revised BH of 40mPD and the sites for proposed art and performance uses, which were for low-rise development, were located in front of the Regal Hotel. Such arrangement gave an impression of favouritism to the commercial sector;
- (c) the proposed art and cultural uses were duplicating with that to be provided at the West Kowloon Cultural District. These sites should be used to accommodate the GFA displaced due to the preservation of the Lung Tsun Bridge remnants;
- (d) it was noted that residential developments were proposed along the runway. There was no information on the BH of these residential developments. If a landmark was required in this area, such landmark should be located at the runway, but not in the congested old residential district;
- (e) the park and the multi-purpose stadium should swap with the “CDA(1)”

site. The site being located near the future Kai Tak MTR station was more convenient;

- (f) the 30% greenery requirement was imposed on individual development within the area. There was no “signature” park in the area, except the proposed Runway Park;
- (g) it was noted that the Kai Tak Development would be developed as an office hub. It was not understood why residential developments, in particular high-class residential developments, were proposed in an office hub. Other sites, such as the sites near the Anderson Road Quarry, were considered more suitable for residential use. The old districts in San Po Kong and Sham Shui Po might also be redeveloped to improve people’s living environment;
- (h) there should be more creative ways to preserve the Lung Tsun Bridge remnants;
- (i) the previous OZP No. S/K22/2 was a result of extensive consultations and was considered as the best option;
- (j) more air corridors should be provided;
- (k) a site at Diamond Hill near Rhythm Garden was suitable for government offices as it was located close to residential area and was more accessible by the public; and
- (l) the current plan was not considered as the best plan. For instance, the sites proposed for hospital use were not accessible and not suitable for such purpose. These sites might be used to accommodate the landmark building. The Kai Tak area was also not suitable for water-related activities as the water was polluted and the area was surrounded by high-rise developments.

[Mr. Timothy K.W. Ma left the meeting at this point.]

R67 (Lung Hon Lui)

R80 (Lung)

17. Ms. Lung Yuk Ying, representative of R67 and R80, made the following main points:

- (a) she objected to the proposed amendments A2 and A3 to the OZP to increase the BH and PR of the “CDA(1)’ site to 200mPD and 10 respectively;
- (b) she decided to buy her flat at the Latitude as her permanent home in Hong Kong, based on the information shown on the OZP No. S/K22/2. This decision seemed to be wrong;
- (c) the proposed amendments had seriously affected residents of Blocks 7 and 8 of the Latitude as the open vista of the flats would be blocked by the building with a long width. In addition, there would also be a number of high-rise buildings, including the government building, with BHs of 150m, 125m and 100m in the area. These high-rise buildings in front of the Latitude would form a wall blocking air ventilation and causing air and noise pollution. This would affect the health of the residents;
- (d) the photomontages shown on Plan FH-10 were misleading as they were taken at a location with the most open view. The photomontage should be done at a location with a poorer view;
- (e) the concerns on air quality, noise, air ventilation and pollution raised by residents at the last hearing had not been addressed; and
- (f) in order to preserve the Lung Tsun Bridge remnants, the residents of Blocks 7 and 8 of the Latitude had to suffer a lot. It was considered unfair to them. While the importance of preservation of historic site was

acknowledged, the health and private properties of the public should not be exploited.

R72 (Lau Sin Ying)

18. Ms. Lau Sin Ying considered the amendments made by the Board regarding the twin towers and the single tower very odd. As per the request of Ms. Lau Sin Ying, Ms. Lee Wing Yee supplemented that although the twin towers were to be replaced by a single tower, the building would become bulkier now. This was considered unreasonable.

19. Ms. Tsui Siu Ning stated that the photomontage showing the view of the Lion Rock (Plan FH-11) was misleading as it was stated in Paper that only 20% of the view of the Lion Rock could be seen.

20. The Vice-chairman said that the proposed amendments would only involve redistribution of the commercial GFA and the total commercial GFA of 450,000m² for the Kai Tak Development would remain unchanged. As for the subject “CDA(1)” site, while the sub-zone boundary had been revised, the overall site coverage restriction of 65% was maintained.

21. As the representers and further representers and their representatives had completed their presentations, the Vice-chairman invited questions from Members.

22. A Member asked if the increase in commercial GFA within the “CDA(1)” site could be achieved without the increase in BH and the adjustment of the sub-zone boundary.

23. In response, Miss Fiona Lung said that a number of scenarios had been tested by the consultant and it was found that in order to allow flexibility in design, an increase of the BH to 200mPD was necessary to accommodate the additional GFA. The current proposal had already included an assumption for two basement levels within the development. Not all the GFA displaced due to the reduction of the BH to 40mPD at the “CDA(2)” site was transferred to the “CDA(1)” site. Some of the GFA was transferred to the “CDA(3)” and the “C(6)” sites, such that the overall commercial GFA within the Kai Tak Development would not be reduced as a result of the reversion to the single tower design. The scope to

reduce the BH of the “CDA(1)” zone was slim. Miss Fiona Lung said that shifting of the sub-zone boundary would result in an increase in area of the tower portion within the “CDA(1)” site by about 5.6%. The change was intended to allow greater design flexibility for better building mass disposition and could also incorporate building separation, intervening space and permeable elements as part of the measures to foster a quality and sustainable built environment. In response to the Vice-chairman’s enquiry, Miss Fiona Lung replied that the amendment to the sub-zone boundary was desirable, but not absolutely necessary.

24. A Member asked whether there was other development between the Latitude and the “CDA(1)” site which would affect the view of the Latitude. Miss Fiona Lung replied that the Latitude was about 200m to 400m away from the “CDA(1)” site. The area between would be a government building which was 100mPD in height. The BH of the Latitude was about 166mPD.

25. Mr. Augustine Lee Kin Wah said that the area in front of the Latitude was the government building under construction and the Prince Edward Road East with 10 lanes which was very noisy. While the lower floors at the Latitude would be affected anyway regardless of the BH of the “CDA(1)” site, the open view of the flats on the higher floors would be blocked by development at the “CDA(1)” site if the BH was increased to 200mPD.

26. In response to a Member’s question on the principle to identify the landmark site within the Kai Tak Development, Miss Fiona Lung said that under the urban design framework for the Kai Tak Development, the BH profile reached its maximum at the landmark commercial development at Kai Tak River and then gradated towards the stadium complex and the Metro Park. Under the twin-tower concept, two 175mPD towers would form a gateway on both sides of Kai Tak River with a pair of symmetrical buildings opening up vista from the curvilinear walkway towards the Station Square. The twin towers, the curvilinear walkway and the landscaped Kai Tak River together would pronounce the gateway image of the locality. While also serving as a gateway, the one-tower concept under the currently proposed amendments had put more emphasis on featuring the building as a landmark next to the Kai Tak River. The gateway concept would also complement with the greening framework of the Kai Tak Development. Within the whole Kai Tak Development area (which was about 323 ha in area), 99.38 ha of land were zoned “Open

Space”. The Metro Park would be a regional open space serving recreational needs of visitors and the local residents. The Metro Park integrated with the open space around the Station Square and the Stadium site would form a comprehensive green hub to achieve the “Stadium in the Park” concept within the Kai Tak Development.

27. A Member asked whether the representers/further representers preferred a better design of the development at the “CDA(1)” site with more design flexibility allowed under a larger sub-zone area, or a design with less flexibility within the smaller sub-zone area.

28. In response, Ms. Lee Wing Yee said that while a beautiful building design was desirable, people’s health and living quality were more important. It was believed that the designers/architects could work out a good design without extending the sub-zone area within the “CDA(1)” site. Ms. Chan Sau Lin said that if there was no shifting of the sub-zone boundary, a narrow view to the sky from her flat could be retained. Mr. Augustine Lee Kin Wah also considered that a narrower building block was preferred.

29. A Member had the following questions:

- (a) the changes of the sub-zone boundary of the “CDA(1)” zone;
- (b) the changes to the BH of the “CDA(2)” zone on the different versions of the OZP and whether the changes improved the visual impact to the Latitude;
- (c) whether the “G/IC” site to the north with the 100mPD BH restriction was incorporated in the OZP No. S/K22/2 approved in 2007; and
- (d) what was the BH of the Latitude development and when the development was completed/sold?

