

**Minutes of 1014th Meeting of the
Town Planning Board held on 22.6.2012**

Present

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

Chairman

Mr. Stanley Y.F. Wong

Vice-Chairman

Professor S.C. Wong

Mr. Timothy K.W. Ma

Professor P.P. Ho

Professor Eddie C.M. Hui

Dr. C.P. Lau

Ms. Julia M.K. Lau

Mr. Laurence L.J. Li

Mr. Roger K.H. Luk

Dr. W.K. Yau

Professor K.C. Chau

Mr. H.W. Cheung

Mr. Ivan C.S. Fu

Mr. Sunny L.K. Ho

Mr. Lincoln L.H. Huang

Mr. Dominic K.K. Lam

Mr. Patrick H.T. Lau

Ms. Christina M. Lee

Mr. H.F. Leung

Mr. Stephen H.B. Yau

Director of Lands

Miss Annie K.L. Tam

Principal Environmental Protection Officer (Strategic Assessment)

Environmental Protection Department

Mr. H.M. Wong

Principal Assistant Secretary (Transport)

Transport and Housing Bureau

Mr. Fletch W.W. Chan

Assistant Director (2), Home Affairs Department

Mr. Eric K.S. Hui

Director of Planning

Mr. Jimmy C.F. Leung

Deputy Director of Planning/District

Miss Ophelia Y.S. Wong

Secretary

Absent with Apologies

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Mr. Maurice W.M. Lee

Mr. Clarence W.C. Leung

Dr. W.K. Lo

Ms. Anita W.T. Ma

Miss Bonnie J.Y. Chan

Dr. Wilton W.T. Fok

Miss Janice W.M. Lai

In Attendance

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

Chief Town Planner/Town Planning Board
Ms. Maggie M.Y. Chin (p.m.)

Senior Town Planner/Town Planning Board
Mr. J.J. Austin (a.m.)
Ms. Donna Y.P. Tam (p.m.)

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1013th Meeting held on 8.6.2012

[The meeting was conducted in Cantonese.]

1. Members noted that a replacement sheet for page 68 of the draft minutes had been tabled for Members' consideration. The minutes of the 1013th meeting held on 8.6.2012 were confirmed without further amendment.

Agenda Item 2

Matters Arising

[The meeting was conducted in Cantonese.]

(i) Approval of Draft Outline Zoning Plans (OZPs)/Development Permission Area (DPA) Plans

[Open Meeting]

2. The Secretary reported that on 5.6.2012, the Chief Executive in Council (CE in C) approved the following draft OZPs and DPA Plan under section 9(1)(a) of the Town Planning Ordinance (the Ordinance):

- (a) Shek Kip Mei OZP (to be renumbered as S/K4/27);
- (b) Fanling/Sheung Shui OZP (to be renumbered as S/FSS/16); and
- (c) Luk Wu and Keung Shan DPA Plan (to be renumbered as DPA/I-LWKS/2).

3. The approval of the above OZPs and DPA Plan was notified in the Gazette on 15.6.2012.

(ii) Reference Back of Approved OZPs

[Open Meeting]

4. The Secretary reported that on 5.6.2012, the CE in C referred the following approved OZPs under section 12(1)(b)(ii) of the Ordinance:

(a) Shouson Hill & Repulse Bay OZP No. S/H17/11;

(b) Sha Tin OZP No. S/ST/26; and

(c) South Lantau Coast OZP No. S/SLC/16.

5. The reference back of the above OZPs was notified in the Gazette on 15.6.2012.

(iii) & (iv)

[Closed Meeting]

6. Matters Arising Items (iii) and (iv) were recorded under confidential cover.

Agenda Item 3

[Open Meeting]

Tung Chung New Town Development Extension – Stage One Public Engagement

(TPB paper No. 9111)

[The meeting was conducted in Cantonese.]

Presentation Session

7. Mr. Dominic K.K. Lam declared an interest in this item as he had current business dealings with Ove Arup and Partners Hong Kong Limited (ARUP) on other projects. As the item was mainly a briefing on the captioned study and no decision was involved, Members agreed that Mr. Dominic K.K. Lam should be allowed to stay at the meeting.

8. The following representatives of government departments and the study

consultants were invited to the meeting at this point:

Mr. Ivan M.K. Chung	District Planning Officer/Sai Kung & Islands (DPO/SKIs), Planning Department (PlanD)
Mr. David K.C. Lo	Chief Engineer/Islands, Civil Engineering and Development Department (CEDD)
Mr. C.K. Lam	Senior Engineer 9/Islands, CEDD
Mr. Henry Shiu	Ove Arup & Partners Hong Kong Limited (ARUP)
Ms. Theresa Yeung	ARUP
Mr. Daman Lee	ARUP
Ms. Joey Chiu	ARUP

[Mr. H.M. Wong arrived to join the meeting at this point.]

9. The Chairman extended a welcome and invited the representative of PlanD to brief Members on the Paper.

10. Mr. Ivan Chung gave a short introduction and made the following main points:

- (a) according to the 2007 Revised Concept Plan for Lantau, Tung Chung New Town had the potential to accommodate a population of 220,000 persons;
- (b) the Tung Chung New Town Development Extension Study (the Study) was jointly commissioned by PlanD and CEDD in January 2012 to explore the potential and opportunities of Tung Chung and its adjacent areas, determine the scope of Tung Chung extension and improve the community and regional facilities; and
- (c) the Stage 1 Public Engagement was launched in mid-June 2012 to solicit views and ideas from key stakeholders and the public on the planning objectives and principles, the opportunities and constraints and the key issues relating to the extension of Tung Chung New Town. The Stage 1

Public Engagement would last for two months.

11. With the aid of a powerpoint presentation, Mr. Henry Shiu presented the Stage 1 Public Engagement exercise as detailed in the Paper and made the following main points:

- (a) according to the 2007 Revised Concept Plan for Lantau, the target population of Tung Chung was 220,000 persons. In 2011, Tung Chung had a forecast population of about 78,400 persons and the current planned population of the new town was 108,000 persons;
- (b) implementation of the new town was being carried out in phases, including the public housing projects in Area 39 and Area 56, private residential developments in Area 55 and the development of the North Lantau Hospital in Area 25;
- (c) several large-scale infrastructure projects were implemented in the vicinity of Tung Chung, including the Hong Kong Link Road of the Hong Kong-Zhuhai-Macao Bridge (HKZMB) scheduled to be completed by end 2016, the Tuen Mun-Chek Lap Kok Link (TM-CLKL), the 3rd runway being planned for the Hong Kong International Airport and the new boundary crossing facilities associated with the HKZMB;
- (d) the major infrastructural projects would bring about “bridgehead economy” benefits enabling Tung Chung to be developed into an attractive regional shopping and tourism node. Besides, there was a need to review the future development of Tung Chung to meet Hong Kong’s long-term housing need and the aspirations of local residents for more commercial and public facilities;
- (e) the focus of the Study would be on the two potential expansion areas to the east and west of the existing new town. The Study would investigate the development potential and opportunities of these areas, including the fallow agricultural land and the foreshore and sea-bed;

Opportunities

- (f) the new town extension would be an important source of land supply to meet Hong Kong's housing need in the future. Moreover, sites for commercial, retail and other services could be provided to cater for territorial and local needs and to create employment opportunities;
- (g) the study would examine the opportunity to develop Tung Chung into a "gateway town", taking advantage of Tung Chung as a local and regional transport hub with easy connections to the HKZMB, the TM-CLKL and new boundary crossing facilities;
- (h) the opportunity to develop tourism would also be explored in view of its improved accessibility and the abundance of tourist attractions in Lantau including the Hong Kong Disneyland, the Ngong Ping 360, numerous historical sites and its beautiful natural scenery;

[Mr. Fletch W.W. Chan arrived to join the meeting at this point.]

Constraints

- (i) the existing natural environment, historic sites, fung shui woodland and breezeway might constrain the future development of Tung Chung;
- (j) the existing and planned infrastructure projects, including the 3rd runway for the airport, HKZMB, and TM-CLKL would have cumulative impact on the air quality of Tung Chung during both the construction and operational phases of the projects;
- (k) the extension of the new town would be subject to height constraints and noise impacts (Noise Exposure Forecast - NEF 25). The noise impact was compounded by the helicopter operation base of the Government Flying Services as helicopter transit routes cutting through the proposed new town extension areas would need to be reserved;

- (l) the ecological value of Tung Chung River and the water quality of the area would need to be carefully assessed. The future extension would need to avoid or minimise potential disturbance to ecologically important streams;
- (m) any future development would need to respect existing village settlements. Land resumption and re-housing arrangements would need to be provided should these villages be affected;

Stage 1 Public Engagement

- (n) the Stage 1 Public Engagement exercise would collect public views on the planning objectives and principles, the opportunities and constraints and the key issues. In particular, the views of the stakeholders would be sought on the need for development, interface with the ecology and environment, interface with the cultural heritage and the overall approach to economic development; and
- (o) as part of the Stage 1 Public Engagement exercise, the study team would conduct briefings to the District Council and the Town Planning Board, conduct a roving exhibition, organise a public forum at Tung Chung Community Centre, set up a study website to disseminate information and collect views, and carry out a street survey to collect public views.

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

Discussion Session

12. Members had the following questions and comments:

- (a) the Study should consider the surrounding Country Parks and the beautiful natural environment as an opportunity for the new town rather than a constraint. The public engagement exercise should guide public

discussion on how to develop the new town such that the surrounding natural environment would be accessible to the general public and for public enjoyment. It was inappropriate to regard the surrounding ecological features and Country Parks as constraints;

- (b) making reference to the government policy to develop a columbarium in each district, a Member suggested that the public engagement exercise should also solicit views on the acceptability of placing 'bad-neighbour' uses, subject to the provision of adequate mitigation measures, in the planning of the proposed new town extension;
- (c) the Study should examine the possibility of cavern developments and the option to place appropriate facilities supporting the new town underground;
- (d) there was no elaboration on the employment opportunities to be generated from the extension area and whether the jobs created would be filled by the existing and future residents of Tung Chung;
- (e) there was concern on how people could be attracted to move to the Tung Chung New Town Extension, given that the strategic transport networks mainly served cross boundary traffic and local residents travelling to the urban area had to rely on the MTR and buses which were costly;
- (f) the composition of the future population and whether there was any plan to attract certain population groups such as new immigrants or young families to move to the new town;
- (g) without any information on the existing characteristics of Tung Chung and role of the new town from the strategic planning perspective, it would be difficult for the general public to help 'envision' the Tung Chung New Town Extension;
- (h) noting that many job vacancies from firms supporting the operation of the

airport could not be filled, there was a mis-match between the employment opportunities and the skills of the working population living in Tung Chung. Such mis-match would be exacerbated with the development of the third runway. The Study should examine how the proposed extension area would attract labour with the appropriate skills to move to Tung Chung or, alternatively, how to strengthen the linkage of the airport to the urban area to ensure that the jobs would be filled by labour from outside;

- (i) there was concern whether the target population of 220,000 persons for Tung Chung provided in the 2007 Revised Concept Plan for Lantau was still appropriate, given that the currently planned population was only 108,000 persons. In view of the need to attract a workforce with the appropriate skills, consideration should be given to provide housing with lower density so as to attract people with managerial or professional skills to move to Tung Chung. In so doing, the optimal planned population for the new town would have to be reviewed;
- (j) as Tung Chung was a new town that was built to serve the airport, there was concern on the continued development of public housing sites in the new town. Given the location of Tung Chung, there was little opportunity for it to grow and merge with adjacent new towns such as the case of Tuen Mun and Yuen Long;
- (k) whether a buffer area should be provided to protect conservation areas from the new development areas. In this regard, the proposed new town extension should avoid the areas around Tai Ho Bay which was an important conservation area;
- (l) the historical heritage of Tung Chung, the natural scenery, the ecological environment, the close proximity of the airport and the new cross boundary facilities being developed would provide great potential for tourism development in the area. The Study should promote public debate on how to materialise such potential without adversely affecting

the ecology and the environment. The Study should also examine how to attract people transiting the area to stay behind and enjoy the area as tourists; and

- (m) a Member noted that there was a wide income disparity in Tung Chung as the existing population were either low income households living in public housing or high income households working in airport-related jobs. In planning the extension of the new town, there was a need to examine the employment opportunities that would be created and the socio-economic characteristics of the future population.

13. In response to Members' questions raised above, Mr. Ivan Chung made the following points:

- (a) Members' views on the information presented in the consultation digest were noted and the consultants would take these views into consideration at the next round of public engagement;
- (b) the proposed population of 220,000 persons was not fixed and was only used as a starting point in soliciting public views and comments. The proposed population would be revised in accordance with the views collected from the public engagement exercise;
- (c) regarding Members' comments on the lack of information of the role played by Tung Chung, the public engagement digest did set out the main characteristics of Tung Chung New Town, including its proximity to the airport, its function as a transport hub, and its natural setting with beautiful scenery and areas of special ecological value that needed to be conserved;
- (d) one of the aims of the public engagement exercise was to solicit public views on the development potential of Tung Chung and the anticipated benefits of the 'bridgehead economy';

- (e) on the interface with other studies being conducted by the Government, the consultants were well aware of the other relevant studies including the Review and Update of the Railway Development Strategy 2000 conducted by the Transport and Housing Bureau and CEDD's study on Enhancing Land Supply Strategy – Reclamation Outside Victoria Harbour and Rock Cavern Development;
- (f) as for Members' concerns on the composition of the future population and the skills of future workforce, the consultants would examine the land use distribution between public housing and private housing at the next stage of the Study. The consultants were well aware of recent public objections to the proposed public housing development in Area 56 and the Study would consider the land use distribution carefully; and
- (g) the consultants were well aware of the need to strike a balance between development and its impact on the historical heritage, the ecology and the natural environment, as well as the potential for eco-tourism. These issues would be carefully examined at the next stage of the Study.

14. Mr. Fletch W.W. Chan said that the infrastructure being developed in the area were not just serving cross boundary traffic as the TM-CLKL would provide a direct linkage between Tung Chung and Tuen Mun New Town. Regarding employment opportunities, he said that upon completion of the 3rd runway for the airport, an estimated 140,000 jobs of different nature would be generated including job opportunities for managers, professionals and general workers. The Tung Chung New Town Extension was expected to become a very attractive place for people from all walks of life.

15. The Chairman said that the comments and views expressed by Members should be taken into account as appropriate in the next stage of the Study. As Members had no further questions and comments, the Chairman thanked the representatives of the Government and the study consultants for attending the meeting. They left the meeting at this point.

[Dr. W.K. Yau left the meeting temporarily at this point.]

Agenda Item 4

[Open Meeting]

Planning and Engineering Study on Development of Lok Ma Chau Loop – Stage 2 Public Engagement

(TPB Paper No. 9112)

[The meeting was conducted in Cantonese]

Presentation Session

16. Mr. Dominic K.K. Lam declared interests in this item as he had current business dealings with Ove Arup and Partners Hong Kong Limited (ARUP) on other projects. As the item was mainly a briefing on the captioned study and no decision was involved, Members agreed that Mr. Dominic K.K. Lam should be allowed to stay at the meeting.