30. Referring to Plan FH-7 of the Paper, Miss Fiona Lung made the following main points:

- (a) on OZP No. S/K22/2 in which a single-tower concept was adopted, the

BHs of the “CDA(2)” and “CDA(1)” sites were 40mPD and 175mPD respectively. The BHs of both sites had been increased to 175mPD on OZP No. S/K22/3 under the twin-tower design concept. However, subsequent to the consideration to the representations to the OZP No. S/K22/3, the Board decided to propose amendments to revert the BH of the “CDA(2)” zone back to 40mPD and increase the BH of the tower portion of the “CDA(1)” zone to 200mPD;

- (b) subsequent to the consideration to the representations to the OZP No. S/K22/3, it was also decided to realign the sub-zone boundary of the “CDA(1)” site by shifting it to the west along a “NE-to-SW” direction with a slightly larger site area for tower portion development (+0.1 ha as compared with the sub-zone area on OZP No. S/K22/2); and
- (c) the concerned “G/IC” zone with a BH restriction of 100mPD to the north of the subject “CDA(1)” site had been incorporated in the OZP No. S/K22/2.

31. With the aid of a Powerpoint slide, Ms. Lee Wing Yee made the following main points:

- (a) the OZP No. S/K22/2 was approved by the ExCo in 2007. Owners of the Latitude bought their flats in early 2008, basing on the land use information shown on the approved OZP; and
- (b) the flats had been handed over to owners since early 2011. Owners were not aware of any proposed changes to the land use in the Kai Tak Development area as the OZP No. S/K22/3 was exhibited from August to October 2011 when owners were busy fitting and decorating their flats and started to move in. The District Council (DC) was in recess during the period and there was no consultation made with the DC.

32. Mr. Augustine Lee Kin Wah said that the reduction of the BH of the “CDA(2)” site was just a reversion back to the BH shown on the OZP No. S/K22/2 which was in force

when owners bought their flats at the Latitude. While some of the flats would be benefited from the reversion of the BH of the “CDA(2)” zone to 40mPD, most of the flats would suffer more with the increase in bulk of the building at the “CDA(1)” site. Ms. Lee Wing Yee showed Members with a Powerpoint slide and stated that only a small number of flats had their view improved with the reduction of BH at the “CDA(2)” site.

33. A Member asked if the Metro Park could be swapped with the City Centre.

34. Mr. Anthony Lo, CE/K, explained to Members that according to the EIA report prepared for the Kai Tak Development, a 600m wide opening was proposed at the runway to enhance water circulation and flushing effect so as to improve the water quality at the Kai Tak Approach Channel. Miss Fiona Lung said that owing to the 600m wide opening, the area could only be decked over and used as open space. As such, it was proposed that the Metro Park be located there.

35. In response to a Member’s question on the background of the Latitude development, Miss Fiona Lung said that the Latitude site was previously occupied by a government building. The BH of the Latitude was 166mPD, but according to the approved Tze Wan Shan, Diamond Hill and San Po Kong OZP No. S/K11/25 covering the Latitude site, the Latitude site was subject to a maximum BH restriction of 100mPD or the existing BH. The residential developments to the north of the Latitude site were also subject to a maximum BH of 100mPD. No AVA was undertaken for the Latitude development. The Secretary supplemented that the Technical Circular for AVA was not yet in force when the concerned site was disposed.

36. In response to a Member’s question on the urban design concept of the twin-tower and one-tower designs, Miss Fiona Lung said that the one-tower landmark building in the previously approved OZP No. S/K22/2 and the twin-tower design were two townscape concepts with different design intent, built form and merits. Under the twin-tower concept, the two 175mPD towers would form a gateway on both sides of Kai Tak River. While also serving as a gateway, the one-tower concept had put more emphasis on featuring the building as a landmark next to Kai Tak River, providing an anchor in the setting of an open park/Station Square. During the consideration to the representations and comments to the OZP S/K22/3 in February this year, noting that the one-tower design was

also an acceptable concept reached at the public consultation stage of the Kai Tak Planning Review, the Board decided to revert to the one-tower concept, so long as the planned provision of commercial/office GFA could be maintained.

37. Mr. Chan Ki Tak said that most of the residents in the Latitude and the Wong Tai Sin and San Po Kong area objected to the twin-tower design, as this would generate adverse traffic, air ventilation and environmental impacts to the area. While it was proposed to revert back to the one-tower design, the BH and the bulk of the building had been increased and would still have adverse impact on most of the flats at the Latitude. The proposal shown on the OZP No. S/K22/2 approved by ExCo in 2007 was a result of wide public consultation and should be respected.

38. In response to two Members' question on the difference of the frontage of the tower portion of the "CDA(1)" site between the previous and the current proposals, Miss Fiona Lung said that compared with the OZP No. S/K22/2, the sub-zone boundary had been shifted to the west by about 11m. Miss Lung said that while the sub-zone boundary had been shifted, the impact should be assessed basing on the actual building design and orientation, instead of the sub-zone boundary.

39. Mr. Chan Ki Tak referred Members to Plan FH-3 of the Paper and said that there were greening proposals in the centre of the Kai Tak Development area, but not along Prince Edward Road East. He therefore requested that more greening should be provided along Prince Edward Road East. Mr. Wong Wai Chi said that the 30% greening requirement was applicable to the Kai Tak area only. However, there was no greening within the area from Rhythm Garden throughout the whole Kowloon City. The area was all occupied by building blocks. Mr. Augustine Lee Kin Wah said that part of the greening would be provided on roof of building blocks. It was considered as meaningless to provide greening on the roof of a 200mPD high-rise building. Mr. Lee also said that the AVA conducted in 2010 recommended the provision of setbacks of building blocks in the area to make the area more open for air ventilation. However, there seemed to be no setback at the government building which was under construction. He would also like to be confirmed whether both the tower portion and the low-rise portion of the "CDA(1)" site be subject to the 65% site coverage restriction.

40. Ms. Tsui Siu Ning reiterated the following main points:

- (a) her investment was made according to the approved OZP;
- (b) the importance of preservation of historic site was recognized, other feasible options should be considered; and
- (c) landmark building might not be necessarily good.

[Ms. Julia M.K. Lau left the meeting at this point.]

41. Ms. Lee Wing Yee reiterated/supplemented the following main points:

- (a) the BH of “CDA(2)” was 40mPD on OZP No. S/K22/2. The current amendment was just to revert back to the 40mPD on the approved OZP. There was no reduction in BH and the amendment could not be regarded as a gain to the Latitude;
- (b) from her observation from Plan FH-1 of the Paper, the increase in the frontage of tower zone at the “CDA(1)” site facing the Latitude was more than 10%;
- (c) there was inadequate consultation on the proposed changes to the approved OZP No. S/K22/2. The amendment process was considered as unfair to the residents of the Latitude; and
- (d) the right of the residents living in the old district should not be sacrificed for new development. New development area should be planned to integrate with the old district.

42. Mr. Lam Him Shing said that while the increase in area of the tower portion would give more flexibility in the detailed design stage, there would not be any control on the future development if the area of the tower portion had been extended.

43. Ms. Chan Sau Lin said that the construction works of the government building had made a lot of nuisance to residents of the Latitude. Residents needed to suffer for five to six years more because of the construction works for a bulkier building at the “CDA(1)” site.

44. As Members had no further question to raise, the Vice-chairman said that the hearing procedures had been completed and the Board would deliberate on the representations in the absence of the representers, further representers and their representatives. The representers and further representers would be informed of the Board’s decision in due course. The Vice-chairman thanked the representers and further representers and their representatives, and representatives from PlanD and CEDD for attending the meeting. They all left the meeting at this point.

[Mr. H.W. Cheung and Dr. W.K. Yau left the meeting at this point.]

Deliberation Session

45. A Member said that preservation of private view was not a relevant consideration in the plan-making process. However, if the shifting of the sub-zone boundary was just to provide more design flexibility and was not absolutely necessary, on balance, consideration could be given to revert back to the sub-zone boundary as shown on the OZP No. S/K22/2. This was supported by another Member.

[Mr. Clarence W.C. Leung left the meeting at this point.]

46. A Member said that while the representers/further representers raised concern on the impact of the “CDA(1)” development on the health of the residents in the surrounding areas, such concern would be difficult to be substantiated. This Member was of the view that the 200mPD BH for the “CDA(1)” zone should be maintained. However, it was noted that the shifting of the sub-zone boundary was not absolutely necessary. This Member shared the view that consideration might be given to revert the sub-zone boundary.

47. The Secretary said that as advised by DPO/K, the revision of the sub-zone boundary of the “CDA(1)” site was to allow more design flexibility for better mass

disposition and to achieve a more sustainable built environment. However, the increase in area for the tower portion was not absolutely required. The Secretary said, in response to the question made by a representer above, the “CDA(1)” zone was subject to a maximum site coverage restriction of 65% and this site coverage restriction was applicable to the whole site.

48. In response to the concern of a Member on whether other buildings would be affected by the high-rise developments in the Kai Tak area, the Secretary said that it was difficult to plan for new developments without affecting the view of existing developments.

49. Another Member was of the view that planning was an on-going process, all OZPs would be subject to amendments to take into account changing circumstances. In considering the proposed amendments, it would be difficult to ensure that open view of individual flats and property prices of private properties would not be affected as submitted by representers and further representers.

50. A Member said that the concern on the lack of greening might need to be addressed.

51. The Vice-chairman said that the concern of the representers/further representers was mainly on lacking of greenery within the old district. The Secretary said that the representers/further representers were making reference to the Urban Design Framework shown on Plan FH-3 of the Paper which did not show detailed greening proposals. The landscape and open space proposals were detailed in the Landscape Master Plan for the Kai Tak Development. There was a 30% greening ratio requirement which applied to all sites within the Kai Tak Development.

52. A Member noted that there was a lot of greenery planned for the Kai Tak Development. However, the open spaces to be provided were concentrated within the central part of the runway. This Member considered that more open space should be provided to the area closer to the congested old district. This Member also said that the Kai Tak Development area was considered suitable to provide a landing for a new harbour crossing if there was a plan for the construction of the fourth harbour crossing in Hong Kong.

53. The Secretary said that as advised by DPO/K and CE/K, there would be a 600m

wide opening at the runway to enhance water circulation and flushing effect so as to improve the water quality at the Kai Tak Approach Channel. The opening which would be decked over would pose a constraint to development and this was one of the reasons for siting the Metro Park at that location. The Secretary said that a comprehensive open space network was proposed including a lot of open space fingers to be connected from the Kai Tak Development to the existing developments to the north.

54. In respect of the comment on feasibility of allowing the landing of the fourth harbour crossing in the area, Mr. Fletch Chan, Principal Assistant Secretary (Transport), said that the Government had long-term planning for additional harbour crossing in Hong Kong. At present, the Government was considering the need for the provision of additional rail crossing. The Government would consider the feasibility of providing additional road crossing and the appropriate alignment, if required in future.

55. After further deliberation, the Vice-chairman concluded Members' views that the one-tower design was more acceptable in terms of its environmental and visual impact on the surrounding area. There was an urban design concept for the proposal to form a landmark building as a visual anchor in the Kai Tak City Centre, gradating towards both sides along the Station Square. As there was no increase in commercial GFA within the area, adverse environmental and traffic impacts were not anticipated. Regarding the sub-zone boundary of the "CDA(1)" site, as the proposed revision was only to provide more design flexibility, on balance, the boundary should be further revised by reverting back to the alignment as shown on OZP No. S/K22/2 to address the concern of the representers/further representers. Since MLP had to be submitted for the future development for the "CDA(1)" zone, an application for minor relaxation of the sub-zone boundary could be submitted for the Board's consideration should the developer find that there were technical difficulties to achieve the permissible GFA. The Vice-chairman concluded Members' view that the support of further representation F1 should be noted and further representations F2 to F9 should be partially upheld by further revising the BH control sub-zone boundary of the "CDA(1)" site to follow the alignment shown on OZP No. S/K22/2.

Further Representation No. 1

56. After further deliberation, the Board noted the support of F1.

Further Representations No. 2 to 9

57. After further deliberation, the Board decided to partially uphold the representations of F2 to F9 by revising the BH control sub-zone boundary of the “CDA(1)” zone to follow the alignment shown on OZP No. S/K22/2. The Board also decided not to uphold the remaining parts of the representations of F2 to F9. Members then went through the suggested reasons for not upholding the representations as detailed in paragraph 5.1 of the Paper and agreed that they should be suitably amended as follows:

F2

- (a) the building height restriction of 200mPD for the tower portion of the “CDA(1)” zone had taken into account the permissible development intensity of the zone and the need to allow flexibility for the creation of a distinctive landmark building as a visual anchor in Kai Tak City Centre; and
- (b) reduction of the building height would lead to a loss of the commercial/office gross floor area and undermine the creation of a critical mass for the development of an office node in Kai Tak;

F3 to F8

- (c) the proposed amendments would not result in a major change to the overall townscape in the Kai Tak City Centre, while maintaining the planned commercial/office gross floor area level for office node in Kai Tak;
- (d) reduction of the building height would lead to a loss of the commercial/office gross floor area and undermine the creation of a critical mass for creation of an office node in Kai Tak; and
- (e) for the development within a “Comprehensive Development Area” zone, the developer was required to submit a master layout plan together with the

relevant technical assessments including visual impact, air ventilation impact, environmental impact and traffic impact assessments to the Board for the consideration. Any site specific impact could be addressed at the planning application stage;

F9

- (f) the findings of the Air Ventilation Assessment for the Kai Tak Development completed in 2010 showed that the Kai Tak development would not have significant overall adverse effects on air ventilation conditions inside Kai Tak development and the surrounding hinterland areas; and
- (g) for the development within a “Comprehensive Development Area” zone, the developer was required to submit a master layout plan together with the relevant technical assessments including visual impact, air ventilation impact, environmental impact and traffic impact assessments to the Board for the consideration. Any site specific impact could be addressed at the planning application stage.

58. The Board also decided that:

- (a) the draft Kai Tak Outline Zoning Plan (OZP) No. S/K22/3 should be amended by the proposed amendments as further varied and such amendments should form part of the draft OZP. In accordance with s.6H of the Town Planning Ordinance (the Ordinance), the OZP should thereafter be read as including the amendments;
- (b) the amendments should be made available for public inspection until the Chief Executive in Council had made a decision in respect of the draft OZP under s.9 of the Ordinance; and
- (c) administratively, the Building Authority and relevant government departments would be informed of the decision of the Board and would be

provided with a copy/copies of the amendments.

[Professor K.C. Chau, Mr. Stephen H.B. Yau and Miss Anita W.T. Ma left the meeting at this point.]

Tuen Mun and Yuen Long District

Agenda Item 4

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-HT/759

Temporary Open Storage of Scrap Metal for a Period of 3 Years in
“Residential (Group D)” zone, Lots 1270 (Part) and 1273 in D.D. 124 and
Adjoining Government Land, Ha Tsuen, Yuen Long
(TPB Paper No. 9100)

[The meeting was conducted in Cantonese.]

59. Ms. Janice W.M. Lai had declared an interest in this item as her spouse owned two pieces of land at Ha Tsuen. Members agreed that the interest of Ms. Lai was remote and indirect as the said pieces of land were located far away and would not be affected by the subject application site. Members also noted that Ms. Lai had tendered apology for not being able to attend the meeting.

Presentation and Question Session

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

Mr. W.W. Chan	District Planning Officer/Tuen Mun & Yuen Long (DPO/TMYL)
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Mr. Fong Man Kam	Applicant
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[Ms. Bonnie J.Y. Chan left the meeting at this point.]

61. The Vice-chairman extended a welcome and explained the procedures of the review hearing. He then invited Mr. W.W. Chan to brief Members on the review application.