17. The following representatives of government departments and the study consultants were invited to the meeting at this point:

Ms. Kitty K.Y. Chiu	Senior Town Planner/Strategic Planning (3) (STP/SP 3), Planning Department (PlanD)
Mr. K.S. Chan	Senior Engineer/9 (NTN&W), Civil Engineering and Development Department (CEDD)
Ms. Theresa Yeung	Ove Arup & Partners Hong Kong Limited (ARUP)
Ms. Carmen Chu	ARUP
Mr. Brian Chau	ARUP

18. The Chairman extended a welcome and invited the representative of PlanD to brief Members on the Paper.

19. Ms. Kitty Chiu gave a short introduction and made the following main points:

- (a) the Hong Kong-Shenzhen (HK-SZ) Joint Task Force on Boundary District Development was set up in December 2007 to steer *inter alia* the issues relating to the planning and development of the Lok Ma Chau Loop (the Loop). Both sides agreed to jointly develop the Loop into a special cooperation zone of Hong Kong and Shenzhen with higher education as the leading land use, complemented by high-technology research and development (hi-tech R&D) as well as cultural and creative (C&C) industries;
- (b) in June 2009, the Planning and Engineering Study on Development of Lok Ma Chau Loop (the Study) was commissioned. The preliminary development proposals for the Loop were promulgated in the Stage 1 Public Engagement of the Study held between November 2010 and January 2011. The Town Planning Board (the Board) was consulted on the proposals on 3.12.2010; and
- (c) the Stage 2 Public Engagement was launched in mid-May 2012 to collect public views on the recommended development proposals for the Loop. The Stage 2 Public Engagement would last for two months.

20. With the aid of a powerpoint presentation and a video, Ms. Theresa Yeung made the following main points:

Outcome of the Stage 1 Public Engagement

- (a) the views obtained from the Stage 1 Public Engagement could be summarised as follows:
 - (i) the development of the Loop under the principles of sustainable development balanced with conservation was generally supported. There was also wide support for the vision, the guiding principles and the three main land uses proposed in the preliminary development proposal;

- (ii) while the green groups objected to any form of development in the area, the local people urged for more development opportunities in the surrounding areas;
- (iii) on the layout design and land use of the Loop, the public considered that greater flexibility in land use should be allowed while the building intensity and building height in the Loop should be reduced;
- (iv) low carbon benchmark and green initiatives should be identified, nature should be conserved, ecologically sensitive habitats should be protected and concerns on the impact of development should be mitigated;
- (v) there were general public concerns on land contamination and pollution/odour problems; and
- (vi) exploration of alternative alignments and designs for the proposed connection roads was supported. There was also public support to minimise the impacts on existing villages and structures;

Main Revisions to the Development Proposals

- (b) taking into account the public views received from the Stage 1 Public Engagement and the further technical assessments, the development proposals for the Loop had been refined as follows:
 - (i) sites zoned for “high-tech R&D” and “cultural & creative (C&C)” uses would be allowed to be used interchangeably to suit changing circumstances as and when necessary;
 - (ii) the maximum height of buildings would be reduced respectively for high-tech R&D/C&C uses from 15 storeys to 12 storeys, for education uses from 15 storeys to 10 storeys, and for commercial uses

from 12 storeys to 9 storeys, without affecting their overall development intensity;

- (iii) a direct link to the MTR Lok Ma Chau Station in the form of road-based green public transport would be provided;
- (iv) the alignment and design of the Eastern Connection Road (ECR) and Western Connection Road (WCR) would be revised to minimize the possible impact on the marshland and fish ponds. The ECR was proposed to be constructed with a section of underpass-cum-depressed road and a passage for animal crossing would be incorporated to maintain the continuity of terrestrial habitats;
- (v) cycle tracks and pedestrian walkways would be provided along both the ECR and the WCR;
- (vi) the single District Cooling System (DCS) plant originally proposed would be replaced by two DCS plants which would be closer to the cooling load centres and would be smaller in size; and
- (vii) an ecological area of about 12.8 ha would be provided along the entire southern/southeastern boundary of the Loop to compensate for the removal of the existing reedbed within the Loop, provide flood retention capacity, maintain the flight path for birds and enhance the ecological/wetland function of the area;

Recommended Outline Development Plan

- (c) upon full development, the Loop would provide a total floor space of 1.2 million m² gross floor area (GFA) accommodating 24,000 students with on-site student hostel facilities for half of the student population and providing 29,000 employment opportunities. The total GFA would include 720,000m² GFA for higher education, 410,000m² GFA for

high-tech R&D/C&C uses, and 60,000m² GFA for commercial uses;

- (d) a total of 10.6 ha of open space and 15.9 ha of amenity/activity corridors would be provided. Different open space and landscape components would be provided including a Pedestrian Boulevard which would serve as a vibrant activity corridor, several courtyard spaces for outdoor activities and Ribbon Parks which would serve as passive recreational spaces; and

Implementation Programme

- (e) the study would be completed in early 2013 and funds for the advance works for the commencing the project would be sought in 2014. It was anticipated that the higher education facilities at the Loop would commence operation in 2020.

[Dr. W.K. Yau returned to join the meeting at this point.]

Discussion Session

21. Members had the following questions and comments:

- (a) the number of educational institutions that would be invited to develop the area, bearing in mind that the site should not be sub-divided amongst too many institutions as that would affect the viability of the educational institutes;
- (b) as the site was quite far away from other urban centres, there was a suggestion that all students should be provided with boarding places within the campus;
- (c) the Study should examine options to improve the linkage and integration between the Loop and other urban centres. A sufficient amount of commercial floor space and community facilities should be provided to

ensure that the future university/educational institute could develop into a community of its own;

- (d) contrasting the view that the Loop was isolated as its location was very close to Shenzhen, it seemed that the Study had failed to examine the development of the Loop from the perspective of Shenzhen;
- (e) while the green spines and proposed ecological area were supported, the Study had adopted the conventional approach of providing greenery as a form of compensation to development. The Study should instead examine how the ecology and the natural environment could be improved through planning;
- (f) while the proposal to allow greater flexibility between high-tech R&D uses and C&C uses was supported, there was concern that interchanging the two uses might not be feasible as they would need to meet different statutory requirements;
- (g) the Study should examine how the green corridors and the cycle tracks provided in the Loop could be linked up with those provided in Shenzhen. While extensive cycle tracks were provided in Shenzhen, these cycle tracks were disconnected from those in Hong Kong as the existing Boundary Crossing Facilities, including the one currently being developed at Heung Yuen Wai/Liantang did not provide for cyclists to cycle across the boundary;
- (h) while a view was expressed that any development on the site would be incompatible with the wetland area and that the area should be retained for ecological and conservation purposes, another view was that the green infrastructures and technologies proposed in the Loop could become a model for other developments;
- (i) the building height should be further reduced and the issue of glare should be addressed by the Study in view of its proximity to the wetland;

- (j) it was suggested that the proposed ecological area should be turned into an outdoor museum/exhibition area to showcase the wetland ecosystem. Moreover, the waterfront promenade should be built using natural materials with minimal use of cement;
- (k) there was concern that the distribution of the proposed high-tech R&D uses at the fringes of the Loop would not be conducive to synergy amongst R&D firms;
- (l) there might already be an over-supply of higher educational institutions in Hong Kong but, given the educational institution would be a joint operation between Hong Kong and Shenzhen, it could serve as a quality educational institute for mainland students; and
- (m) whether the proposed educational institution would be operated under public or private ownership.

22. The Chairman said that the Loop had a particular historical context in that the land area used to belong to Shenzhen. However, after the training of Shenzhen River, the river course was straightened and the subject piece of land fell within the administrative boundary of the HKSAR Government. In view of this background, the development of the Loop needed to be agreed by both the HKSAR and the Shenzhen Governments. The general direction for developing higher education and high-tech R&D had already been agreed by the two Governments for some time and it was expected that there would be a need to invest substantially into the educational institution and the R&D developments. He indicated that the two Governments had not yet decided on some of the issues raised by Members such as the number of educational institutions to be established and which universities to invite.

23. Mr. Jimmy C.F. Leung supplemented that before the present study was commissioned, Planning Department together with the Shenzhen authority had carried out a public engagement exercise to seek views on future land uses for the Loop. Several discussion forums with the relevant experts had also been arranged. Based on the findings

of the public engagement exercise, the two Governments finally agreed that educational use supplemented by R&D as well as creative industries would be the most appropriate long term development for the site to serve not only Shenzhen and Hong Kong but also the wider South China region. Subsequently, the Hong Kong and Shenzhen Governments also decided on the broad development principles including a low carbon economy, the need to provide wind corridors and ecological areas, etc.

24. In response to Members' questions raised above, Ms. Theresa Yeung made the following points:

- (a) the consultants noted Members' suggestions concerning glare pollution, zero carbon development and outdoor museum/exhibition area and would give further consideration to these issues before finalising the development proposals;
- (b) in terms of integration between the Loop and other urban areas, the consultants would take into account the recommendations of other government studies such as the Study on Land Use Planning for the Closed Area which proposed a framework for striking a balance between development and conservation in the areas surrounding the Loop;
- (c) in terms of integration with Shenzhen, the Study did propose a long term possibility of providing a direct link with Shenzhen in the northern part of the Loop together with the provision of associated boundary crossing facilities;
- (d) in terms of integration with Hong Kong, the site would be linked with the Kwu Tung North New Development Area, with a buffer area in between comprising mainly land with a rural character;
- (e) all the supporting facilities necessary for higher educational institutes including sports facilities, canteens, sports fields, etc. would be provided within the sites zoned for educational use on the Recommended Outline Development Plan. As higher educational institutes would normally

prepare Master Plans for the development of their sites, the detailed layout of the educational institutions would be carried out individually at the next stage;

- (f) as the higher educational institutes were expected to develop their own R&D facilities, the sites zoned for high-tech R&D were mainly to cater for outside firms planning to move into the Loop to create synergy with the higher educational institutes, hence their locations at the periphery of the Loop; and
- (g) the student quarters planned in the area would accommodate about 50% of the students as it was expected that only a proportion of students would live on campus. According to Hong Kong's experience, about half of the students preferred to live away from campus.

25. A Member considered that the presentation of the development proposals in the form of an outline development plan was quite inappropriate as it was only a two-dimensional plan showing the distribution of land uses which seemed quite rigid. The three-dimensional aspects and design possibilities were lost in the layout plan. In view of the particular nature of the Loop, the Member suggested that a design competition should be conducted to determine the overall design of the site. A Member suggested that the presentation of the proposals in the future would need to be improved.

26. A Member was concerned that higher educational institutions often required the same kinds of supporting facilities such as sports fields, indoor stadiums, etc. The Member suggested that the supporting facilities should be integrally designed and shared amongst the educational institutions in order to avoid duplication and waste of resources.

27. The Chairman concluded the discussion and hoped that the comments and views expressed by Members would be taken into account as appropriate in the next stage of the Study. The Chairman thanked the representatives of the Government and the consultants for attending the meeting. They left the meeting at this point.

[Mr. Fletch W.W. Chan left the meeting at this point.]

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

Agenda Item 5

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations to the Draft Chai Wan Outline Zoning Plan No. S/H20/19

(TPB Paper No. 9113)

[The hearing was conducted in Cantonese.]

28. The following Member declared interests on this item:

Mr. Sunny L.K. Ho - co-owned a flat and car park with spouse at Heng
Fa Chuen

29. As Mr. Sunny L.K. Ho's property did not have direct views of the representation sites, Members agreed that his interests were indirect and that he could stay at the meeting.

Presentation and Question Session

30. The Chairman said that reasonable notice had been given to the representers and commenters to invite them to attend the hearing. However, of the two representers, only representer R1 indicated that he would attend the meeting. Members agreed to proceed with the hearing in the absence of representer R2.

31. The following representatives from the Planning Department and from representer R1 were invited to the meeting at this point:

Planning Department (PlanD)

Ms. April K.Y. Kun District Planning Officer/Hong Kong (DPO/HK)

Ms. Kitty S.T. Lam Senior Town Planner/Hong Kong 6

R1 (Designing Hong Kong Ltd)

Mr. Paul Zimmerman) Representers' representatives
Ms. Eva Tam)

32. The Chairman extended a welcome and explained the procedures of the hearing. He then invited the representatives of PlanD to brief Members on the representations.

33. With the aid of a Powerpoint presentation, Ms. Kitty Lam made the following main points as detailed in the Paper:

Background

- (a) on 11.11.2011, the draft Chai Wan Outline Zoning Plan (OZP) incorporating amendments relating to the rezoning of sites to the north of the Chai Wan Cargo Handling Basin, the deletion of a proposed pier in Siu Sai Wan and the extension of the western boundary of the OZP was exhibited for public inspection under section 7 of the Town Planning Ordinance (the Ordinance);
- (b) the rezoning of sites to the north of the Chai Wan Cargo Handling Basin (Amendment Item A) was to reflect the recommendations of the Area Assessments of Industrial Land in the Territory 2009 (the Area Assessments). It was considered that the sites to the north of the Chai Wan Cargo Handling Basin could be rezoned for "Government, Institution or Community" ("G/IC") uses to meet the demand for the provision of new territorial/regional GIC facilities and the need to relocate certain GIC facilities currently occupying prime sites in the main urban areas. Amendment Item C was concerned with a proposed pier zoned "Other Specified Uses" annotated "Pier" ("OU(Pier)") on the OZP which had not been implemented. The Commissioner for Transport (C for T) had recently advised that there was no further need to introduce ferry services to this area. Amendment Item D was concerned with an area of about 3 ha at the western boundary of the planning scheme area of the Chai Wan OZP which was not covered by either the Tai Tam Country Park or the OZP;

- (c) two representations were received during the plan publication period. On 3.2.2012, the representations were published for public comments and, in the first three weeks of the publication period, no public comment was received;

The Representations

- (d) R1 (submitted by Designing Hong Kong Ltd) supported the review of land use along the waterfront of Chai Wan but objected to the lack of priority for water dependent and marine supporting land uses along the waterfront. R2 (submitted by Chan Kai Yuen, a District Councillor) supported the amendment of the Chai Wan OZP in general but objected to the lack of balance between cargo handling activities and recreational activities on the waterfront of Chai Wan;
- (e) R1 and R2 objected to the deletion of the proposed pier in Siu Sai Wan;
- (f) R1 and R2 supported the inclusion of the piece of land that fell outside the Tai Tam Country Park into the planning scheme area:

Grounds of Representations

- (g) the grounds of representation were summarized as follows:

Waterfront sites near Cargo Handling Basin

- (i) the availability of sheltered water was extremely limited around Victoria Harbour as the use of the water and waterfront was dependent on the uses and ownership of adjacent land (R1);

Deletion of Proposed Pier

- (ii) piers had amenity and recreational value (R1 and R2). The waterfront of Victoria Harbour and adjacent water were aligned with straight seawalls making it difficult for users to get on or off vessels,

and limiting the use of the waters surrounding Hong Kong (R1);

- (iii) piers provided interesting public space and great amenity value (R1);
and

Extension of the OZP boundary

- (iv) the representers did not provide any grounds of representation concerning the extension of the OZP boundary;

Representers' Proposals

- (h) the representers' proposals were summarized as follows:

Waterfront sites near Cargo Handling Basin

- (i) to prepare a clear and concise plan for the waterfront area taking into account territorial requirements for water dependent and marine supporting land uses (R1);
- (ii) to transform the Chai Wan Cargo Handling Basin into a typhoon shelter to accommodate increasing demand for permanent mooring and anchorage in sheltered water in Victoria Harbour; meet public aspirations for more sports, leisure and recreational boating activities; accommodate trades and commercial operations displaced from the Kwun Tung and To Kwa Wan typhoon shelters; and offset the loss of mooring and anchorage facilities in Victoria Harbour (R1 and R2);

Deletion of Proposed Pier

- (iii) the amenity and recreational value of the pier should be considered and promoted before removing the zoning of "OU(Pier)" from the OZP (R1 and R2); and

Extension of the OZP boundary

- (iv) to zone the piece of land as "Conservation Area" ("CA") instead of "GB" in order to buffer the development pressure (R1 and R2);

PlanD's Responses to the Representations and Representers' Proposals

- (i) the Government's responses to the representations and the representers' proposals were summarized as follows:

Waterfront Sites Near Cargo Handling Basin

- (i) the harbour-front areas of the Victoria Harbour in different localities had different roles and functions;
- (ii) the 'Harbour Planning Guidelines for Victoria Harbour and its harbour-front Areas' (the Harbour Planning Guidelines) had delineated the inner harbour core of Victoria Harbour as the area between Sheung Wan and North Point and recommended that existing cargo working areas, maintenance depots and land uses that were not conducive to public enjoyment or harbour-front enhancement should be located outside the inner harbour core;
- (iii) the Chai Wan Cargo Handling Basin was located outside the inner harbour core and its current use was in line with the Harbour Planning Guidelines;
- (iv) the Chai Wan Cargo Handling Basin was already a sheltered area for anchorage providing space for local vessels. Under the Port Control (Cargo Working Areas) Ordinance (Cap. 81), the basin was prescribed for cargo handling and not for vessels for recreation or leisure purpose;
- (v) the Chai Wan Cargo Handling Area and Basin were occupied by industrial cargo loading/unloading uses. There was a need for the existing cargo handling uses to continue their operations at the site and it was incompatible to co-locate recreational and cargo handling uses due to interface problems;

- (vi) there were other waterfront areas within the inner harbour core for marine supporting uses, i.e. piers/landings/marina;

Deletion of Proposed Pier

- (vii) in 1993, when the pier was proposed on the OZP, it was intended to provide ferry services to improve the external transport of Siu Sai Wan and not for recreational purposes;
- (viii) with the provision of public transport services by the existing public transport terminus at the Island Resort development, C for T advised that there was no further need to retain the proposed pier for providing ferry services to the area;
- (ix) the promenade and landing steps at Siu Sai Wan already provided recreational opportunities and catered for the boarding needs of leisure vessels;

Extension of the OZP boundary

- (x) the “GB” zoning of the piece of land proposed to be incorporated into the OZP was considered appropriate and adequate to serve the planning purpose of preserving the existing natural environment. The Director of Agriculture, Fisheries and Conservation indicated that there was no record of vegetation species of conservation interest in the area under concern. Moreover, the natural vegetation currently found on site was similar to those found in the surrounding area which was also zoned “GB”;

34. The Chairman then invited the representatives of the representers to elaborate on the representations.

Representation No. R1

35. With the aid of a powerpoint presentation, Mr. Paul Zimmerman made the following main points:

- (a) PlanD should give priority for water dependant and marine supporting land uses along the waterfront of sheltered water;
- (b) there was limited sheltered water in the harbour, particularly sheltered water with land available for marine supporting uses. Taking the Yau Ma Tei Typhoon Shelter as an example, no land was available along the waterfront of the typhoon shelter to accommodate the marine supporting uses. This had caused the water to be sterilized;
- (c) PlanD should examine how to make use of the water body to create land uses that were valuable. The existing layout of the Chai Wan Cargo Handling Basin provided a road along the waterfront which disconnected the development sites from the water body, significantly reducing the value of these sites;
- (d) the road should be moved inland so as to allow the development sites to have direct access to the water body providing opportunities for the development of a waterfront promenade and areas for outdoor dining;
- (e) the proposed pier should be kept on the OZP and should be planned as a recreational pier which would provide a quality area for the people to enjoy the sea. The Board had previously made a similar decision for the pier at Tseung Kwan O which was subsequently retained on the OZP; and
- (f) making reference to the popularity of the piers at Sai Kung and at Stanley which were used mainly for recreational purposes, he said that the proposed pier at Siu Sai Wan could be planned as a recreational pier and there was no need to delete the proposed pier.

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

36. As the presenter's representative had finished his presentation, the Chairman invited questions from Members.

37. Mr. Laurence L.J. Li indicated that he had to declare interests in the item as he had previously had very detailed discussions with Mr. Paul Zimmerman on the design and proposals for one of the representation sites. Members agreed that his interests were direct and that he should withdraw from the meeting.

[Mr. Laurence L.J. Li left the meeting temporarily at this point.]

38. In response to a Member's enquiry on the reason for rezoning the waterfront sites, Ms. Kitty Lam said that according to the Area Assessments, there was no demand for industrial use for the sites along the waterfront near the cargo handling basin which had been left vacant. In this regard, the study recommended rezoning part of the area to meet the demand for the provision of new territorial/regional GIC facilities. Some government departments including the Police and the Correctional Services Department had already had plans to move into these sites. In reply, Mr. Paul Zimmerman considered that there was no need for these government departments to be located at sites with direct access to the waterfront. Except for the Marine Police, the other GIC uses would not make good use of the opportunity provided by the waterfront sites.

39. In response to the same Member's enquiry on the reason for deleting the pier, Ms. Kitty Lam said that the pier was originally planned to provide ferry services to Siu Sai Wan. However, as TD had confirmed that there was no longer any need for the pier from the transport point of view, it was proposed that the pier be deleted from the OZP. Regarding the suggestion to develop the pier for tourism or recreational purposes, it was noted that the area surrounding the pier was mainly residential in nature. In this regard, it would not be appropriate to use the pier for tourism or recreational uses such as outdoor dining which could cause nuisance to the residential uses nearby. Mr. Paul Zimmerman, however, said that if a pier was provided, it would attract local people rather than tourists to use it. He reiterated that the Government should not deny local people of the opportunity to enjoy the waterfront.

40. A Member enquired whether there was any local need for the GIC facilities to be developed and whether the sites could be zoned for residential use. In response, Ms. Kitty Lam said that the waterfront sites were being planned for joint-development by various government departments and the services provided would serve the needs of the

local population. She also indicated that these developments were urgently required to meet the operational needs of the concerned departments.

41. In response to the same Member's enquiry on retaining the pier, Ms. Kitty Lam said that there was already a plan to develop a recreational pier in Yau Tong and at Kai Tak as part of the initiatives for Energizing Kowloon East. In this regard, it was not necessary from the overall planning of the harbour to retain the proposed pier at Siu Sai Wan for recreational purposes.

42. In response to a Member's enquiry on the usage rate of the cargo handling area, Ms. Kitty Lam said that the Chai Wan Cargo Handling Area was actively used for loading and unloading activities. As the Chai Wan Cargo Handling Area already accommodated those cargo handling areas that had been displaced from Kwun Tong and To Kwa Wan, the use of the site for cargo handling activities could not be changed.

43. The same Member enquired whether the road layout around the cargo handling basin could be amended while another Member enquired whether the road could be deleted. In response, Ms. Kitty Lam said that the road could not be deleted as it served the existing cargo handling area. She indicated that measures were already in hand to ensure that the road would not become a barrier for pedestrians to enjoy the waterfront. In fact, according to the Hong Kong Island East Harbour-front Study, the footpath along this road would be widened. It was also set out in the Explanatory Statement of the OZP that suitable landscape treatment and innovative design elements should be incorporated in future development of the waterfront sites so as to enhance the environment near the waterfront.

44. In response to a suggestion that a CDA development might be more appropriate for the waterfront sites, Ms. Lam said that it was not necessary to zone the sites to "CDA" as there were already adequate measures to ensure that the GIC sites would be well-designed and suitably integrated with the waterfront.

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

45. In response to a Member's enquiry, the Chairman said that the original purpose of the proposed pier was for ferry services and that landing steps were already provided in

the locality.

46. Mr. Paul Zimmerman said that PlanD should take into account the existing water body in the cargo handling basin when planning the land uses in order to make good use of the water which was a very valuable resource.

47. As Members had no further questions and the representer's representatives had nothing to add, the Chairman said that the hearing procedures had been completed, the Board would deliberate on the representations in their absence and would inform them of the Board's decision in due course. The Chairman thanked the representatives of the representer and the PlanD representatives for attending the hearing. They all left the meeting at this point.

Deliberation Session

48. The Chairman noted that the cargo handling area was required by the operators, many of whom had been driven out of their original bases due to public works projects including those of a recreational nature. He also noted that recreational uses and cargo handling facilities were incompatible with one another.

49. A Member considered that the cargo handling basin was the only place available within the harbour for cargo handling activities and that it was not suitable to be developed for recreational purposes. This view was echoed by another Member who considered that cargo handling areas were needed to serve the economy and that the site was not large enough to accommodate both the cargo handling facilities and recreational uses. A third Member agreed and said that it was not appropriate to plan all land uses with access to water bodies for recreational purposes.

50. A Member noted that the representer's proposal was to link up the waterfront sites in the Chai Wan Cargo Handling Basin with those in Siu Sai Wan so that the waterfront promenade would be linked up instead of being broken into segments. The same Member considered that the proposed pier at Siu Sai Wan could be retained to provide ferry services to Sai Kung to serve the recreational needs of the local people.

51. The Vice-Chairman considered that Members should consider the land use at the waterfront sites from a wider perspective. He noted that Members generally agreed on the need for the cargo handling area to be retained at the site. Regarding the planning of water bodies, plans were already being made for the water bodies at Kai Tak and Yau Tong to be used for recreational purposes so that there was no need to provide additional recreational uses in Chai Wan which would be incompatible with the existing cargo handling facilities. The retention of the cargo handling facilities in the basin had constrained the use of its immediately surrounding areas for residential uses. He considered that the planned "G/IC" uses would be more appropriate for these waterfront sites. As for the pier at Siu Sai Wan, he considered that the argument was academic as the pier was not yet in existence. He supported deleting the pier as it could always be re-incorporated into the OZP in future when necessary.

52. The Secretary said that the existing cargo handling area was the result of overall planning for such facilities in the harbour. The Board was previously consulted and agreed that all cargo handling areas should be consolidated and located outside the inner core of Victoria Harbour. As a result, the Chai Wan Public Cargo Working Area served the purpose of receiving the cargo handling facilities that had been displaced. Regarding the case of the Tseung Kwan O pier mentioned by the representer, she said that there was a planned ferry pier zoned on the OZP which was subsequently proposed to be deleted as it was no longer required for ferry services by TD. However, after considering the representations, the Board decided to retain the pier as the planned pier in Tseung Kwan O was located at the end of the central spine of the future Tseung Kwan O District Park. The proposed recreational use of the pier in Tseung Kwan O would be complementary to the planned District Park. The planning intention of the pier for recreational use was therefore set out in the Explanatory Statement of the Tseung Kwan O OZP. In this regard, the pier at Tseung Kwan O was not comparable to the current case as the proposed pier at Siu Sai Wan was surrounded by residential developments.

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

53. A Member considered that the cargo handling area should be retained as there was a need for such facilities. Another Member considered that waterfront sites should be so designed to allow pedestrian accessibility to the waterfront. A Member suggested that

should the cargo handling area be no longer necessary in the future, the road along the waterfront should be realigned.

54. The Secretary said that the MPC was also mindful of the design of the waterfront sites. It was set out in the Explanatory Statement that due consideration should be given to incorporating suitable landscape treatment and innovative design elements in the future development of the sites along the waterfront to enhance the environment near the waterfront. Regarding the alignment of the road, the Secretary said that the Board could request PlanD to liaise with Transport Department to examine whether the road alignment could be adjusted in order to reduce possible interface with the waterfront.

55. While a Member suggested that the site next to an existing oil depot which was quite close to Heng Fa Chuen could be considered for residential use, another Member considered that all the waterfront sites should be zoned for “G/IC” use as they would serve as a buffer between the industrial area and the residential area.

56. A Member considered that if the intended use of the pier was changed from providing ferry services to recreational purposes, the existing location of the pier might not be most appropriate location for such use. The Member supported the deletion of the pier. The Board could incorporate a pier at an appropriate location when it was needed in future. This view was echoed by another Member.

57. The Chairman concluded the discussion by saying that Members generally agreed to retain the “G/IC” zoning of the waterfront sites as there was no intention to remove the existing cargo handling activities at the site. In this regard, it was agreed that the proposed rezoning of the sites for residential use was inappropriate. Members also agreed that the design of the GIC sites and the road should take into account the need to provide public access to the waterfront. Members also generally agreed that there was no need to retain the planned pier and that it should be deleted from the OZP. Members also agreed to note the supporting views of the representation on the proposed extension of the OZP boundary.

58. Miss Annie K.L. Tam said that since not all sites along the waterfront were under government ownership, paragraph 4.3 of the TPB paper should be rectified to read as

“the majority of the representation sites were under government ownership”.

59. Members agreed to note the supporting views of R1 and R2 concerning the review of land use for the waterfront sites and for the extension of the OZP boundary and not to uphold the proposals of the representations. Members then went through the suggested reasons for not upholding the representations as detailed in paragraph 6 of the Paper and considered that they were appropriate.

Representation No. R1 (part) and R2 (part)

60. After further deliberation, the Board noted the views of the above representations in support of the review of land use along the waterfront of Chai Wan and the inclusion of land into the OZP boundary.

Representation No. R1 (part) and R2 (part)

61. After further deliberation, the Board decided not to uphold representations R1 (part) and R2 (part) and not to amend the OZP to meet the proposals made by representations R1 and R2 for the following reasons:

Waterfront Sites Near Cargo Handling Basin

- (a) the Chai Wan Cargo Handling Basin was already a sheltered area for anchorage providing space for local vessels during passages of typhoons. The Chai Wan Cargo Handling Area was designated for cargo handling use prescribed under the Port Control (Cargo Working Areas) Ordinance. There was a need to maintain the Chai Wan Cargo Handling Basin and Cargo Handling Area for operational needs, and it was incompatible for recreational uses to be located in close proximity to cargo handling uses due to interface problems;

Deletion of a Proposed Pier

- (b) with the provision of public transport services by the existing public transport terminus at the Island Resort development, there was no need to retain the proposed pier for providing ferry services to the area;
- (c) the promenade and landing steps at Siu Sai Wan could provide recreational

opportunities and cater for boarding of leisure vessels; and

Rezoning of the extended area to “CA”

- (d) the natural vegetation currently found at the site was similar to its surrounding area that was zoned as “GB” and there was no record of species of conservation interest at the subject area.

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

Agenda Item 6

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations to the draft Tsuen Wan West Outline Zoning Plan No. S/TWW/18

(TPB Paper No. 9114)

[The hearing was conducted in Cantonese.]

Hearing for Group 1 (Representations R1 to R4)

62. The following Members declared interests in this item:

Mr. Patrick H.T. Lau) had business dealings with Wheelock Properties
Mr. Ivan C.S. Fu) Ltd. Whose subsidiary company had submitted a
Mr. Roger K.H. Luk) representation (R4).
Mr. Dominic K.K. Lam)

Professor P.P. Ho - staff of the Chinese University of Hong Kong (CUHK). The School of Architecture of CUHK was the consultant of the AVA study for the Tsuen Wan West area.

63. Members noted that the interests of Professor P.P. Ho were indirect and that he could stay at the meeting. As the interests of the other Members were direct and

substantial, Members agreed that Mr. Patrick H.T. Lau, Mr. Ivan C.S. Fu, Mr. Roger K.H. Luk and Mr. Dominic K.K. Lam should withdraw from the meeting.

[Mr. Patrick H.T. Lau, Mr. Ivan C.S. Fu, Mr. Roger K.H. Luk and Mr. Dominic K.K. Lam left the meeting temporarily at this point.]