62. With the aid of a Powerpoint presentation, Mr. W.W. Chan, DPO/TMYL, made the following main points on the review as detailed in the Paper:

- (a) the applicant sought planning permission for temporary open storage of scrap metal for a period of 3 years at a site zoned “Residential (Group D)” (“R(D)”) on the approved Ha Tsuen Outline Zoning Plan (OZP) No. S/YL-HT/10;
- (b) the application was rejected by the Rural and New Town Planning Committee (RNTPC) on 6.1.2012 and the reasons were:
 - (i) not in line with the planning intention of the “R(D)” zone, which was for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into low-rise, low-density permanent residential buildings subject to planning permission from the Board;
 - (ii) not in line with the TPB Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that no previous approval for open storage use had been granted for the site, there were adverse departmental comments and a local objection on the environmental aspect, and the development would generate adverse environmental impacts to the surrounding areas; and
 - (iii) setting of an undesirable precedent for similar applications within the “R(D)” zone, the cumulative impact of which would result in a general degradation of the environment of the area;
- (c) the applicant had submitted written submission in support of the review

application and the major grounds were summarized below:

- (i) the applicant needed time to relocate the large amount of goods on-site and solicited the Board's sympathetic approval for at least half a year;
 - (ii) the development had been in operation for a long time, but there had not been any local complaint. This demonstrated that the development would not generate nuisance or inconvenience to the nearby residents;
 - (iii) the operation hours were confined to 8:30 a.m. to 6:00 p.m. during day time. Vehicles accessing the site were mostly light goods vehicles, and the frequency of access was low. The surrounding areas were mostly vacant structures and unused land. There were few residential dwellings around the site, and only an isolated residential dwelling to the north of the site was located within 50m of the site. The development would not significantly affect the overall environment; and
 - (iv) Lot No. 1270 in D.D. 124 had been used for open storage for over 10 years;
- (d) there were 11 similar applications within the "R(D)" zone, all of them were rejected by the Board mainly for reasons that the development was not in line with the planning intention of the "R(D)" zone; the development was not in line with the TPB Guidelines No. 13E in that no previous approval for open storage use had been granted for the site; there was insufficient information to demonstrate that the development would not have adverse environmental/drainage/traffic impacts on the surrounding area; the development was incompatible with the surrounding land uses; there were adverse departmental comments/local objection(s) on the environmental aspect; and the approval of the application would set an undesirable precedent for similar applications within the "R(D)" zone;

- (e) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the site (the closest being about 25m away) and along the access roads (Ha Tsuen Road and San Sang Tsuen Road) and environmental nuisance was expected. Other relevant government departments had no adverse comments or objection to the application;
- (f) public comments - no public comment was received on the review application, but one public comment objecting to the application was received during the s.16 stage;
- (g) PlanD's views – PlanD did not support the review application based on the assessments set out in paragraph 7 of the Paper, which were summarized below:
 - (i) the applied use was not in line with the planning intention of the “R(D)” zone which was to improve and upgrade existing temporary structures within the rural areas through redevelopment into low-rise, low-density permanent residential buildings;
 - (ii) although there were other open storage uses in the vicinity of the site, these were mostly suspected unauthorized developments (UDs) subject to enforcement action by the Planning Authority (PA);
 - (iii) there were residential dwellings in the vicinity of the site, the closest one being located about 25m to its northeast. In this regard, DEP did not support the application because there were sensitive receivers in the vicinity of the site and along the access roads (Ha Tsuen Road and San Sang Tsuen Road) and environmental nuisance was expected;
 - (iv) the site fell within Category 3 areas under the TPB Guidelines No. 13E. The application did not meet the guidelines since no previous

approval for open storage use had been granted for the site, and there was no information in the submission to address the adverse comments from DEP and demonstrate that the applied use would not have adverse environmental impacts on the surrounding areas;

- (v) approval of the application would set an undesirable precedent and thereby would defeat the planning intention of the “R(D)” zone to improve and upgrade the existing temporary structures through redevelopment into low-rise, low-density permanent residential buildings due to existing and potential industrial/residential interface problems; and
- (vi) regarding the applicant’s request to allow half a year for him to relocate the storage use due to the large amount of goods on-site, it was noted that the site was subject to planning enforcement action and the applied use (open storage of scrap metals) was different from the current use found on-site (covered storage of recyclable plastic materials).

63. The Vice-chairman then invited the applicant to elaborate on the application.

64. Mr. Fong Man Kam made the following main points:

- (a) he had rented the subject site for ten years;
- (b) in response to the enforcement action undertaken by the PA, the scrap metal stored at the site and the plastic parts shown in the photographs taken by PlanD (Plan R-4a in the TPB Paper) had already been removed; and
- (c) he wanted to know if he could use the land for open storage.

65. The Vice-chairman asked the applicant why he still needed to apply for planning permission for open storage use as he had already removed all the materials stored in the site. In response, Mr. Fong Man Kam said that he still used the area adjacent to the site and thus

he wanted to know if he could use the application site for storage purpose.

66. Mr. W.W. Chan referred Members to Plan R-4b and said that the temporary structure shown on the photograph was located within the application site and the applicant had already removed the materials previously stored in the vacant land in front of the temporary structure in response to the enforcement action taken by the PA.

67. Miss Annie Tam said that whilst the District Lands Officer/Yuen Long advised that the 'open storage' use marked on Lands Department's (LandsD) survey sheet was only a description given by LandsD field staff from their direct observation of the ground situation at that time and did not imply any approval given by any party, she drew Member's attention that the site was on Old Scheduled Agricultural Lots under the Block Government Lease which contained no user restriction.

68. As the applicant had no further comment to make and Members had no further questions, the Vice-chairman informed the applicant that the hearing procedures for the review had been completed and the Board would further deliberate on the application in his absence and inform him of the Board's decision in due course. The Vice-chairman thanked the applicant and the representative of PlanD for attending the meeting. They all left the meeting at this point.

Deliberation Session

69. The Vice-chairman said the site was zoned "R(D)" and the applied use was not in line with the planning intention of the "R(D)" zone. The applicant did not provide any further information to substantiate the application and there was no change in circumstances pertaining to the application after it was rejected by the RNTPC.

70. After further deliberation, the Board decided to reject the application on review. Members then went through the reasons for rejection as stated in paragraph 8.1 of the Paper and considered that they were appropriate. The reasons were:

- (a) the applied use was not in line with the planning intention of the "Residential (Group D)" ("R(D)") zone, which was for improvement and

upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into low-rise, low-density permanent residential buildings subject to planning permission from the Board. There was no strong planning justification in the submission for a departure from such a planning intention, even on a temporary basis;

- (b) the applied use was not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that no previous approval for open storage use had been granted for the site, there were adverse departmental comments and a local objection on the environmental aspect, and the development would generate adverse environmental impacts to the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the “R(D)” zone. The cumulative impact of approving such applications would result in a general degradation of the environment of the area.

Agenda Item 5

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/TM/415

Proposed Columbarium in “Government, Institution or Community” zone,

Lot No. 667 in D.D. 131, Yeung Tsing Road, Tuen Mun

(TPB Paper No. 9101)

[The meeting was conducted in Cantonese.]

71. The following Members had declared interests in this item

Mr. Rock C.N Chen - his father owned textiles companies at Tai Hing Garden

Dr. C.P. Lau - owned a flat at Kwun Tsing Road, Tuen Mun

- Ms. Julia M.K. Lau - had current business dealings with Environ Hong Kong Ltd., which was the consultant of the applicant
- Mr. Ivan C.S. Fu - had current business dealings with Urbis Ltd., which was the consultant of the applicant
- Mr. Dominic K.K. Lam - had current business dealings with the consultant of the applicant

72. Members noted that the textiles companies owned by father of Mr. Rock C.N. Chen and the flats owned by Dr. C.P. Lau were located far away and would not be affected by the subject application site. Members noted that Mr. Rock C.N. Chen had tendered his apology for not being able to attend the meeting and agreed that Dr. Lau should be allowed to stay at the meeting for the item.

73. As the current business dealings of Ms. Julia M.K. Lau, Mr. Ivan C.S. Fu and Mr. Dominic K.K. Lam were not related to the subject application, Members agreed that the interests of these Members were indirect and they should be allowed to stay at the meeting for the item. Members also noted that Ms. Julia M.K. Lau had already left the meeting.

Presentation and Question Session

74. The following representatives of the Planning Department (PlanD), Transport Department (TD) and Hong Kong Police Force (HKPF) and representatives of the applicant were invited to the meeting at this point:

- Mr. W.W. Chan District Planning Officer/Tuen Mun & Yuen Long (DPO/TMYL)
- Mr. Lee Hing Ah Assistant Divisional Commander (Operation) (Castle Peak Division), Tuen Mun District (Asst. Div. Commander (Opr) (Castle Peak)),

HKPF

Mr. Nigel Yip Ka Fung Engineer/Tuen Mun (E/TM), TD

Mr. Francis Ng Hang Kwong)
Mr. Vincent Sung Tze Wah)
Ms. Regina Chang Ming Lai)
Mr. Albert So Chun Hin) Applicant's Representatives
Mr. Cheung Neo Ton)
Mr. Chin Kim Meng)
Mr. Ermine Li Yuen Wing)
Ms. Cannis Lee Mo Yi)

75. The Vice-chairman extended a welcome and explained the procedures of the review hearing. He then invited Mr. W.W. Chan to brief Members on the review application.