Presentation and Question Session

64. The Chairman said that reasonable notice had been given to invite the representers to attend the hearing, but they had either indicated that they would not attend the hearing or made no reply. As sufficient notice had been given to the representers, Members agreed to proceed with the hearing in their absence.

65. The following representatives from Planning Department (PlanD) were invited to the meeting at this point:

Planning Department (PlanD)

Mr. Wilson W.S. Chan District Planning Officer/Tsuen Wan and West
Kowloon (DPO/TWK)

Mr. K.T. Ng Senior Town Planner/Tsuen Wan

Miss Kaman K.M. Kan Town Planner/Tsuen Wan (1)

66. The Chairman extended a welcome and invited the representatives of PlanD to brief Members on the representations.

[Professor P.P. Ho and Dr. W.K. Yau left the meeting at this point.]

67. With the aid of a Powerpoint presentation, Mr. K.T. Ng made the following main points as detailed in the Paper:

Background

- (a) on 9.12.2011, the draft Tsuen Wan West OZP No. S/TWW/18 incorporating amendments mainly to impose building height restrictions

(BHRs) for various zones, designate non-building areas (NBAs), rezone various areas and extend the Planning Scheme Area boundary was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance);

- (b) a total of 17 representations were received during the plan publication period. On 17.2.2012, the representations were published for public comments and, in the first three weeks of the publication period, no public comment was received;
- (c) on 13.4.2012, the Board decided to consider the representations in three groups. Group 1 (representations R1 to R4) was related to the rezoning of various sites in Tsing Lung Tau and Sham Tseng from “Residential (Group B)” (“R(B)”) and “Undetermined” (“U”) to “Residential (Group B)1” (“R(B)1”) and stipulation of BHRs for “R(B)”, “R(B)1” and “Residential (Group A)3” (“R(A)3”);

The Representations

- (d) representations R1 to R3 were submitted by individuals opposing the rezoning of Tsing Lung Tau Lot No. 60 (i.e. Hong Kong Garden) (Site A) and a piece of government land and 4 private lots surrounded by Hong Kong Garden (Site B) from “R(B)” to “R(B)1” and the BHRs stipulated for the “R(B)1” zone;
- (e) R2 and R3 also opposed the rezoning of a site to the southwest of Hong Kong Garden (Site C) from “U” to “R(B)” and the BHR for the “R(B)” zone;
- (f) R4 was submitted by Salisbury Company Limited (subsidiary of Wheelock Properties Ltd.) opposing the BHRs imposed for the Bellagio in Sham Tseng which was zoned “R(A)3”:

Grounds of Representation

(g) the grounds of representation were summarized as follows:

Sites in Tsing Lung Tau (R1 to R3)

- (i) objection to the high-rise residential development in front of the housing estate (Sites A and B) as it would adversely affect the existing environment of the housing estate (R1);
- (ii) the zoning amendments (Sites A, B and C) were unnecessary, would adversely affect the residents nearby and would cause environmental damage (R2);
- (iii) the zoning amendments (Sites A, B and C) were incompatible with Hong Kong Garden, would adversely affect the health of the residents and would cause environmental risk and pollution (R3);

Sites in Sham Tseng (R4)

- (iv) the BHRs were inconsistent with the height of the existing buildings and did not reflect the actual situation of the existing building cluster. The current interests of the minority owners were not respected;
- (v) in future, when the Bellagio was redeveloped, the existing building height could not be maintained as the new buildings would be subject to a BHR of 100mPD and 120mPD. The BHRs would seriously affect the redevelopment value of the Bellagio;
- (vi) although the BHR of 30mPD for the commercial complex was comparable to the existing building height of Bellagio Mall (about 26 mPD), the BHR would seriously affect the layout of the domestic buildings when comprehensive redevelopment took place in future since the possibility of using the site of the commercial complex for developing taller domestic buildings would be ruled out; and

- (vii) the BHR was incompatible with the surrounding height levels of 130mPD, 120mPD and 100mPD;

Representers' Proposals

- (h) R1 to R3 did not propose any amendments to meet their representations;
- (i) R4 proposed to amend the three BHRs in the "R(A)3" zone to 190mPD so as to enhance the overall planning and design flexibility for redevelopment. Moreover, the Notes of the "R(A)3" zone should be amended to include a remark to allow redevelopment to the height of the existing buildings so as to protect the right of individual landowners;

Government's Responses to the Representations and Representers' Proposals

- (j) the Government's responses to the representations and the representers' proposals were summarized as follows:

Sites in Tsing Lung Tau

- (i) the rezoning amendments for the Tsing Lung Tau sub-area had taken account of various factors including the compatibility with the surrounding areas in terms of land use, development intensity and the existing medium density character of the area;
- (ii) the zoning of the Hong Kong Garden (Sites A and B) to "R(B)1" was primarily to reflect the maximum permissible GFA of the two sites, i.e. 214,706m² and 2,898m² respectively, which were permitted under the lease and equivalent to the maximum PR of 2.1;
- (iii) the rezoning of Site C to "R(B)" was based on the land use review of the "U" zone which was a highway reserve for a proposed bridge linking Tsing Lung Tau to Kwai Shek at northeast Lantau. While the majority of the "U" zone was still required for the future highway project, Site C (with an area of about 0.49ha) was no longer

necessary and could be excised from “U” zone. To optimise the utilisation of scarce land resources and meet the general housing demand in the Territory, the site was considered suitable for residential development. As sites in the vicinity were mainly of medium-density, the proposed “R(B)” zoning was considered suitable in terms of compatibility in land use and development intensity;

- (iv) the stipulation of BHRs for the three sites was to provide better planning control on the BH of the sites upon development/redevelopment, meet public aspirations for greater certainty and transparency in the statutory planning system and ensure the compatibility with the existing BH profile and medium-rise character of the Tsing Lung Tau sub-area;
- (v) regarding the concerns on environmental and health impacts, it was noted that the Director of Food and Environmental Hygiene (DFEH) had no comment from the environmental hygienic perspective while the Director of Environmental Protection (DEP) considered that the rezoning and BHRs for the three sites would not cause environmental risks and pollution;

Sites in Sham Tseng

- (vi) in view of the urban fringe character and the waterfront setting of the Area, the existing BH of 190mPD of Bellagio was considered excessively tall and out-of-context with the surrounding waterfront setting. In order to achieve a good sub-urban built form in the Sham Tseng sub-urban core, the BHRs proposed for Bellagio was in accordance with the stepped BH concept adopted for the Area. To ensure the realisation of the stepped height concept in the long run which was in the interest of the community, the provision for claiming the existing BH upon redevelopment of Bellagio was not allowed;

- (vii) there was no information in the representation to demonstrate that the proposed relaxation of BHRs to the existing BH of 190mPD would present an improved stepped BH concept as compared to the 3 height bands on the OZP. In this regard, R4's proposal would undermine the integrity of the stepped BH profile intended for the waterfront area;
- (viii) in formulating the BHRs for the Bellagio site, assessment had been conducted to ensure that the site could accommodate the maximum permissible GFA under the OZP despite the stipulation of the BHRs. In this regard, the development right of the site owners was respected and the imposition of BHRs for the Bellagio site would not affect the development intensity permitted under the OZP;
- (ix) according to the stepped BH concept adopted for the Sham Tseng sub-area, the BHR should generally start at 85mPD from the waterfront and gradually increase to 160mPD at the uphill areas. As about 23% of the Bellagio site was required for the provision of public facilities including the public transport terminus, the waterfront promenades and two nullah decks under two NBAs, a higher height band of 100mPD (instead of 85mPD) was already proposed at the southern part of the Bellagio site and stepped up to 120mPD in the inner part;
- (x) the BHR of 30mPD for Bellagio Mall had taken into account its existing BH and the low-rise character of the adjacent Sham Tseng Catholic Primary School. CTP/UD&L considered that the BHR of 30mPD for the Bellagio Mall could serve as a visual relief to the surrounding high-rise buildings from the urban design perspective;
- (xi) Bellagio Mall was located alongside the Castle Peak Road – Sham Tseng Section which was one of the air paths in the Sham Tseng sub-area. The proposal to relax the BHR for the Bellagio Mall to 190mPD would not achieve better air ventilation along Castle Peak

Road; and

- (xii) there was provision in the Notes of the OZP for minor relaxation of the BHRs based on the individual merits of a redevelopment proposal;

68. The Chairman then invited questions from Members.

69. As the existing BH of the Bellagio was up to 190mPD while the proposed BHRs for the site were restricted to 100mPD, 120mPD and 30mPD, the Vice-Chairman asked DPO/TWK to clarify whether the development right of the site was respected. In response, Mr. Wilson Chan said that an assessment had been conducted by PlanD which concluded that the development intensity of the Bellagio as permitted under the OZP would not be affected. Based on certain broad design criteria and assumptions such as all car parks being provided underground, it was demonstrated that the development intensity currently permitted for the Bellagio could be achieved upon redevelopment of the site, even with the newly imposed stepped BHR of 100mPD, 120mPD and 30mPD.

70. In response to the Chairman's enquiry, Mr. Wilson Chan said that the maximum permitted GFA was stipulated on the OZP when the completed development was rezoned from "Comprehensive Development Area" to the existing "R(A)3" zone. He added that the same GFA was incorporated into the lease.

71. The Chairman said that upon redevelopment, it would be up to the developer to decide how the car parking spaces would be provided. If car parking spaces were to be provided above ground, the 10% concessionary GFA allowed for under the Sustainable Building Design Guidelines would be forfeited. In response, Mr. Wilson Chan pointed out that such a scenario had already been considered and the permitted development intensity could still be achievable under the BHRs.

72. The Secretary said that the term development right might have different meaning under different context. In the context of the planning regime, it referred to the development intensity permitted under the Tsuen Wan West OZP and such development right could be accommodated under the newly imposed BHRs.

73. As Members had no further questions to raise, the Chairman thanked the representatives of PlanD for attending the meeting. They left the meeting at this point.

Deliberation Session

74. Miss Annie K.L. Tam indicated that at paragraph 4.3.2(e) of the TPB Paper, the statement that the four private lots had no restrictions under the lease should be rectified as the four lots were agricultural lots which were subject to the general restrictions applicable to those lots.

75. The Chairman noted that imposition of BHRs in the area was necessary to provide better planning control on the BH of development sites and to meet public aspirations for greater certainty and transparency in the statutory planning system. He also noted that the rezoning of the representations sites and the imposition of BHRs on these sites did not affect the development intensity of the sites permitted under the OZP. Besides, to cater for site-specific circumstances and schemes with planning and design merits, there was provision under the OZP for the submission of planning applications for minor relaxation of the BHRs. He concluded and Members agreed that the zoning amendments were appropriate and the representations should not be upheld.

76. Members then went through the reasons for not upholding representations R1 to R4 as detailed in paragraph 7.1 of the Paper and considered that they were appropriate.

Representation No. R1 to R4

77. After further deliberation, the Board decided not to uphold representations R1 to R4 and not to amend the OZP to meet the representations for the following reasons:

BHRs

- (a) the imposition of BHRs in the Area was necessary to provide better planning control on the BH upon development/redevelopment, meet public aspirations for greater certainty and transparency in the statutory planning system, prevent excessively tall and out-of-context buildings, instigate control on the overall BH profile of the Area, maintain the urban

fringe character and waterfront setting of the Area and hence achieve a better sub-urban built form of the Area for the public good and in the interest of the community. In the formulation of the BHRs for the Area, all relevant factors including the Urban Design Appraisal and Urban Design Guidelines, stepped BH concept, existing topography and site formation level, existing BH profile, local characteristics, land uses, compatibility with the surrounding developments, the waterfront setting, the wind performance of the existing conditions and the recommendations of the AVA Study had been taken into consideration; (R1 to R4)

Sites in Tsing Lung Tau

- (b) the purpose of rezoning the Hong Kong Garden (Site A) and the site surrounded by Hong Kong Garden (Site B) was to reflect the maximum permissible GFA under the OZP or the lease to achieve greater certainty and transparency in the statutory planning control, maintain the existing medium density character and avoid excessive development intensity of the Tsing Lung Tau sub-area without resulting in undermining the development intensity permitted under the OZP or the lease. There was no change to the permitted development intensity for the sites concerned; (R1 to R3)

- (c) the rezoning of the site to the southwest of Hong Kong Garden (Site C) was to optimize the utilization of scarce land resources having taken into account the compatibility with the surrounding areas in terms of land use, development intensity and the existing medium density character; (R1 to R3)

- (d) the rezoning and stipulation of BHRs would not cause environmental risks, pollution and adverse health impacts to the concerned areas; (R1 to R3)

Site in Sham Tseng

- (e) the proposed BHRs would not affect the development intensity of Bellagio permitted under the OZP and the incentive for redevelopment would not be jeopardised. For the public good and in the interest of the community, the provision for claiming the existing BH upon redevelopment should not be allowed as the existing BH of Bellagio was considered excessively tall and

out-of-context with the waterfront setting and urban fringe character of the Area. This approach was already an established practice for waterfront sites adopted by the Board; (R4)

- (f) the proposed unification of the three bands of BHRs at Bellagio site and relaxation of the BHRs to 190mPD and the proposed amendment of the Notes of the OZP to allow redevelopment up to the existing BH would jeopardise the integrity of the stepped BH concept, result in excessively tall and out-of-context development on the waterfront and would adversely affect the waterfront setting and urban fringe character of the Area; (R4)
- (g) the BHR of 30mPD for Bellagio Mall was considered appropriate as it would serve as visual relief to the surrounding high-rise developments; (R4) and
- (h) to cater for site-specific circumstances and schemes with planning and design merits, there was a provision for application for minor relaxation of the BHRs under the OZP. Each application would be considered by the Board on its individual merits under section 16 of the Ordinance. (R4)

[Mr. Patrick H.T. Lau, Mr. Roger K.H. Luk, Mr. Dominic K.K. Lam and Mr. Ivan C.S. Fu returned to join the meeting at this point.]

Agenda Item 6 (cont'd)

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations to the draft Tsuen Wan West Outline Zoning Plan No. S/TWW/18

(TPB Paper No. 9123)

[The hearing was conducted in Cantonese.]

Hearing for Group 2 (Representation R5)

78. The following Member declared interests in this item:

Professor P.P. Ho - staff of the Chinese University of Hong Kong (CUHK). The School of Architecture of CUHK was the consultant of the AVA study for the Tsuen Wan West area.

79. Members noted that Professor P.P. Ho had already left the meeting.

Presentation and Question Session

80. The Chairman said that reasonable notice had been given to invite the representer to attend the hearing, but he indicated that he would not attend. As sufficient notice had been given to the representer, Members agreed to proceed with the hearing in his absence.

81. The following representatives from Planning Department (PlanD) were invited to the meeting at this point:

Planning Department (PlanD)

Mr. Wilson W.S. Chan	District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK)
Mr. K.T. Ng	Senior Town Planner/Tsuen Wan
Miss Kaman K.M. Kan	Town Planner/Tsuen Wan (1)

82. The Chairman extended a welcome and invited the representatives of PlanD to brief Members on the representations.

83. With the aid of a Powerpoint presentation, Mr. K.T. Ng made the following main points as detailed in the Paper:

Background

(a) on 9.12.2011, the draft Tsuen Wan West OZP No. S/TWW/18

incorporating amendments mainly to impose building height restrictions (BHRs) for various zones, designate non-building areas (NBAs), rezone various areas and extend the Planning Scheme Area boundary was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance);

- (b) a total of 17 representations were received during the plan publication period. On 17.2.2012, the representations were published for public comments and, in the first three weeks of the publication period, no public comment was received;
- (c) on 13.4.2012, the Board decided to consider the representations in three groups. Group 2 (representation R5) was related to the stipulation of BHRs for two electricity substations (ESSs) under the “Government, Institution or Community” (“G/IC”) zone in Tsing Lung Tau and Sham Tseng;

The Representation

- (d) representation R5 was submitted by CLP Power Hong Kong Limited opposing the BHRs stipulated for the Tsing Lung Tau ESS and the Sham Tseng ESS;

Grounds of Representation

- (e) the grounds of representation were summarized as follows:
 - (i) given the scale and nature of ESSs, their incremental visual or airflow impacts were negligible. The imposition of BHR to the ESS sites would sacrifice their development right with minimal effect on the planning intention;
 - (ii) imposing the BH controls on the ESS sites would restrict the upgrading/redevelopment potential of the ESS, resulting in the need

to either relocate the existing ESS to a larger site or identify additional sites for new ESSs so as to cater for the surging electricity demand in future. This was not making the best use of scarce land resources;

- (iii) it was difficult to identify new sites for the ESSs as these were often seen as “not-favoured” neighbouring use. Even if a site was available, the undue delay caused by relocation or public consultation would put the electricity supply security and reliability of the area at risk;
- (iv) as the site coverage of most of the existing ESSs were already fully utilized, any enhancement to the ESS building could only be done by the addition of an extra storey to accommodate plant and equipment. There was virtually no design flexibility allowed with the imposition of BHRs in terms of number of storeys;
- (v) although application for minor relaxation of BHRs might be considered, there was no clear definition on what would constitute a “minor” relaxation and the application process would involve considerable uncertainty and a long timeframe;
- (vi) the imposition of the BHRs had deprived the representer of the development right of a site. The existing development intensity of the ESS sites was based on operational need and did not reflect their maximum development potential permitted under the lease; and
- (vii) an ESS was an essential facility supporting the daily life of the public and the continuous development of Hong Kong. In designing an ESS, the representer had already considered its integration with surrounding area and the implementation of greening initiatives to reduce its environmental impact. Hence, the ESS would not cause adverse visual impact;

Representer's Proposal

- (f) to relax the BHR for the Tsing Lung Tau ESS and the Sham Tseng ESS to not more than 8 storeys;

Government's Responses to the Representation and Representer's Proposal

- (g) the Government's responses to the representation and the representer's proposal were summarized as follows:
 - (i) visual and air ventilation aspects were not the only factors for determining the BHRs of the developed "G/IC" sites. As "G/IC" facilities served the needs of the local residents and/or wider district, the formulation of the BHRs of "G/IC" zone would primarily take into account the as-built conditions of the respective sites, the need to meet the functional and operational requirements of the facilities as well as any known development/redevelopment proposals;
 - (ii) "G/IC" sites served as visual relief and breathing space to the built-up area, particularly in the Sham Tseng sub-area and the Tsing Lung Tau sub-area which were respectively high-density and medium-density residential areas;
 - (iii) according to the AVA Study, the existing "G/IC" sites with low-rise buildings and greeneries that were connected to or next to the air paths should be maintained to enhance the air ventilation performance of the Area. The two ESS sites would serve this intention as they were adjacent to the air paths in Tsing Lung Tau and Sham Tseng sub-areas;
 - (iv) it was necessary to strike a careful balance between efficient use of land to provide utility/community facilities and confining the as-built situation of the "G/IC" sites serving as visual relief and breathing space. In determining the BHR for the ESS sites,

consideration had already been given to the existing BH, nature of the existing uses, the height restriction under lease, development/redevelopment proposals, local setting, air ventilation and urban design considerations and other relevant factors;

- (v) any proposal to relax the BHRs of the “G/IC” sites should be substantiated with justifications on the operational and functional need for upgrading/redevelopment. The Director of Electrical and Mechanical Services (DEMS) advised that there was no project record for the Tsing Lung Tau ESS and there was no on-going redevelopment/expansion project in the approved CLP Power’s Development Plan for the Sham Tseng ESS. In the absence of any redevelopment proposal/expansion plan and justifications on the need to relax the BHRs of the 2 ESSs to meet the functional and operational requirements, the proposed relaxation of BHR was not supported;
- (vi) building design was determined by the interplay of various factors including plot ratio, site coverage, height, design and disposition of buildings, etc., and BHR alone would not impose undue constraint on the design flexibility of future redevelopments;
- (vii) the site coverage of the Tsing Lung Tau ESS and Sham Tseng ESS were respectively 18.05% and 29.43%, and were not yet fully utilised. There was still room to expand the capacity of the ESSs horizontally instead of vertically;
- (viii) should more floor space or a higher BH be required, the representer could consider to place equipment underground as the OZP specifically stated that basement levels would be disregarded in determining the maximum number of storeys;
- (ix) since the OZP did not impose any plot ratio/GFA/site coverage restrictions on the ESS sites, their existing development intensity

would not be affected;

- (x) private development right was only one of the considerations in determining the BHRs for the ESS sites. Unlike land use zones for residential and commercial developments, “G/IC” zone was planned for a wide range of uses (e.g. schools, community centre, market, government office, ESS, religious institutions, etc.) serving the needs of the community. The utilisation of each “G/IC” site should be considered on a case-by-case basis, according to the requirements, functions, nature and scale of individual schemes as well as the context within which the site was located;
- (xi) the existing BH of the two ESS sites was considered adequate to cater for the current functional requirements and operational needs and there were no known redevelopment proposals for the sites. There was no justification to relax the BHR of the two ESS sites to 8 storeys from the functional and operational point of view;
- (xii) should a need arise in the future to relax the BHR, the representer could seek the Board’s permission for a minor relaxation of the BHR under section 16 or an amendment to the OZP under section 12A of the Ordinance.

84. As Members had no question to raise, the Chairman thanked the representatives of PlanD for attending the meeting. They left the meeting at this point.

Deliberation Session

85. A Member noted that the representer had not provided any convincing grounds to justify relaxing the BHR for the two ESS sites to a BH of not more than 8 storeys. The Chairman agreed and said that any proposal to relax the BHRs for the ESS sites should be justified on functional and operational grounds. He also noted that there was already provision under the OZP for minor relaxation of the BHR.

86. The Chairman concluded that Members agreed that the representation should not be upheld. Members then went through the reasons for not upholding the representation as detailed in paragraph 7.1 of the Paper and considered that they were appropriate.

Representation No. R5

87. After further deliberation, the Board decided not to uphold representation R5 and not to amend the OZP to meet the representation for the following reasons:

- (a) the proposed relaxation of building height restrictions (BHRs) to 8 storeys to tie in with the permitted number of storeys for “GIC” zone in the vicinity was not justified. No strong justifications had been provided to demonstrate a building height of 8 storeys was required to meet the functional and operational needs of the subject ESS sites; and
- (b) any relaxation of the BHRs must be justified by functional and operational needs, or with planning and design merits. There was provision under the Ordinance for minor relaxation of the BHR under section 16 or for amendments to the OZP under section 12A of the Ordinance.

[Ms. Christina M. Lee arrived to join the meeting at this point.]

Agenda Item 6 (cont’d)

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations to the draft Tsuen Wan West Outline Zoning Plan No. S/TWW/18

(TPB Paper No. 9124)

[The hearing was conducted in Cantonese.]

Hearing for Group 3 (Representations R6 to R17)

88. The following Member declared interests in this item:

Professor P.P. Ho - staff of the Chinese University of Hong Kong (CUHK). The School of Architecture of CUHK was the consultant of the AVA study for the Tsuen Wan West area.

89. Members noted that Professor P.P. Ho had already left the meeting.

Presentation and Question Session

90. The Chairman said that reasonable notice had been given to invite the representers to attend the hearing, but they had either indicated not to attend the meeting or made no reply. As sufficient notice had been given to the representers, Members agreed to proceed with the hearing in their absence.

91. The following representatives from Planning Department (PlanD) were invited to the meeting at this point:

Planning Department (PlanD)

Mr. Wilson W.S. Chan	District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK)
Mr. K.T. Ng	Senior Town Planner/Tsuen Wan
Miss Kaman K.M. Kan	Town Planner/Tsuen Wan (1)

92. The Chairman extended a welcome and invited the representatives of PlanD to brief Members on the representations.

93. Mr. K.T. Ng informed Members that three letters submitted by the Concern Group of Sham Tseng San Tsuen enclosing signatures of the local residents were received after the issue of the Paper. The letters were tabled for Members' reference. With the aid of a Powerpoint presentation, Mr. K.T. Ng made the following main points as detailed in the Paper:

Background

- (a) on 9.12.2011, the draft Tsuen Wan West OZP No. S/TWW/18 incorporating amendments mainly to impose building height restrictions (BHRs) for various zones, designate non-building areas (NBAs), rezone various areas and extend the Planning Scheme Area boundary was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance);
- (b) a total of 17 representations were received during the plan publication period. On 17.2.2012, the representations were published for public comments and, in the first three weeks of the publication period, no public comment was received;
- (c) on 13.4.2012, the Board decided to consider the representations in three groups. Group 3 (representations R6 to R17) was related to the rezoning of the squatter area in Sham Tseng San Tsuen from “Open Space” (“O”) and “Green Belt” (“GB”) to “Residential (Group D)” (“R(D)”);

The Representations

- (d) representations R6 to R17 were submitted by individuals who were local residents. All of them were opposed to the rezoning of Sham Tseng San Tsuen and the stipulation of BHRs for the rezoned site. Representations R15 and R16 also opposed the demolition of the squatter area;

Grounds of Representation

- (e) the grounds of representation were summarized as follows:
 - (i) the rezoning would affect the life of the residents. Having been residents in Sham Tseng/Sham Tseng San Tsuen for decades, the representers requested that their existing life style should be maintained (R6 to R11, R13 to R17);

- (ii) the representers were worried that the Government would resume the land by force (R14) or the landowner would sell the land to a developer and residents would not be compensated or provided with public housing (R17). They were also worried that they would be dispossessed from their homes, driven to desperation and made homeless (R6 to R11 and R14);
- (iii) the local residents, in particular the elderly and low income earners, were concerned that they would not be able to afford the rent in other areas in Hong Kong and they would not be able to support themselves (R6 to R11, R14 and R17);
- (iv) the residents, especially the elderly, had got accustomed to living in the area where the neighbours were willing to help one another. It would be difficult for them to adapt to new circumstances (R14 and R15);
- (v) the current conditions and the ecological environment of the Sham Tseng San Tsuen would be adversely affected by the rezoning (R13);
- (vi) R12 was concerned about the loss of a place for morning exercises, which would adversely affect her health and mental balance;
- (vii) the rezoning did not respect cultural heritage. The squatter huts should be preserved to enable the next generation to understand the housing culture in the past (R12); and
- (viii) the public consultation on the rezoning was too limited and the government departments did not listen to public opinion (R12);

Representer's Proposal

- (f) the representers did not propose any amendments to meet their

representations;

Government's Responses to the Representations

(g) the Government's responses to the representations were summarized as follows:

- (i) the rezoning of the site to "R(D)" was primarily for improvement and upgrading of existing temporary structures through redevelopment of existing temporary structures into permanent buildings. It was also intended for low-rise, low-density residential developments subject to planning permission from the Board. The new "R(D)" zoning was considered more appropriate given the occupation of the site by existing temporary structures. Notwithstanding the rezoning of the site to "R(D)", there was no plan or action to demolish the existing licensed structures and other temporary structures at Sham Tseng San Tsuen;
- (ii) under the "R(D)" zone, the local residents could maintain their existing life style as the existing licensed structures and other temporary structures would remain. The new zoning only provided an opportunity for the local residents to improve and upgrade their structures under the statutory planning system. The new zoning would not affect the life of local residents;
- (iii) District Lands Officer/Tsuen Wan & Kwai Tsing (DLO/TW&KT), advised that there was no development proposal for the site. Should the site be required for implementation of government development projects, the Government Land Licences (GLLs) would be terminated and assistance from Housing Department and Social Welfare Department would be sought if the licensees became homeless. For the private lots or holders of Modification of Tenancy (MOT) Permits affected by any government development projects, land acquisition would be required and these would be

subject to compensation;

- (iv) change in land ownership or tenancy and compensation and rehousing issues were not the primary considerations of the rezoning exercise;
- (v) the Director of Agriculture, Fisheries and Conservation advised that there was no record of any species of conservation interest in the concerned area and that the ecological value of the area was limited. In this regard, the zoning amendment would not affect the ecological environment of Sham Tseng San Tsuen;
- (vi) the zoning amendment would not affect people doing morning exercises as the use of Sham Hong Road by morning walkers would not be affected. The claim that the zoning amendment would cause adverse impact on health was unsubstantiated;
- (vii) the Director of Leisure and Cultural Services advised that as there were no declared monuments or graded historic buildings or items in the area, the rezoning of the site would not affect cultural heritage and did not show disrespect to cultural heritage; and
- (viii) the draft Tsuen Wan West OZP No. S/TWW/18 incorporating the zoning amendments was exhibited on 9.12.2011 for two months for public inspection. The exhibition process itself was a form of public consultation as representations and comments on the OZP were invited. During the exhibition period, the Tsuen Wan Rural Area Committee was consulted. In this regard, the statutory exhibition periods were considered adequate for consultation with the public while maintaining the efficiency of the process.

94. As Members had no question to raise, the Chairman thanked the representatives of PlanD for attending the meeting. They left the meeting at this point.

Deliberation Session

95. The Vice-Chairman said that while the zoning amendment should be supported as its intention was to improve the living environment, the worries of the local residents would also need to be addressed as the rezoning would encourage existing landowners to sell their land or redevelop, hence affecting the livelihood of the residents. This problem would exacerbate as the demand for housing land continued to increase and Government needed to supply more land for housing. The Chairman noted that for the representation site, most of the land were under government ownership. Should there be a need to clear the existing squatter area for housing development, the Government would provide rehousing arrangements in line with rehousing policies in force at the time.

96. A Member commented that the general public very often failed to understand the reason behind the zoning amendments and were often worried about any hidden agendas. In this regard, the Board should improve communication with the general public to minimize any possible misunderstandings. While echoing this view, a Member said that bringing across the message to the general public would not be easy.

97. A Member enquired whether it was the policy of the Government to rezone all the squatter areas and what was the government policy on squatters. In response, the Chairman said that subject site was originally zoned "O" and the squatter area could be taken back or resumed by the Government for open space development. Put simply, Government's policy was to tolerate the squatter areas but they could be cleared by the Government if required for development. Compensation and rehousing arrangements under the established system would be provided for the local residents affected.

98. The Chairman concluded that Members generally agreed that the rezoning of the site was appropriate as the "R(D)" zoning of the site would facilitate the improvement and upgrading of the existing licensed structures and other temporary structures, the existing squatter area would be tolerated and the life of the existing residents would not be affected in any way. Members agreed that the representations should not be upheld. Members then went through the reasons for not upholding the representations as detailed in paragraph 6.1 of the Paper and considered that they were appropriate.