76. With the aid of a Powerpoint presentation, Mr. W.W. Chan, DPO/TMYL, made the following main points on the review as detailed in the Paper:

- (a) a replacement page 16 of the TPB Paper was tabled at the meeting;
- (b) the applicant sought planning permission for columbarium use at a site zoned "Government, Institution or Community" ("G/IC") on the draft Tuen Mun Outline Zoning Plan (OZP) No. S/TM/27;
- (c) the application was rejected by the Rural and New Town Planning Committee (RNTPC) on 6.1.2012 and the reason was:

as there were already some columbaria in the area which shared the same access provided by Yeung Tsing Road, the proposed development with 8,000 niches would pose potential traffic impact on the surrounding road network. There was doubt on the implementability of the traffic management measures proposed by the applicant. The applicant therefore

failed to demonstrate that the potential adverse traffic impacts generated by the proposed development could be satisfactorily addressed;

- (d) the applicant had submitted written submission in support of the review application and the major grounds were summarized below:
 - (i) the proposed development would not cause any adverse impacts on the environment, water supply, drainage, slopes, planning, landscape and visual aspects;
 - (ii) the Catholic and Christian worshippers were generally less concerned on paying respect to their loved ones on the 'very days' (Ching Ming and Chung Yeung Festivals) and 'shadow periods' (one/two weeks immediate before and after Ching Ming and Chung Yeung Festivals);
 - (iii) the applicant would adopt the following management measures: the columbarium would be closed at Ching Ming Festival ('very day'), 2 weekends (i.e. Saturdays and Sundays) before and after Ching Ming Festival and any general public holidays within 2 weeks before and after the festival day; and at Chung Yeung Festival ('very day') and 1 weekend (i.e. Saturday and Sunday) before and after the festival day; a visit-by-appointment scheme would be implemented throughout the year with four smart cards given to each niche purchaser; within the 'shadow period' (other than the closed days), visitors to the columbarium will be regulated by appointment only and subject to not more than 120 visitors per hour; operation time would be 12 hours per day, 7:00 am to 7:00 pm during 'shadow period' (other than the closed days) and 9:00 am to 6:00 pm during normal days; and there could be e-worshipping and off-site ceremonies during 'very days' and 'shadow periods';
 - (iv) the Board could impose planning conditions to monitor the implementation of the applicant's proposed management measures;

- (v) the applicant would submit and implement traffic management plan to address Commissioner of Police's (C of P) concerns on crowd and traffic;
- (vi) a performance bond in cash or in form of a bank guarantee could be made in the future private columbarium licence;
- (vii) road closure arrangement could be incorporated in lease conditions during land exchange;
- (viii) the visit-by-appointment arrangement and road closure arrangement would be stated in the sale and purchase agreements of the niches; and niches owners would also be repeatedly reminded of the arrangements;
- (ix) CCTV cameras would be placed at strategic locations to closely monitor the volume and locations of visitors; and
- (x) a registered security officer or an independent security company would be employed to execute the house rules;

Similar Applications

- (e) there were seven similar applications;
- (f) A/TM/255, A/TM/306, A/TM/316 and A/TM/373 were for same columbarium use (Lung Chuen Ging Say) within broadly the same site, and were approved by the Board as the proposed columbarium was located within and would be developed as part of the proposed temple at the site. A/TM/387 (Shan Yuan) was approved by the Board on 21.8.2009, but the permission had been revoked due to non-compliance with approval condition in relation to the provision of fire services installation prior to commencement of operation of the columbarium;

- (g) A/TM/398 for a columbarium at Fat Yuen Ching Shea was rejected by the RNTPC on 20.5.2012, mainly on grounds that the applicant failed to demonstrate that the premises were structurally safe and there were fire safety concerns to the visitors due to inadequacy of the means of escape and fire resisting construction and A/TM/434 was rejected by the RNTPC on 18.5.2012 mainly on consideration that visitors to the proposed columbarium and residents in very close proximity would share the same access; the activities of the proposed columbarium would cause nuisances to nearby residents; the proposed columbarium could not be considered compatible with the adjacent developments; the proposed columbarium with 2,000 niches would pose potential pedestrian and traffic impact on the surrounding road network; and the applicant failed to demonstrate that the potential adverse pedestrian and vehicular traffic impacts could be satisfactorily addressed and that the proposed columbarium would not result in adverse environmental and landscape impacts on the surrounding areas;

Departmental comments

- (h) C of P considered that the proposed traffic management measures seemed practicable to alleviate the possible problems associated with crowd and traffic control in the area along Yeung Tsing Road, particularly during the period of both Ching Ming and Chung Yeung Festivals and had no objection to the application if the proposed management measures and enforcement mechanisms on the closure arrangement could be implemented;
- (i) however, District Lands Officer/Tuen Mun (DLO/TM) did not consider that the inclusion of the applicant's proposal in the lease conditions per se would be an effective means to ensure/monitor proper implementation of measures and to enforce its implementation;
- (j) the Secretary for Food and Health advised that without pre-empting the legislation to be put in place, it was believed that the Licensing Board, if set up, would upon receipt of an application from this columbarium in

future make reference to the planning conditions when considering whether a licence should be granted and if so what licensing conditions should be imposed;

- (k) public comments - a total of 596 public comments were received on the review application and the further information submitted by the applicant. 590 public comments supported the application mainly on grounds that the proposed columbarium could help relieve the shortage of niches to serve the public and also alleviate the surrounding environment. Five comments were against the proposed columbarium as the proposed use would overburden the existing traffic facilities of the area and the operation of the columbarium would adversely affect the daily activities of students in the school nearby; the columbarium use was not in line with the NTEH policy and the original planning intention of the “G/IC” zone; and the columbarium would cause traffic impact and air and noise nuisances to the nearby residential settlements;

- (l) PlanD’s views – PlanD considered that the Board should consider whether the applicant’s proposals were implementable in long term, based on the assessments set out in paragraph 7 of the Paper, which were summarized below:
 - (i) the proposed columbarium was generally not in conflict with the planning intention of the “G/IC” zone. It was anticipated that the proposed columbarium would not have significant adverse impacts on the local infrastructural provisions, and would not have adverse environmental and landscape impacts to the surrounding area;

 - (ii) C of P considered that the proposed traffic management measures seemed practicable to alleviate the possible problems associated with crowd and traffic control in the area along Yeung Tsing Road, particularly during the period of both Ching Ming and Chung Yeung Festivals and had no objection to the application if the proposed management measures and enforcement mechanisms on the closure

arrangement could be implemented;

- (iii) DLO/TM indicated that the lease of the subject site did not allow operation of the proposed columbarium and the lot owner had to apply for a land exchange for the columbarium use. DLO/TM also indicated that he would not be prepared to approve any NTEH for columbarium on site and therefore any building to be built for the proposed columbarium use, if approved, would be subject to relevant provisions of the Buildings Ordinance (BO);
- (iv) DLO/TM did not consider that the inclusion of the applicant's proposals in the lease conditions per se would be an effective means to ensure/monitor proper implementation of measures. The Licensing Authority was also yet to be set up to consider the feasibility and desirability of including the applicant's proposals in the license conditions; and
- (v) should the application be approved, it was recommended that suitable approval conditions could be imposed regarding the future operation of the proposed columbarium including the closure and traffic arrangements during Ching Ming and Chung Yeung Festivals and the respective shadow periods as proposed by the applicant. Whilst non-compliance with the approval conditions would result in revocation of the planning permission, it was also considered that opportunity could be taken to impose suitable conditions in the lease during the land exchange/lease modification for the proposed columbarium to reinforce the enforcement mechanism.

77. The Vice-chairman then invited the applicant's representatives to elaborate on the application.

78. Mr. Albert So Chun Him made the following main points, on behalf of the applicant:

- (a) the applicant had discussions with church members and church officials and had also consulted views of professionals, in respect of the subject application;
- (b) the proposed columbarium was considered acceptable in terms of its design, location, environmental impact, greening, traffic arrangement and management;
- (c) the proposal had already received supports from local villagers, Legislative Council members, District Council members, church members, charity organizations, different religious institutions and elderly associations, as demonstrated in the supports received by the Board on the application;
- (d) the applicant intended to build a columbarium which could accommodate the physical and spiritual needs of people;
- (e) there were more than 800,000 Catholics and Christians in Hong Kong and they badly needed columbarium services;
- (f) the Chinese tradition was respected. However, there were more and more old people who eventually would pass away. A more up-to-date practice could be adopted in the operation of columbarium in order to meet the increasing demand for columbarium services; and
- (g) the applicant was glad that C for P had accepted the applicant's proposed management measures during the festival days. The applicant was genuine in strictly enforcing his proposed management measures and would accept any monitoring measures imposed by the Government.

79. Miss Annie Tam, Director of Lands, had the following questions:

- (a) whether PlanD had any enforcement power vis-à-vis the use of the site concerned;

- (b) whether the applicant was aware that the present lease did not provide for the proposed columbarium use and the applicant would need to submit a lease modification or land exchange to DLO/TM who, acting in the lessor capacity, would approve and disapprove the application at his discretion;
- (c) noting that the applicant had suggested that the proposed transport arrangement for the columbarium use under application could be included in the lease conditions, whether the applicant would consider that the lease enforcement action, which ultimately could take the form of re-entry of the land, was effective in enforcing the proposed traffic arrangements;
- (d) noting that the applicant would produce a performance bond of an appropriate amount to be stipulated in the future licence, how this would work pending the setting up of the licensing regime for columbarium. What the amount of the performance bond to be set up by the applicant would be. How the figure compared with the total income to be derived from the proposed columbarium use;
- (e) whether the applicant was aware that no NTEH would be allowed in the land lease upon modification; and
- (f) how to make sure that the niches owners and their family members would fully understand the management arrangements proposed by the applicant and would there be any binding contract on such arrangements.

80. Mr. W.W. Chan said that should the Board decide to approve the application, the suggested approval conditions were stated in the replacement page 16 of the Paper tabled at the meeting. If the applicant failed to comply with the approval conditions, it was suggested that the planning permission could be revoked by the Board. Mr. W.W. Chan however said that the Tuen Mun area was not designated as a development permission area (DPA) previously and as such there was no planning enforcement power within the area covered by the Tuen Mun OZP. Enforcement would be undertaken through the BO, lease or the relevant license, where appropriate.

[Mr. S.C. Wong left the meeting at this point.]

81. Mr. Francis Ng Hang Kwong made the following main points:

- (a) the applicant did not intend to build NTEH at the site, but would submit building plans for the proposed columbarium for approval under the BO;
- (b) while the applicant did not have any objection to include requirements on the management arrangements in the lease conditions, it was agreed that it was not appropriate to incorporate detailed requirements regarding daily operation of the columbarium in the lease conditions;
- (c) the management arrangements including the closure arrangement would be detailed in the sale and purchase contract and niche owners should be fully aware of such arrangements;
- (d) the operator of the columbarium would also verify whether the purchasers were Catholic or Christian before niches were to be sold; and
- (e) the applicant was willing to produce a performance bond or a bank guarantee to ensure compliance of the management arrangements. The amount of the performance bond would be \$5 million and could become effective before commencement of operation of the columbarium.

82. In response to the Vice-chairman, Mr. Francis Ng Hang Kwong said that the contract would be binding and niche owners who failed to comply with the contract terms would be subject to punishment.

[Mr. Maurice W.M. Lee left the meeting at this point.]

83. A Member said that the management measures proposed by the applicant were creative. However, the proposed closure arrangement of the columbarium during the 'festival days' and 'shadow periods' was contrary to the Chinese custom. He asked if the closure arrangements would be detailed in the contract or it would only be stated in the

contract that niche owners should comply with the lease/planning conditions; and what the consequence would be if the owners or their family members failed to comply with the arrangements. This Member said that there was no information in the application submission on whether the operator of the proposed columbarium was a charity organization or if the columbarium would be commercially run. It was therefore appropriate if the applicant would seek legal advice on how the proposed management measures could be effectively implemented and how the measures could be enforced.

84. In response, Mr. Francis Ng Hang Kwong and Mr. Albert So Chun Hin made the following main points:

- (a) there would be notice posted at the prominent location of the columbarium informing visitors about the management and closure arrangements. The arrangements would also be stated in the smart cards issued to visitors and gentle reminders in form of SMS and emails would also be sent to niche owners at appropriate time to remind them of the house rules;
- (b) a draft bank guarantee document had been prepared and the applicant was willing to seek legal advice on the implementation of proposed arrangements; and
- (c) the operator was a commercial entity and the columbarium would be commercially run. However, a charity fund had been set up and part of the income from the columbarium would be put under the fund for charity purposes.

85. Miss Annie Tam said that the proposed performance bond of \$5 million was not a large amount, given the scale of the proposed columbarium with 8,000 niches. It was doubtful if the performance bond would be effective in monitoring the implementation of the management arrangements. Miss Tam also enquired who would be responsible to monitor the performance bond.

86. In response, Mr. Francis Ng Hang Kwong said that the applicant did not have any preference on who would be responsible to monitor the performance bond to be set up by

the applicant. The \$5 million were only an initial proposal and the amount would be adjusted if required.

87. A Member noted that the proposed columbarium was intended to serve Catholics and Christians. He asked why the applicant intended to restrict the use of the columbarium by Catholics and Christians and why eco-furnace was proposed within the columbarium if it was intended to serve only Catholics and Christians. This Member also asked why the recommended approval conditions did not include a requirement to restrict the users of the columbarium to be Catholics or Christians only as proposed by the applicant.

88. In response, Mr. W.W. Chan said that the applicant did not indicate that non Catholic or Christian would not be served. It might also not be feasible to restrict the users of the columbarium in planning conditions and more importantly the religious belief of user of the columbarium was not a relevant planning consideration.

89. Mr. Francis Ng Hang Kwong said that the restriction that the niches would only be sold to Catholics and Christians was on the understanding that Catholics and Christians were less concerned on paying respect to their ancestors during the traditional festival days and they would accept the closure arrangement of the columbarium during festival days. Mr. Ng also confirmed that no furnace would be placed in the proposed columbarium.

90. A Member had questions on the following aspects:

- (a) the composition of the applicant's company and whether it had any experience in operating and managing a columbarium;
- (b) whether there were details on the management of the columbarium; and
- (c) whether there was information on the fee of the niches.

91. In response, Mr. Cheung Neo Ton made the following main points:

- (a) the applicant's company was owned by private individuals, but with the association of a charity fund. The company consisted of a big

professional team and had wide experience on property management and management of hotels;

- (b) the price structure of the columbarium consisted of two parts: the perpetual management fund and the fund obtained from selling of niches. The applicant would consider to put 15% of the income under a sinking fund which was in line with the operation mode as proposed in the consultation on private columbarium by the Food and Health Bureau; and
- (c) the \$5 million for the performance bond were only an initial proposal. It would be adjusted to a competent level after niches were sold;
- (d) the applicant was a Catholic who believed that Catholics and Christians would not be so keen to pay worship to their ancestors during festival days. Furthermore, churches could also hold mass off-site to pay respect to their ancestors during festival days;
- (e) visitors would be issued with smart cards. Visitors to the columbarium without making prior appointment or without holding a valid smart card would be refused to enter the columbarium. Potential purchasers would be made fully aware of the house rules before they bought the niches. Niche owners and their family members would be reminded of the house rules through SMS and email at appropriate time; and
- (f) an independent security company would be employed to execute the house rules.

92. A Member asked what the objective of the performance bond was. This Member also noted that the operation hours of the columbarium would be 12 hours per day and the number of visitors would be restricted to 120 only during 'shadow periods'. It would take at least ten weekends to have one turn-over for all visitors of the 8,000 niches to pay workshop in the columbarium.