Representations No. R6 to R17

99. After further deliberation, the Board decided not to uphold representations R6 to R17 and not to amend the OZP to meet the representations for the following reasons:

- (a) the “Residential (Group D)” (“R(D)”) zone was considered more appropriate for the Site as the new zone would facilitate the improvement and upgrading of the existing licensed structures and other temporary structures for domestic purpose on the site; (R6 to R17)
- (b) the rezoning was not intended for resuming land and demolition of Sham Tseng San Tsuen within the site. It would not cause impact on the life of the local residents; (R6 to R11 and R13 to R17)
- (c) the Site was still accessible by the public via Sham Hong Road after the rezoning. The rezoning would not cause any health impact; (R12)
- (d) there was no declared monument or graded historic building in the site; (R12)
- (e) the two-month statutory exhibition period and provision for representations and comments formed part of the public consultation process. The public consultation process was considered adequate while maintaining the efficiency of the process; (R12) and
- (f) the ecological value of the Site was limited and the rezoning would not affect the ecological environment of Sham Tseng San Tsuen. (R13)

100. The meeting was adjourned for lunch break at 1:15 p.m.

101. The meeting was resumed at 2:30p.m.

102. The following Members and the Secretary were present in the afternoon session:

Mr. Thomas Chow

Chairman

Mr. Stanley Y.F. Wong

Vice-chairman

Professor S.C. Wong

Professor K.C. Chau

Mr. Ivan C.S. Fu

Mr. Sunny L.K. Ho

Mr. Lincoln L.H. Huang

Dr. C.P. Lau

Mr. Patrick H.T. Lau

Ms. Julia M.K. Lau

Ms. Christina M. Lee

Mr. H.F. Leung

Mr. Roger K.H. Luk

Principal Environmental Protection Officer

Environmental Protection Department

Mr. H.M. Wong

Director of Planning

Mr. Jimmy Leung

[The Chairman left the meeting temporarily and the Vice-chairman took over the chairmanship temporarily at this point.]

Tuen Mun and Yuen Long District

Agenda Item 7

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/YL-KTN/375

Temporary Open Storage of Spare Materials for Maintenance and Beautification of Private Housing and Land for a Period of 3 Years in “Agriculture” zone,

Lot 1207 (Part) in D.D. 109, Kam Tin, Yuen Long, New Territories

(TPB Paper No. 9115)

[The meeting was conducted in Cantonese.]

103. The Vice-chairman said that the applicant had indicated that he would not attend the meeting and the Board agreed that the review hearing should proceed in the absence of the applicant.

Presentation and Question Session

104. The following representative of the Planning Department (PlanD) was invited to the meeting at this point:

Mr. W.W. Chan

District Planning Officer/Tuen Mun & Yuen Long (DPO/TMYL)

105. The Vice-chairman extended a welcome and invited Mr. W.W. Chan to brief Members on the review application.

106. 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 spare materials for maintenance and beautification of private housing and land for a period of three years on the application site which was zoned “Agriculture” (“AGR”) on the Kam Tin North Outline Zoning Plan (OZP);
- (b) the application was rejected by the Rural and New Town Planning Committee (RNTPC) on 24.2.2012 and the reasons were:
 - (i) the application was not in line with the planning intention of the “AGR” zone, which was to retain and safeguard good agricultural land for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
 - (ii) the application did not comply with the TPB Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that the development was not compatible with the surrounding land uses which were predominantly rural in character; there was no previous approval granted at the site; and there were adverse comments from the relevant government departments and public objections against the application;
 - (iii) the applicant failed to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
 - (iv) setting of an undesirable precedent for similar applications within the “AGR” zone, the cumulative effect of approving such applications would result in a general degradation of the environment of the area;
- (c) the applicant submitted a written submission in support of the review application which was tabled at the meeting for Members’ reference. The applicant indicated that the only residential use which might be affected by

the open storage use under application was owned by the applicant;

- (d) the application site was subject to enforcement action against unauthorized filling of land. Enforcement Notice (EN) and Reinstatement Notice (RN) were issued to the concerned parties on 29.8.2011 and 6.10.2011 respectively requiring the discontinuance of the relevant operation and reinstatement of the concerned land by removing the miscellaneous objects, the hard paving, debris and fill materials on the land; and to grass the land. As the RN requirements had not been complied with upon expiry of the compliance period on 6.1.2012, the notice recipients were subject to prosecution action;

Previous and Similar Applications

- (e) there was no previous application covering the application site;
- (f) there were 13 similar applications within the same “AGR” zone, five of which were rejected and eight were approved;
- (g) applications No. A/YL-KTN/130, A/YL-KTN/149, A/YL-KTN/161, A/YL-KTN/263 and A/YL-KTN/303 were rejected mainly on the grounds that the proposed developments were not in line with the planning intention of the “AGR” zone; did not comply with the TPB Guidelines for Open Storage and Port Back-up Uses; insufficient information to demonstrate that the developments would not have adverse traffic, drainage, landscape and/or environmental impacts; setting of an undesirable precedent; and no information to demonstrate that a suitable site could not be identified in Kam Tin, Pat Heung or Shek Kong areas for the proposed developments;
- (h) applications No. A/YL-KTN/338, A/YL-KTN/339, A/YL-KTN/341, A/YL-KTN/343, A/YL-KTN/355, A/YL-KTN/363, A/YL-KTN/364 and A/YL-KTN/373 were approved mainly on the considerations that the developments were not incompatible with the surrounding land uses; the temporary nature of the developments would not jeopardise future

rehabilitation of the sites for agricultural purpose; the applications were generally in line with TPB Guidelines No. 13E in that the sites fell within Category 2 areas; the relevant departments had no adverse comments; and the environmental and landscape concerns and local objections could be addressed by shorter approval periods and/or appropriate approval conditions;

- (i) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receiver i.e. residential structures located to the immediate north and in the vicinity of the site and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD objected to the application from landscaping planning point of view as the site was partly vegetated and partly paved; the surrounding areas were predominantly rural in character with cultivated and fallow agriculture land, village houses and scattered woodland. The Director of Agriculture, Fisheries and Conservation (DAFC) advised that the application site was adjacent to vegetated fields and an orchard and these farming activities in the vicinity were very active. DAFC did not support the application from agriculture point of view as the application site had high potential for agricultural rehabilitation;
- (j) public comments - one public comment on the review application was received pointing out that agricultural land in the area should not be used for storage/warehouse purpose and that enforcement action should be taken to prohibit illegal conversion of agricultural land. During the s.16 stage, two public comments were received objecting to the application on the grounds that the proposal was not in line with the planning intention, would degrade the environment and the land, would cause noise and dust nuisance and would set a bad precedent;
- (k) PlanD's views – PlanD did not support the review application based on the assessments set out in paragraph 6 of the Paper, which were summarized below:

- (i) the proposed development was not in line with the planning intention of the “AGR” zone. DAFC did not support the application as there were active farming activities in the vicinity and the site had high potential for agricultural rehabilitation. There was no strong planning justification to justify a departure from the planning intention, even on a temporary basis;
- (ii) the development was not compatible with the surrounding land uses which were rural in character predominated by fallow and cultivated agricultural land and scattered residential structures/dwellings. While there were a few open storage/storage yards in the vicinity, they were suspected “unauthorised developments” subject to enforcement action;
- (iii) enforcement action against unauthorized land filling at the site and its adjoining area had been undertaken and EN and RN were issued to the concerned parties including the applicant. As the RN requirements had not been fulfilled, the notice recipients were now subject to prosecution action. Based on the approach to deter “destroy first, build later” announced by the Board on 4.7.2011, the Board was determined to conserve the rural and natural environment and would not tolerate any deliberate action to destroy the rural and natural environment in the hope that the Board would give sympathetic consideration to subsequent development on the site concerned. It was considered that sympathetic consideration to the current application should not be given;
- (iv) the application did not comply with the TPB Guidelines No. 13E in that there was no previous approval for open storage use granted at the site. Moreover, there were adverse departmental comments and public/local objections against the application. DEP did not support the application as there were sensitive receivers (i.e. residential structures) located to the immediate north and in the

vicinity of the site and environmental nuisance was expected. CTP/UD&L, PlanD did not support the application from the landscape point of view as the proposal was incompatible with the surrounding landscape and would result in further degradation of the landscape quality. Besides, the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) had requested the applicant to submit a drainage proposal to demonstrate that the development would not generate adverse drainage impact;

- (v) although similar applications within the same “AGR” had been approved, they were located at the eastern portion of the zone about 700m to 1km away from the site. Besides, except for applications No. A/YL-KTN/343 and 363, all the approved similar applications fell within Category 2 areas under TPB Guidelines No. 13E, where temporary planning permission could be granted subject to no adverse departmental comments and local objections or the concerns of the departments and local residents could be addressed by appropriate approval conditions.

107. As Members had no further questions, the Vice-chairman thanked representative of PlanD for attending the meeting. Mr. W.W. Chan left the meeting at this point.

Deliberation Session

108. The Vice-chairman said that there was no change in planning circumstances pertaining to the case and the application should not be approved. Members agreed.

109. After further deliberation, the Board decided to reject the application on review. Members then went through the reasons for rejection as stated in paragraph 7.1 of the Paper and considered that they were appropriate. The reasons were:

- (a) the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone, which was to retain and safeguard good agricultural land for agricultural purposes. This zone was also intended to

retain fallow arable land with good potential for rehabilitation. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;

- (b) the application did not comply with the TPB Guidelines No. 13E in that the development was not compatible with the surrounding land uses which were predominantly rural in character; there was no previous approval granted at the site; and there were adverse comments from the relevant government departments and public objections against the application;
- (c) the applicant failed to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

[Dr. C.P. Lau left the meeting at this point.]

Agenda Item 8

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-PS/350

Temporary Open Storage and Workshop

(Dismantling and Storage of Reusable/Disused Computers)

for a Period of 3 Years in “Green Belt” and “Undetermined” zones,

Lots 3246(Part), 3247(Part), 3248(Part), 3249(Part), 3251(Part),

3252(Part), 3335(Part), 3336(Part), 3337(Part), 3338(Part) and 3339(Part)

in D.D. 124, Tin Sam, Hung Shui Kiu, Yuen Long, New Territories

(TPB Paper No. 9116)

[The meeting was conducted in Cantonese.]

Presentation and Question Session

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

Mr. W.W. Chan	District Planning Officer/Tuen Mun & Yuen Long (DPO/TMYL)
Mr. Francis Lau Tak)
Mr. Lake So Lek Hang)
Mr. Lam Kuen) Applicant’s Representatives
Mr. Lui Kin Wai)
Ms. Winnie Siu Yuk Ying)

111. 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.

112. 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 and workshop (dismantling and storage of reusable/disused computers) for a period of three years at a site zoned “Green Belt” (“GB”) and “Undetermined” (“U”) on the Ping Shan Outline Zoning Plan (OZP);
- (b) the application was rejected by the Rural and New Town Planning Committee (RNTPC) on 7.10.2011 and the reasons were:
 - (i) the application was not in line with the planning intention of the “GB” zone, which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets; and not in line with TPB Guidelines No. 10 for Application for Development within the “GB” zone in that no strong planning justification had been provided in the submission to justify a departure from the planning intention, even on a temporary basis;
 - (ii) the application was 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 similar use had been granted; there were no exceptional circumstances to merit an approval; and there were adverse departmental comments on the environmental and landscape impacts of the development; and
 - (iii) setting of an undesirable precedent, the cumulative effect 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 had been granted a lease to operate a recycling business in the Ecopark Phase 2 in Tuen Mun. Building plan submission had been made and the premises were expected to be available for the business in June 2013. The subject site was used as a temporary

operation area for his business; and

- (ii) all storage and workshop activity would be covered. The location of movable canvas structures was shown on the submitted plan. Environmental impact was not expected;

Previous and Similar Applications

- (d) there were five previous applications covering the subject site and/or a larger site area. Three applications not involving the “GB” part were approved, and the others were rejected for being not in line with planning intention of the “GB” zone and the then TPB Guidelines for open storage and port back-up uses; not compatible with the nearby residential structures and setting of undesirable precedent;
- (e) one similar application within the same “U” zone was approved. There were five similar applications within the same “GB” zone and they were all rejected by the Board mainly because they were not in line with the planning intention; not compatible with the surrounding land uses; failed to demonstrate that it would not have adverse traffic, environmental, drainage and/or geotechnical impacts; not in line with TPB Guidelines for open storage and port back-up uses; and setting of undesirable precedent;
- (f) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and/or access road and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD had reservation on the application from landscape planning point of view as there was agricultural land to the west of the site within the “GB” zone;
- (g) public comments - one public comment was received objecting to the review application on environmental and safety grounds;

- (h) 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 application site was partly within Category 2 area (the part within “U” zone) and partly within Category 4 area (the part within “GB” zone) under the TPB Guidelines No. 13E;
 - (ii) part of the site was zoned “U” as it would be affected by the West Rail (WR) alignment. With the completion of the WR, detailed land use of the site and its surrounding areas would be examined under the planning and engineering study on Hung Shui Kiu New Development Area (HSK NDA) which had been commenced in August 2011. In this connection, three previous applications involving this part of the site (No. A/YL-PS/157, 217 and 264) for temporary open storage of construction materials and machineries submitted by the same applicant were approved by the Board;
 - (iii) the applied use was not in line with the planning intention of the “GB” zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl. There was a general presumption against development in “GB” zone. The application was not in line with TPB Guidelines No. 10 in that no strong planning justification had been provided in the submission to justify a departure from the planning intention, even on a temporary basis;
 - (iv) applications for open storage uses within Category 4 areas would normally be rejected except under exceptional circumstances. No previous approval was given to the part of the site which was within the Category 4 area. As such, the application was not in line with TPB Guidelines No. 13E;

- (v) there were adverse departmental comments to the application. CTP/UD&L had reservation on the application from landscape planning point of view as there was agricultural land to the west of the site within the “GB” zone. DEP did not support the application as there were sensitive uses close to the site and the access road and environmental nuisance was expected;
- (vi) there were five similar applications for open storage uses within the same “GB” zone and they were all rejected by the Board. Approval of the subject application would set an undesirable precedent for other similar applications in the “GB” zone; and
- (vii) one public comment was received during the s.16 stage from a Yuen Long District Council member objecting to the application on environmental grounds; and one public comment objecting to the application on environmental and safety grounds was received during the s.17 stage.

113. The Vice-chairman then invited the applicant’s representatives to elaborate on the application.

114. With the aid of a Powerpoint presentation (the material was also tabled at the meeting), Mr. Francis Lau Tak made the following main points:

- (a) the applicant originally proposed to apply for a temporary approval for open storage and workshop use of the site for three years. He now requested the Board to grant a shorter approval period of one year only in order to allow him to relocate his business to the Ecopark at Tuen Mun;
- (b) the applicant had been granted a tenancy agreement to operate a waste recycling business at the Ecopark at Tuen Mun for 20 years starting from 1.1.2012. Building plan approval for the structures at the Ecopark had been obtained and construction works were scheduled to be completed by June 2013. By June 2013, most of the storage and workshop uses at the

application site would be relocated to the Ecopark, while some of the remaining storage activities would be confined in the eastern portion of the site zoned “U” in which open storage uses were allowed upon application to the Board. There would not be any storage activities within the “GB” area;

- (c) an environmental impact assessment (EIA) report was submitted to the Board during the s.16 stage. As indicated in Paper considered by the RNTPC on 7.10.2011 (Annex A), the submitted EIA and the proposed mitigation measures were accepted by DEP. The applicant had also submitted a drainage proposal which was accepted by the Drainage Services Department (DSD). The applicant had made efforts to minimize any environmental and drainage impact generated from the development and there was no environmental complaint regarding the operation at the application site received in the past three years;
- (d) the structures erected within the site were temporary in nature and the storage and workshop activities would be covered with movable canvas structures;
- (e) the application was supported by the Ha Tsuen Rural Committee and a District Council Member; and
- (f) the applicant was operating a waste recycling business. Reusable computers would not only be dismantled, but packed for donation to charitable organizations. The business was one of the few environmental businesses accepted by the Government for operation at the Ecopark at Tuen Mun.