93. Mr. Vincent Sung Tze Wah and Mr. Francis Ng Hang Kwong said that the

performance bond was an additional measure proposed to ensure that the management measures would be implemented as proposed. Catholics and Christians would not be so keen to pay worship to their ancestors during festival days. On the other hand, few people would visit the columbaria during normal days. As such, the applicant proposed the closure measures and such measures could be fully incorporated in the sale and purchase agreement of the niches. Mr. Cheung Neo Nam supplemented that not all the niches would be visited frequently and the 8,000 niches would not be fully occupied once the columbarium was in operation. As advised by the traffic consultant of the applicant, most columbaria had 1% daily visiting rate during normal day. Most of the visitors could therefore visit the columbarium during normal day.

94. In response to a question of Miss Annie Tam on the situation of other Catholic and Christian cemeteries and columbaria during Ching Ming and Chung Yeung Festivals, Mr. Lee Hing Ah, Asst. Div. Commander (Opr) (Castle Peak), said that he had no information on the situation of other cemeteries and columbaria. In response to the Vice-chairman, Mr. Lee also said that TD would announce traffic management and restriction arrangements well before festival days and big events for information of the general public. If the niche owners and their family members were made fully aware of the house rules of the columbarium, it would be easier for such house rules to be implemented.

95. In response to the question of the Vice-chairman on enforcement of non-compliance with approval conditions for other cases, Mr. W.W. Chan said that other uses such as open storage, war game centres and BBQ sites mostly fell within areas previously designated as DPAs and planning enforcement could be undertaken under the Town Planning Ordinance. As such non-compliance with approval conditions could be enforced under the Ordinance.

96. In response to a Member's question on the problem in controlling traffic condition during festival days at the application site, Mr. Lee Hing Ah said that Yeung Tsing Road was a dead-end road. There was no public transport serving the application site. While 8,000 niches would be provided within the proposed columbarium under application, there were other columbaria in the area which were either approved or under application. The total number of niches provided in the area would amount to more than 20,000. If no appropriate transport infrastructure was provided in the area, it would be very difficult and a

lot of resources would be required to manage the traffic condition during festival days. It might not be appropriate to close the roads as this would affect daily life of local residents as well as visitors to the columbarium in particular the elderly people.

97. Mr. Albert So Chun Him said that the proposed management measures had been carefully considered by the applicant. The applicant considered that the measures could be enforced through imposition of planning conditions by the Board, or incorporating in the lease and future licence governing the subject private columbarium. The house rules of the columbarium would be clearly stated in the sale and purchase contract which was prepared by lawyers. People who did not accept the house rules would not buy the niches in the columbarium.

98. Mr. Cheung Neo Ton said that it was anticipated that the legislation for control of private columbaria would be enacted in the first quarter of 2014. Taken into account the time required for the construction of the columbarium, it was expected that the management requirements could be incorporated in the future licence for the proposed columbarium prior to commencement of its operation. The Board could revoke the planning permission if there was any non-compliance of the planning permission during this period.

99. Mr. Vincent Sung Tze Wah said that from his experience in the management of the columbarium at Po Fok Hill, a columbarium would still have its value even if the niches were sold out. In addition, the proposed columbarium would be a high quality and well managed one. The users who were Catholics and Christians were responsible persons and would pay management fee to maintain the good management. There were other religious institutions in the area and this was considered as an appropriate location for the establishment of columbaria.

100. The Secretary said that while the implementation of the management measures could be imposed as approval conditions by the Board should it decide to approve the subject application, there was no planning enforcement power by the PA within area covered by the Tuen Mun OZP under the Ordinance. Enforcement within the area would be undertaken through the BO, lease and licensing requirements. Furthermore, as stated in the Notes of the Tuen Mun OZP, when a development or redevelopment was undertaken, planning permission granted by the Board should lapse. There would not be any revocation after the

proposed development was effected as the planning permission had lapsed.

[Professor Eddie C.M. Hui left the meeting at this point.]

101. As the applicant's representatives had no further comment to make and Members had no further questions, the Vice-chairman informed the applicant's representatives that the hearing procedures for the review had been completed and the Board would further deliberate on the application in their absence and inform the applicant of the Board's decision in due course. The Vice-chairman thanked the applicant's representatives and the representative of government departments for attending the meeting. They all left the meeting at this point.

Deliberation Session

102. A Member said that there was concern on the enforcement of the management measures. He also considered that the management measures were neither reasonable nor acceptable from the Chinese tradition point of view. In addition, taken into the account that 8,000 niches would be provided, there was doubt on the feasibility of the smart card and the visit-by-appointment system. This Member did not support the application.

103. A Member shared the concern that the management measures proposed by the applicant could not be enforced. Another Member supplemented that there was yet to be a licensing system for control of private columbarium.

104. Miss Annie Tam said that the DLO/TM, acting in the lessor capacity, could consider incorporating as far as possible the requirements proposed by the Board. However, given the nature of the operation of a columbarium, she was not sure whether the requirements could be effectively enforced through lease enforcement action per se. She was not aware that the effectiveness of a performance bond had been tested in such columbarium use. She also noted that the licensing authority had yet to set up. While the proposed traffic arrangements, if they worked well, could be a way out in resolving the traffic problem surrounding the operation of a columbarium in Hong Kong, the proposal submitted by the applicant appeared to be not very detailed.

105. As requested by the Vice-chairman, the Secretary explained that according to the

Notes of the OZP, planning approval for permanent development would lapse after the approved development was effected. In this regard, there would be no revocation even if the applicant did not comply with the approval conditions after the columbarium started operation and enforcement could not be effected through planning approval conditions. The Secretary also drew Members' attention that there was increasing number of planning applications for columbarium use. Since traffic was a major concern for columbarium use, applicants for columbarium use would submit similar traffic management plan in support of the application. Members' decision on the subject application with respect to the proposed management measures would set a precedent for other similar applications.

106. A Member considered that the management measures proposed by the applicant in the review could not solve the traffic problem arising from the proposed columbarium. As such, the application should not be approved.

107. A Member said that even if the management measures were successfully enforced, visitors to the columbarium would probably go to the columbarium during the periods immediately before or after the 'shadow periods'. This would also generate traffic problem during these periods. The effectiveness of the applicant's management measures was yet to be demonstrated by a traffic impact study. Another Member was of the view that since the licensing system was yet to be set up, it was the applicant's responsibility to provide details to prove the feasibility of the proposed management measures.

108. A Member said that as advised by the representative from the HKPF, there would be a number of columbaria in the area which would generate cumulative traffic impact to the area. This needed to be addressed.

109. A Member noted that there were many supporting comments received in respect of the subject application and apart from traffic concern, relevant government departments did not have adverse comments on the application. If traffic was the only concern for columbarium use in this area, the relevant government departments should consider improving traffic infrastructure such as providing more public car parks in the area.

110. The Vice-chairman summed up that the proposed columbarium was generally not incompatible with the surrounding land uses. However, there were concerns on the

effectiveness of the management measures which should be taken care by relevant licensing authority. As the licensing authority was yet to be set up, it was doubtful if the applicant's proposal was feasible and could be effectively monitored. The applicant therefore failed to demonstrate that the potential adverse traffic impact created by the proposed columbarium could be satisfactorily addressed as the feasibility of the applicant's proposed management measures was doubtful.

111. After further deliberation, the Vice-chairman summed up Members' views that the application should not be approved.

112. After further deliberation, the Board decided to reject the application on review. Members then went through the reason for rejection as stated in paragraph 8.3 of the Paper and considered that it was appropriate. The reason was:

as there were existing and proposed columbaria in the area which would share the same access provided by Yeung Tsing Road, the proposed development with 8,000 niches would pose potential traffic impact on the surrounding road network. There was doubt on the implementability of the traffic management measures proposed by the applicant. The applicant therefore failed to demonstrate that the potential adverse traffic impacts generated by the proposed development could be satisfactorily addressed.

[Mr. Wilton W.T. Fok left the meeting at this point.]

Agenda Item 6

[Open meeting]

Request for Deferral for Review of Application No. A/DPA/NE-TKP/3
Proposed 19 Houses (New Territories Exempted Houses – Small Houses)
in “Unspecified Use” zone, Various Lots in D.D. 293,
To Kwa Peng, Sai Kung North
(TPB Paper No. 9103)

[The meeting was conducted in Cantonese.]

113. Ms. Janice W.M. Lai had declared an interest in this item as her spouse owned a shop in Sai Kung. Members noted that Ms. Lai had tendered an apology for not being able to attend the meeting.