[The Chairman returned and resumed the chairmanship at this point.]

115. Ms. Winnie Siu Yuk Ying made the following main points:

- (a) the applicant (the applicant was a limited company) was a formal recycling business and had its own workshop with five production lines. People from underprivileged groups and rehabilitated persons were hired to work in the workshop as low-skilled labour. Used appliances such as computers and sickbeds would be repaired to working conditions and donated to charitable organizations;
- (b) the applicant was doing eco-business and the operational cost was very high. The applicant had no intention to occupy or destroy the green area; and
- (c) tenancy agreement had already been granted at the Ecopark and the applicant had to pay rent for that premises. One year was required for the construction works before the business could be relocated to the Ecopark. The Board was therefore requested to grant a temporary approval of one year to allow the applicant to continue its business in the interim and the workers could continue working in the workshop.

116. Mr. Lui Kin Wai, a worker in the applicant's workshop, said that the workers working in the applicant's workshop were mostly low-skilled workers and came from underprivileged groups living in Tin Shui Wai. If the business was forced to close down, the workers would lose their jobs. He urged the Board to give sympathetic consideration to the application.

117. In response to the question of the Chairman, Ms. Winnie Siu Yuk Ying said that the applicant had started its business at the application site since 2006. The applicant was only a tenant and did not have any knowledge on any restrictions on the use of the land.

118. In response to the question of a Member on the drawing up of the boundaries of the "U" and the "GB" zones in the area, Mr. W.W. Chan said that the area was previously affected by the WR. As the WR alignment was yet to be confirmed at that time, the area was zoned "U". The zoning boundary was drawn up to reserve land for WR development and did not follow any geographical feature or planned land uses in the area. With the completion of the WR, detailed land use of the area would be examined under the planning

and engineering study on HSK NDA which had commenced in August 2011.

119. Mr. Francis Lau Tak said that Mr. Lam Kuen, who was living in the area and was present at the meeting, had confirmed that the application site was occupied by chicken sheds previously. The applicant did not fell any trees or clear the vegetation at the application site for establishment of the workshop.

120. In response to the same Member's question, Mr. Lake So Lek Hang said that as stated in paragraph 10.1.3 of the RNTPC Paper at Annex A of the TPB Paper, the EIA submitted by the applicant had been accepted by DEP.

121. The Chairman said that paragraph 10.1.3 of the RNTPC Paper did not contain any information on any submitted EIA and DEP's agreement. He requested Mr. H.M. Wong to clarify on the applicant's submission and DEP's comments.

122. In response to Mr. H.M. Wong, Principal Environmental Protection Officer (Strategic Assessment), Environmental Protection Department's (PEPO(SA), EPD) question, Mr. Francis Lau Tak confirmed that the said EIA was attached at Enclosure 10 in the applicant's submission (Appendix Ia of Annex A of the TPB Paper).

123. Mr. H.M. Wong said that the environmental impact assessment submitted to the Board was very sketchy, and paragraphs 10.1.3 (a) to (c) of the RNTPC Paper were DEP's advice on the measures that had to be undertaken by the applicant in carrying out recycling business within the application site. They did not carry any connotation that the application and the applicant's submission were accepted by DEP. On the contrary, DEP did not support the application as there were sensitive uses in the vicinity of the site as stated in paragraph 10.1.3(d) of the RNTPC Paper. The operation of the proposed workshop would unavoidably create environmental impacts to these sensitive uses.

124. Mr. Francis Lau Tak clarified that the applicant was willing to follow the advice of DEP in undertaking the environmental mitigation measures.

125. Noting that DEP requested that fixed shelter-like canopies should be erected to cover all raw materials and sorted/shredded products related to used electrical and electronic

equipment, the Vice-chairman asked if fixed canopies or the movable canopies as shown in the presentation of the applicant's representative at the meeting would be used.

126. In response, Mr. Francis Lau Tak said that the materials would be stored within the existing structures as far as possible. Mr. Lau also showed a photograph showing a temporary metal structure on wheels with canvas and said that this could be used to store the materials on site. The applicant intended to use temporary canvas structure to cover the materials stored at the site as the business here was temporary in nature and would be relocated shortly.

127. In response to a Member's question, Mr. H.M. Wong said that according to the photograph tabled at the meeting, the applicant's proposed temporary canvas structure was too small and appeared to be a canvas cover for a private car. The use of such canvas of temporary nature to cover the electrical and electronic recycling materials was inappropriate and was not acceptable to DEP from environmental protection point of view.

128. As the applicant's representatives had no further comment to make and Members had no further questions, the 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 Chairman thanked the applicant's representatives and the representative of PlanD for attending the meeting. They all left the meeting at this point.

Deliberation Session

129. The Chairman said that the site was subject to enforcement action against storage and workshop uses and the applicant indicated that the business would be relocated to the Ecopark at Tuen Mun by June 2013 when the premises there were ready for relocation. Members might wish to consider if a temporary permission could be granted to allow time for the applicant to relocate its business, taking into account the environmental concern.

130. A Member said that the building works shown on the approved building plans in the applicant's submission might take about nine months to complete. It seemed reasonable for the applicant to request for a temporary approval of one year to allow relocation of the

storage and workshop uses after the completion of the construction works at the Ecopark.

131. Mr. H.M. Wong said that the Government had signed tenancy agreement with the applicant for renting a premises at the Ecopark at Tuen Mun for carrying out recycling business. Mr. Wong said that while the Government supported the establishment of eco-business in Hong Kong, the operation of the applicant's workshop at the application site with sensitive uses in the vicinity would create environmental nuisance to these sensitive uses. Moreover, handling and storage of dismantled electrical and electronic equipment might also cause soil and groundwater contamination to the surrounding areas if they were not handled properly.

132. In response to the Chairman's question, Mr. H.M. Wong said that while pollution caused by improper handling of electrical and electronic equipment would be subject to enforcement action under the relevant pollution control regulations, it would be better to avoid this kind of interface problem during the planning stage. In this connection, it was considered necessary for the applicant to demonstrate at the planning application stage that the identified environmental problems were properly addressed. Apart from environmental nuisances to the sensitive uses in the vicinity, the applicant's proposal of using temporary canvas to cover the electrical and electronic recycling materials was inappropriate and also not considered acceptable.

133. Noting that the applicant had been using the site for years without planning permission, the Chairman asked if the site was subject to any enforcement action under the Town Planning Ordinance. The Secretary said that the site was subject to planning enforcement action against the storage and workshop uses. Enforcement Notice (EN) was issued on 22.9.2010 to the concerned parties requiring the discontinuance of the unauthorized development by 22.11.2010. According to site inspection upon expiry of the compliance period of the EN, the unauthorized development had not been discontinued. Prosecution action against the notice recipients was in progress.

134. A Member said while the eco-business was supported, it should be operated at appropriate location. However, the development at the application site was not in line with the planning intention of the "GB" zone and the relevant TPB Guidelines. It should not be approved. Members agreed.

135. The Chairman concluded Members' views that the application should not be approved as it was not in line with the planning intention of the "GB" zone and the relevant TPB Guidelines.

136. 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 development was not in line with the planning intention of the "Green Belt" ("GB") zone, which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. It was also not in line with Town Planning Board Guidelines No. 10 in that no strong planning justification had been provided in the submission to justify a departure from the planning intention, even on a temporary basis;
- (b) the application was not in line with the Town Planning Board Guidelines No. 13E in that no previous approval for similar use had been granted on the part of the site under "GB" zone; there were no exceptional circumstances to merit an approval; there were adverse departmental comments and local objection on the environmental aspect; and the development would generate adverse environmental and landscape impacts to the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for other similar uses to proliferate in the "GB" zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

Sha Tin, Tai Po and North District

Agenda Item 9

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/DPA/NE-TKP/7

Proposed House (New Territories Exempted House - Small House)

in “Unspecified Use” zone, Government Land in DD 255,

Pak Tam Au, Sai Kung North, New Territories

(TPB Paper No. 9117)

Agenda Item 10

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/DPA/NE-TKP/8

Proposed House (New Territories Exempted House - Small House)

in “Unspecified Use” zone, Government Land in DD 255,

Pak Tam Au, Sai Kung North, New Territories

(TPB Paper No. 9118)

Agenda Item 11

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/DPA/NE-TKP/9

Proposed House (New Territories Exempted House - Small House)

in “Unspecified Use” zone, Government Land in DD 255,

Pak Tam Au, Sai Kung North, New Territories

(TPB Paper No. 9119)

Agenda Item 12

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/DPA/NE-TKP/10
Proposed House (New Territories Exempted House - Small House)
in “Unspecified Use” zone, Government Land in DD 255,
Pak Tam Au, Sai Kung North, New Territories
(TPB Paper No. 9120)

Agenda Item 13

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/DPA/NE-TKP/13
Proposed House (New Territories Exempted House - Small House)
in “Unspecified Use” zone, Government Land in DD 255,
Pak Tam Au, Sai Kung North, New Territories
(TPB Paper No. 9121)

[The meeting was conducted in Cantonese.]

137. The Chairman said that the five applications were similar in nature and the application sites were located next to one another in the same area designated as “Unspecified Use” on the Development Permission Area (DPA) Plan, and the review applications were submitted jointly by the five applicants. Members agreed that the review applications were considered together.

Presentation and Question Session

138. The following representative of the Planning Department (PlanD), the applicants, and applicants’ representatives were invited to the meeting at this point:

Ms. Jacinta Woo

District Planning Officer/Shu Tin, Tai Po and
North (DPO/STN), PlanD

Mr. Li Yiu Ban)
Ms. Lau Yuk Ying) Applicants' Representatives
Mr. Ho Kam Wah)
Mr. Ho Yun Nam	Applicant
Mr. Ho Fong Sang	Applicant
Mr. Ho Kai Yiu	Applicant
Mr. Ho Shek On	Applicant

139. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited Ms. Jacinta Woo to brief Members on the review applications.

140. With the aid of some plans, Ms. Jacinta Woo, DPO/STN, made the following main points on the review applications as detailed in the Paper:

- (a) the applicants each sought planning permission for house (New Territories Exempted House (NTEH) – Small House) at the respective application sites within an area designated as “Unspecified Use” on the approved To Kwa Peng and Pak Tam Au DPA Plan No. DPA/NE-TKP/2;
- (b) the applications were rejected by the Rural and New Town Planning Committee (RNTPC) on 24.2.2012 and the reasons were:
 - (i) they did not comply with the interim criteria for consideration of application for NTEH/Small House in the New Territories (the interim criteria) as the site was located within the Upper Indirect Water Gathering Grounds (WGGs) where public sewer was not available and the applicant failed to demonstrate that the proposal would not cause adverse water quality impact on the area; and
 - (ii) setting of an undesirable precedent for other similar applications in the area, the cumulative impact of which would result in an adverse impact of the water quality in the area;

- (c) the applicants had submitted written submission in support of the review applications and the major grounds were summarized below:
- (i) the applicants were indigenous inhabitants of Pak Tam Au and had concessionary right for Small House grant;
 - (ii) the application sites fell within the village ‘environs’ of Pak Tam Au;
 - (iii) the applications for Small Houses did not involve any lease modification;
 - (iv) the application sites did not take up any land for planned road network;
 - (v) the application sites were far away from the Indirect WGGs. With the provision of septic tank and soakaway pit, sewage would seep underground and be filtered and absorbed by soil and would not pollute the streams and the water source of the Indirect WGGs. This was evidenced by the current use of septic tank and soakaway pit by the existing village cluster of Pak Tam Au; and
 - (vi) the public comments against the proposals on adverse environmental, ecological, landscape, traffic impacts were exaggerating in view of the limited scale of the proposals and presence of public transport. The applications were not “destroy first and application later” cases as the applicants had never damaged any flowers or trees nor dug out a pinch of soil. Instead, the applicants casted doubt on the mentality of such public commenters;

Similar Applications

- (d) there were two similar applications within the same “Unspecified Use” area. Application No. A/DPA/NE-TKP/1 for proposed three Small Houses was approved with conditions by the RNTPC on 22.7.2011 mainly

on the consideration that given the special circumstances of the case where Certificate of Exemption (C of E) for the three Small Houses had been issued six years ago, and concerned government departments had no objection to the application subject to imposition of relevant approval conditions. Application No. A/DPA/NE-TKP/11 was rejected by the RNTPC on 24.2.2012 for the same reasons of the subject review applications;

Departmental comments

- (e) the Director of Environmental Protection (DEP) advised that the site was located within the WWGs where no public sewer was available. To prevent contamination of water which was designated by statute for portable supply, DEP did not support the application. DEP also advised that the use of septic tank and soakaway systems for sewage treatment and disposal was not considered as an acceptable means for new village developments located in WGGs. The Chief Engineer/Development (2), Water Supplies Department (CE/D(2), WSD) objected to the applications as the site encroached upon the Upper Indirect WGGs. They were within an area where there was no sewerage connection available in the vicinity at present;
- (f) the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD had some reservations on the applications from landscape planning point of view as the application sites had a tranquil rural setting with high landscape value, and the proposed developments would encourage other similar developments and cumulatively result in haphazard village development within the rural setting;
- (g) public comments - a total of five comments objecting to the review applications were received. The major grounds of objection were:
 - the area supported terrestrial wildlife and aquatic species of conservation value. Development and the potential population growth would induce a need for road widening or even permanent

opening of the restricted area to the north of Pak Tam Chung which would unavoidably cause ecological impacts. The applications were not in line with the general planning intention of the area;

- the area was on land degraded by removal of some two to three metres of top soil. The remaining sub soil might not support a soakaway system, resulting in adverse sewage and drainage impacts on the surrounding areas, including the stream nearby;
- the existing access road to the village of Pak Tam Au was very small with no space for additional vehicles. There would be the question of accessibility both during the construction phase and when the Small Houses were occupied;
- the proposals might cause damage or destruction of some or all of the surrounding trees;
- the applications contained no plan for community space, including sitting out areas, open space and car parks; and
- with the unique ecosystem of the valley providing a number of ponds, waterways and high quality grazing, the area played a crucial role for accommodating feral cattle in the territory;

(h) PlanD's views –PlanD did not support the review application based on the assessments set out in paragraph 7 of the Papers, which were summarized below:

- (i) the proposed Small House developments fell entirely within the village 'environs' of Pak Tam Au. According to District Lands Officer/Tai Po's (DLO/TP) record, the total number of outstanding Small House applications for Pak Tam Au Village was 14 while the 10-year Small House demand forecast for this village was 25;

- (ii) the sites were located within the Upper Indirect WGGs where public sewer was not available. DEP was of the view that the use of septic tank and soakaway systems for sewage treatment and disposal was not considered as an acceptable means for new village developments located in WGGs. There was no information in the submissions to demonstrate that the water quality within WGGs would not be affected by the proposed developments. The proposals failed to comply with the interim criteria. CE/D(2), WSD and DEP did not support the application;
- (iii) the CTP/UD&L, PlanD had some reservations on the applications from landscape planning point of view. The application sites had a tranquil rural setting with high landscape value. Although significant impact to the existing on-site landscape resources was not anticipated, the proposed developments would encourage other similar developments and cumulatively result in haphazard village development within the rural setting; and
- (iv) there were public comments objecting to the proposed Small Houses.