114. The Secretary reported that on 16.5.2012, the applicants' representative wrote to the Secretary of the Board requesting the Board to defer making a decision on the review application for two months due to the need of additional time to provide technical reports. The justifications for deferment meet the criteria for deferment as set out in the Town Planning Board Guidelines No. 33 on Deferment of Decision on Representations, Comments, Further Representations and Applications in that the applicants need more time to prepare further information to address the comments/concerns from government departments, the deferment period was not indefinite, and the deferment would not affect the interest of other relevant parties.

115. After deliberation, the Board agreed to defer a decision on the review application for two months in order to allow time for the applicants to prepare submission of further information. The Board also agreed that the application should be submitted for its consideration within three months from the date of receipt of further information from the applicants. The Board also agreed to advise the applicants that two months were allowed for preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 7

[Open meeting]

Request for Deferral for Review of Application No. A/DPA/NE-TKP/5
Proposed 2 Houses (New Territories Exempted Houses – Small Houses)
in “Unspecified Use” zone, Various Lots in D.D. 293,
To Kwa Peng, Sai Kung North
(TPB Paper No. 9104)

[The meeting was conducted in Cantonese.]

116. Ms. Janice W.M. Lai had declared an interest in this item as her spouse owned a shop in Sai Kung. Members noted that Ms. Lai had tendered an apology for not being able to attend the meeting.

117. The Secretary reported that on 16.5.2012, the applicants' representative wrote to the Secretary of the Board requesting the Board to defer making a decision on the review application for two months due to the need of additional time to provide technical reports. The justifications for deferment meet the criteria for deferment as set out in the Town Planning Board Guidelines No. 33 on Deferment of Decision on Representations, Comments, Further Representations and Applications in that the applicants need more time to prepare further information to address the comments/concerns from government departments, the deferment period was not indefinite, and the deferment would not affect the interest of other relevant parties.

118. After deliberation, the Board agreed to defer a decision on the review application for two months in order to allow time for the applicants to prepare submission of further information. The Board also agreed that the application should be submitted for its consideration within three months from the date of receipt of further information from the applicant. The Board also agreed to advise the applicant that two months were allowed for preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

[Mr. Patrick H.T. Lau left the meeting at this point.]

Agenda Item 8

[Open meeting]

Request for Deferral for Review of Application No. A/YL-LFS/216

Proposed Pond Filling (by about 2m) for

Permitted New Territories Exempted House in

“Village Type Development” zone,

Lots 1531 S.A (Part) and 1531 S.B (Part) in D.D. 129,

Mong Tseng Tsuen, Lau Fau Shan, Yuen Long

(TPB Paper No. 9108)

119. The Secretary reported that on 16.5.2012, the applicants’ representative wrote to the Secretary of the Board requesting the Board to defer making a decision on the review application for two months in order to allow sufficient time for the Agriculture, Fisheries and Conservation Department (AFCD) to assess the submitted Ecological Assessment Report (EAR) and enable their consultants to respond to AFCD’s comments, if any, and revise the report prior to formal submission to the Board. The justifications for deferment meet the criteria for deferment as set out in the Town Planning Board Guidelines No. 33 on Deferment of Decision on Representations, Comments, Further Representations and Applications in that the applicants need more time to prepare further information to address the comments/concerns from government departments, the deferment period was not indefinite, and the deferment would not affect the interest of other relevant parties.

120. After deliberation, the Board agreed to defer a decision on the review application for two months in order to allow time for the applicant to prepare submission of further information. The Board also agreed that the application should be submitted for its consideration within three months from the date of receipt of further information from the applicant. The Board also agreed to advise the applicant that two months were allowed for preparation of submission of further information, and since the Board had allowed a total of 6 months of deferment including the previous ones, no further deferment would be granted.

Procedural

Agenda Item 9

[Open meeting]

Information Note and Hearing Arrangement for
Consideration of Representations and Comment to
the Draft Chai Wan Outline Zoning Plan No. S/H20/20
(TPB Paper No. 9107)

[The meeting was conducted in Cantonese.]

121. Mr. Sunny L.K. Ho had declared an interest in this item as he owned jointly with his spouse a flat and a car parking space at Heng Fa Tsuen. Members noted that Mr. Ho had tendered an apology for not being able to attend the meeting.

122. The Secretary briefly introduced the Paper. On 20.1.2012, the draft Chai Wan Outline Zoning Plan (OZP) No. S/H20/20 was exhibited for public inspection under s.5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of 284 representations were received. On 10.4.2012, the representations were published for public comments and one comment was received. Since the amendments incorporated in the Plan, which were mainly related to the imposition of building height (BH) and plot ratio restrictions as well as rezoning proposals to reflect the planning intention of existing developments, had attracted wide public interest, it was recommended that the representations and comment should be considered by the full Board. Moreover, as the representations and comment were of related nature (mainly relating to imposition of BH restrictions), it was suggested to consider all the representations and comment collectively in one group.

123. After deliberation, the Board agreed to the proposed hearing arrangement for the consideration of the representations and comment as detailed in paragraphs 2.3 to 2.5 of the Paper.

[Mr. Dominic K.K. Lam left the meeting at this point.]

Agenda Item 10

[Open meeting]

Information Note and Hearing Arrangement for Consideration of
Representations and Comments to the Draft Yim Tin Chai and Ma Shi Chau
Development Permission Area Plan No. DPA/NE-YTT/1
(TPB Paper No. 9109)

[The meeting was conducted in Cantonese.]

124. The Secretary briefly introduced the Paper. On 2.9.2011, the draft Yim Tin Tsai and Ma Shi Chau Development Permission Area (DPA) Plan No. DPA/NE-YTT/1 was exhibited for public inspection under s.5 of the Town Planning Ordinance (the Ordinance). A total of 67 representations and 32 comments were received. Upon consideration of the representations and comments under s.6B(1) of the Ordinance on 13.4.2012, the Board decided to partially uphold 56 representations by rezoning the land designated “Residential (Group D)” (“R(D)”) to “Unspecified Use” area and deleting the Notes for the “R(D)” zone. On 27.4.2012, the proposed amendments to partially meet the representations were exhibited for public inspection under s.6C(1) of the Ordinance. Upon expiry of the three-week exhibition period, a total of 150 further representations were received.

125. The Secretary said that pursuant to s.6D(1) of the Ordinance, any person, other than that who had made any representation or comment after the consideration of which the proposed amendments were proposed, might make further representation to the Board in respect of the proposed amendments. Of the 150 further representations, further representations F3 and F111 to F150 (a total of 41 further representations) were submitted by the Tai Po Rural Committee and the local residents of Sam Mun Tsai New Village and Luen Yick Fishermen Village, who were the original representers and commenters. These further representations F3 and F111 to F150 were thus considered as invalid and should be treated as not having been made.

126. The Secretary said that the valid further representations F1, F2, F4 to F110 (a total of 109 further representations) were all in respect of the rezoning of land from “R(D)” to “Unspecified Use” area. It was recommended that the further representations should be considered by the full Board collectively in one group.

127. After deliberation, the Board agreed that further representations F3 and F111 to F150 (a total of 41 further representations) were invalid and should be treated as not having been made. The Board also agreed to the proposed hearing arrangement for the consideration of the representations and comment as detailed in paragraphs 3.1 and 3.2 of the Paper.

Agenda Item 11

[Open meeting]

Information Note for Consideration of Representation to the
Draft Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan
No. S/NE-LYT/15
(TPB Paper No. 9110)

[The meeting was conducted in Cantonese.]

128. The Secretary briefly introduced the Paper. On 16.3.2012, the draft Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan (OZP) Plan No. S/NE-LYT/15 was exhibited for public inspection under s.5 of the Town Planning Ordinance (the Ordinance). One representation (R1) was received. The representer's land (Lots 494 and 498 in DD 85), which fell within the "Green Belt" zone on the draft Lung Yeuk Tau and Kwan Tei South OZP, was not related to the subject of amendments to the OZP. The representation should be considered as invalid.

129. After deliberation, the Board agreed that the representation R1 was considered as invalid.

Agenda Item 12

[Closed meeting]

130. This item was recorded under confidential cover.

Agenda Item 13

[Open meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

131. There being no other business, the meeting closed at 2:35 p.m.