141. The Chairman then invited the applicants and applicants' representatives to elaborate on the applications.

142. Mr. Ho Kam Wah, Village Representative (VR) of Pak Tam Au, tabled a letter at the meeting and made the following main points:

- (a) there were no road access, water and electricity supplies to the village in the past. In the 1970s, owing to the construction of the High Island Reservoir, the Government resumed the land from his grandfather for ground investigation works and promised to improve the infrastructure provision in the area. His grandfather did not object to the land resumption and the works as the construction of the reservoir was beneficial to the general public. He hoped that the environment and

accessibility of the village would be improved as a result of the reservoir works;

- (b) however, the previous water sources to the village for farming had all been diverted owing to the construction of the reservoir. Villagers were therefore forced to move away and to find work outside the village;
- (c) the villagers were now getting old and intended to move back to the village and live there for the rest of their lives. As the area was designated as WGGs, villagers were not allowed to build their Small Houses. Villagers had consulted experts on installation of sewage treatment facilities on their own. However, the facilities would cost over \$1 million which was beyond the means of villagers; and
- (d) as the WGGs were related to the High Island Reservoir which was a public facility, the Government should be responsible for providing sewage treatment facility in the area.

143. Ms. Lau Yuk Ying made the following main points:

- (a) the village was established in the area well before designating the area as WGGs;
- (b) the designation of the area as WGGs had affected villagers' right to build their Small Houses;
- (c) septic tank and soakaway pit had been used for sewage treatment in the village for many years. No pollution problem had been caused;
- (d) the applicants' proposed houses were located far away from the reservoir and would not contaminate the water draining into the reservoir; and
- (e) the applicants submitted their applications for Small Houses before that of the three houses already approved by the Board. The applicants did not

understand why the three houses were approved by the Board, but the subject applications were rejected owing to the WGGs.

144. Mr. Li Yiu Ban, committee member of the Sai Kung North Rural Committee, made the following main points:

- (a) he did not have any pecuniary relationship with the applicants and he just spoke for justice of society;
- (b) the village had a history of over 100 years, however, the High Island Reservoir and the related pump house were only built in the 1970s. The villagers did not object to the construction of the reservoir and the pump house because the infrastructure were to serve the general public;
- (c) there were 26 villages in Lam Tsuen. Villagers at Lam Tsuen also used septic tanks and soakaway pits in the past and sewerage connection was only completed recently. Villagers of Lam Tsuen were however allowed to build Small Houses in the past even though there was no sewerage connection;
- (d) the proposed Small Houses were located more than 30m away from the stream and even further away from the pump house of the reservoir. As such, even if septic tanks and soakaway pits were to be used, there would not be any pollution problem; and
- (e) there was no sewage treatment facilities serving the village because the population of the village was small. The Government had the responsibility to improve the environment of the village. A small-scale sewage treatment facility could be provided and the cost involved would not be substantial, as compared with other large-scale works.

145. Mr. Ho Kai Yiu made the following main points:

- (a) the houses in the village were very old and villagers just wanted to build their own Small Houses to improve their living environment;
- (b) the DPA Plan was published in 2011 but the applicants submitted their applications for Small Houses ten years ago;
- (c) simple soakaway systems had been used for many years and they did not generate any pollution problem; and
- (d) the simple soakaway systems would also be used by the three houses which had been approved by the Board.

146. In response to the question of the Chairman, Ms. Lau Yuk Ying and Mr. Li Yiu Ban said that the WGGs in the area were designated after the High Island Reservoir was built in the 1970s.

147. In response to a Member's questions, Ms. Jacinta Woo made the following main points:

- (a) pollution caused by unmanaged sewage discharge would affect the water quality of both the stream nearby and the underground water draining to the reservoir;
- (b) application No. A/DPA/NE-TKP/1 for three Small Houses was approved with conditions by the Board on 22.7.2011 on consideration of its special circumstance that C of E for the three Small Houses had been issued by DLO/TP six years ago; and
- (c) while the applicants submitted their applications to the DLO/TP for Small House licence ten years ago, they submitted the subject planning applications in October 2011.

148. In response to the same Member's questions on the control of sewage discharge within WGGs, Mr. H.M. Wong, Principal Environmental Protection Officer (Strategic

Assessment), Environmental Protection Department's (PEPO(SA), EPD), said that potential contamination of water through surface runoff and ground seepage was the subject of great concern of EPD and WSD as the water was for potable supply. The control of sewage discharge from new village development within all WGGs had been adopted for many years. The use of septic tank and soakaway systems for sewage treatment and disposal was not considered as an acceptable means for new village development located in WGGs, as compared with proper small-scale treatment facility.

149. In response to a Member's question, Ms. Jacinta Woo said that according to the 2006 By-census, the population of Pak Tam Au was about 30 persons and there were at present about 20 houses in the village.

150. Mr. Ho Shek On said that there were at present only 8 to 10 persons living in the village. Ms. Lau Yuk Ying said that villagers would go back during weekends.

151. In response to the questions from some Members on the village 'environs' and "Village Type Development" ("V") zone boundaries and the granting of Small House licence in the past at the village, Ms. Jacinta Woo made the following main points:

- (a) the whole village 'environs' of Pak Tam Au fell within the WGGs;
- (b) there was no "V" zone on the To Kwa Peng and Pak Tam Au DPA Plan. An appropriate "V" zone would be drawn up during detailed planning stage when the OZP was prepared;
- (c) as DEP considered that the use of septic tank and soakaway systems was not an acceptable means for sewage treatment, no planning permission had been granted for Small House development in the area, except the approval granted by the Board for three Small Houses based on the special circumstance that C of E had already been granted;
- (d) the To Kwa Peng and Pak Tam Au DPA Plan was first published under the Ordinance on 7.1.2011. Before the publication of this first statutory plan covering this area, application for Small House development was

submitted to the DLO/TP; and

- (e) according to DLO/TP's record, the total number of outstanding Small House applications for Pak Tam Au Village was 14 while the 10-year Small House demand forecast for this village was 25.

152. In response to a Member's question on whether the villagers had considered providing a small-scale sewage treatment by themselves, Mr. Li Yiu Ban said that before the construction of the reservoir and the associated pump house, villagers in the area had been living and farming in the area. Human waste was used as fertilizer by villagers and there had not been any pollution problem. While they had not formerly called for a quotation for the construction of a small-scale sewage treatment plant, it was believed that more than \$1 million would be required. This was not an affordable budget for the villagers. However, the cost would not be substantial, as compared with other government works, if the treatment facility was to be provided by the Government.

153. As the applicants and applicants' representatives had no further comment to make and Members had no further questions, the Chairman informed the applicants and applicants' representatives that the hearing procedures for the review had been completed and the Board would further deliberate on the applications in their absence and inform the applicants of the Board's decision in due course. The Chairman thanked the applicants and applicants' representatives and the representative of PlanD for attending the meeting. They all left the meeting at this point.

Deliberation Session

154. The Chairman said that development which would cause pollution to the water supply should not be approved. The previous case approved by the Board was on the consideration of the special circumstance that C of E had already been granted to the Small Houses. Members might wish to consider that while the applications involved only five houses to be served by septic tank and soakaway systems, the approval of the applications would set a precedent for other similar applications in the area.

155. Mr. H.M. Wong said that the use of septic tank and soakaway systems which required good maintenance was not an acceptable means for sewage treatment. Private package treatment facilities were in fact available for sewage treatment of a small number of Small Houses. The cost of such facilities would not be unreasonably high if it was shared by the Small Houses owners.

156. The Secretary said that the Board had considered planning applications for Small Houses in accordance with the interim criteria. According to the interim criteria, if the proposed Small House was located within WGGs, it should be able to be connected to existing or planned sewerage system in the area except under very special circumstances (e.g. the application site had a building status under the lease or the applicant could demonstrate that the water quality within WGGs would not be affected by the proposed development). The approval of the subject applications without special circumstances and acceptable solution to the sewage problem would set a precedent for other similar applications. The Secretary also said that in one of the representations to the draft DPA Plan, the representer had submitted a proposal to provide an on-site sewage treatment facility to facilitate a development proposal in the area. Such proposal could be considered in drawing up the “V” zone for the village during the preparation of the OZP.

157. The Vice-chairman and two Members agreed that granting approval to the subject applications would set an undesirable precedent for similar applications. They did not support the applications.

158. The Chairman concluded Members’ views that the subject applications should not be approved as they did not comply with the interim criteria. The Chairman suggested that in view of the concern on water quality within the WGGs, the LandsD should be advised to seek comments from the WSD in considering applications for Small House developments within the WGGs. Members agreed.

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

- (a) the proposed development did not comply with the interim criteria for consideration of application for New Territories Exempted House/Small House in the New Territories as the site was located within the Upper Indirect Water Gathering Grounds where public sewer was not available and the applicant failed to demonstrate that the proposal would not cause adverse water quality impact on the area; and
- (b) the approval of the application would set an undesirable precedent for other similar applications in the area, the cumulative impact of which would result in an adverse impact of the water quality in the area.

Agenda Item 14

[Open meeting]

Request for Deferral for Review of Application No. A/NE-TK/382

Proposed Rural Committee/Village Office in “Green Belt” zone,

Government Land in D.D. 15, Shan Liu Village, Tai Po

(TPB Paper No. 9122)

[The meeting was conducted in Cantonese.]

160. The Secretary reported that on 12.6.2012, the applicant wrote to the Secretary of the Board requesting the Board to defer making a decision on the review application for three months in order to allow sufficient time for the implementation of trunk sewers as well as the preparation of sewerage connection system and landscape proposal. The justifications for deferment met 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 applicant needed more time to resolve the technical issues with relevant government departments, the deferment period was not indefinite, and the deferment would not affect the interest of other relevant parties. However, normally, the applicant would be given two months for preparation of further submission.

161. After deliberation, the Board agreed to defer a decision on the review application 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.

Procedural Matters

Agenda Item 15

[Open meeting]

Submission of the Draft Kai Tak Outline Zoning Plan No. S/K22/3A
under Section 8 of the Town Planning Ordinance
to the Chief Executive in Council for Approval
(TPB Paper No. 9126)

[The meeting was conducted in Cantonese.]

162. 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 the item was procedural in nature, Members agreed that Mr. Lau should be allowed to stay at the meeting for the item.

163. The Secretary briefly introduced the Paper. On 26.8.2011, the draft Kai Tak Outline Zoning Plan (OZP) No. S/K22/3 was exhibited for public inspection under s.5 of the Town Planning Ordinance (the Ordinance). During the 2-month exhibition period, 1,116 representations were received. On 18.11.2011, the representations were published for public comments and 159 comments were received. After given consideration to the representations and comments under s.6B(1) of the Ordinance on 17.2.2012, the Board decided to propose amendments to the draft OZP by revising the building height and plot ratio restrictions of the “Comprehensive Development Area (1)” (“CDA(1)”), “CDA(2)”, “CDA(3)” and “Commercial (6)” zones to partially meet 68 representations and amending the Explanatory Statement (ES) to partially meet one representation. On 9.3.2012, the proposed amendments were exhibited under s.6C(2) of the Ordinance. Nine valid further

representations were received. On 8.6.2012, after giving consideration to the nine valid further representations, the Board noted one supporting further representation and decided to partially meet the remaining 8 further representations by revising the building height control sub-zone boundary of the “CDA(1)” zone to follow the alignment shown on OZP No. S/K22/2.

164. The Secretary said that as the plan-making process had been completed, the draft Kai Tak OZP was ready for submission to the Chief Executive in Council (CE in C) for approval.

165. After deliberation, the Board:

- (a) agreed that the draft Kai Tak Outline Zoning Plan No. S/K22/3A and its Notes at Annexes I and II respectively were suitable for submission under s.8 of the Ordinance to the CE in C for approval;
- (b) endorsed the updated ES for the draft Kai Tak OZP No. S/K22/3A at Annex III as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board; and
- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

Agenda Item 16

[Closed meeting]

166. This item was recorded under confidential cover.

Agenda Item 17

[Open meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

Application to the Chief Executive under section 8(2) of the Town Planning Ordinance for Extension of Time Limit for Submission of the Draft Wong Nai Chung Outline Zoning Plan No. S/H7/16 to the Chief Executive in Council for Approval
(TPB Paper No. 9127)

167. The Secretary briefly introduced the Paper. The Secretary said that on 30.9.2010, the draft Wong Nai Chung Outline Zoning Plan (OZP) No. S/H7/15, incorporating amendments to revise the building height restrictions (BHRs) for the Hong Kong Sanatorium & Hospital (HKSH) at Wong Nai Chung Road, was exhibited under s.7 of the Town Planning Ordinance (the Ordinance). A total of 1068 representations and 9 comments were received. On 8.4.2011, the Board noted that two representers had withdrawn their representations before the hearing. After giving consideration to the remaining 1066 representations and the related comments, the Board considered that part of two representations in respect of the Man Lam Christian Church site was invalid, and decided not to uphold the remaining part of these two representations. The Board also decided to defer a decision on the remaining 1064 representations pending the submission of further information by HKSH to substantiate the Traffic Impact Assessment (TIA) and the advice from concerned government bureaux/departments on the geotechnical constraint of the HKHS site and the space requirement of the proton therapy machine.

168. On 26.8.2011, the draft Wong Nai Chung OZP No. S/H7/16, incorporating amendments to rezone a site at 17A Ventris Road from “Government, Institution or Community” (“G/IC”) to “G/IC(1)” as well as to amend the BHRs and stipulate plot ratio and site coverage restrictions and building gap requirement for the site, was exhibited for public inspection under s.7 of the Ordinance. A total of 11 representations and one comment were received. On 17.2.2012, after giving consideration to the representations and comment, the Board decided not to uphold the representations.

169. In February and March 2012, HKSH submitted further information to substantiate the TIA of the HKSH redevelopment proposal as requested by the Board. In conjunction with the TIA, HKSH also provided a more detailed geotechnical assessment and a new conceptual design scheme of the HKSH redevelopment proposal (Revised Scheme). The further information by HKSH was not only circulated to the relevant representers and commenters, but also made available administratively for public inspection. Subsequently, a total of 21 comments were received and all of them objecting to the Revised Scheme mainly on grounds of visual, air ventilation, traffic and environmental impact of the proposed HKSH's redevelopment and needs for HKSH's expansion at the subject site.

170. On 11.5.2012, the Board considered the further information submitted by HKSH and the advice given by concerned government bureaux/departments on geotechnical constraints and proton therapy machine. As some Members of the Board and some representers/commenters raised questions on the TIA, the Board decided to defer a decision on the representations pending clarifications from the Transport Department (TD) on the assumptions adopted in the TIA submitted by HKSH. Depending on the substance of the further information to be submitted by TD, the Board would decide on whether the relevant representers and commenters should be invited to make comments on the information received and to attend the resumed hearing. Taking into account the time required by TD for submitting the further information to the Board and, depending on the substance of the further information, the time required for arranging the hearing and the time allowed for the representers and commenters to comment on the further information, it was unlikely that the representation consideration process could be completed before the 9-month statutory time limit for submission of the draft OZP to the CE in C for approval (i.e. before 26.7.2012). In view of the above, the Secretary said that an extension of the 9-month statutory time limit for the subject OZP should be sought to allow sufficient time to complete the representation consideration process of the draft OZP before its submission to the CE in C for approval.

171. After deliberation, the Board agreed that the CE's agreement should be sought under s.8(2) of the Ordinance to extend the time limit for submission of the draft Wong Nai Chung OZP No. S/H7/16 to the CE in C for a further period of six months from 26.7.2012 to 26.1.2013.

172. There being no other business, the meeting closed at 4:35 p.m.