

**Minutes of 1025th Meeting of the
Town Planning Board held on 14.12.2012**

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 Edwin H.W. Chan

Ms. Bonnie J.Y. Chan

Professor K.C. Chau

Mr. Rock C.N. Chen

Mr. H.W. Cheung

Dr. Wilton W.T. Fok

Mr. Ivan C.S. Fu

Mr. Sunny L.K. Ho

Mr. Lincoln L.H. Huang

Professor Eddie C.M. Hui

Ms. Janice W.M. Lai

Mr. Dominic K.K. Lam

Dr. C.P. Lau

Mr. Patrick H.T. Lau

Ms. Julia M.K. Lau

Mr. Maurice W. M. Lee

Mr. H.F. Leung

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

Mr. Roger K.H. Luk

Miss Anita W.T. Ma

Mr. Stephen H.B. Yau

Dr. W.K. Yau

Principal Assistant Secretary (Transport)
Transport and Housing Bureau
Miss Winnie Wong

Deputy Director of Environmental Protection
Mr. C.W. Tse

Deputy Director of Lands (General)
Mr. Jeff Lam (a.m.)
Director of Lands
Ms. Bernadette Linn (p.m.)

Director of Planning
Mr. K.K. Ling

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

Secretary

Absent with Apologies

Professor P.P. Ho

Ms. Christina M. Lee

Dr. W.K. Lo

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

In Attendance

Assistant Director of Planning/Board
Ms. Christine K.C. Tse

Chief Town Planner/Town Planning Board
Ms. Donna Y.P. Tam (a.m.)
Mr. Edward W.M. Lo (p.m.)

Senior Town Planner/Town Planning Board
Ms. Donna Y.P. Tam (a.m.)
Ms. Caroline T.Y. Tang (p.m.)

Agenda Item 1

[Open meeting]

Confirmation of Minutes of the 1024th Meeting held on 30.11.2012

[The meeting was conducted in Cantonese.]

1. The minutes of the 1024th meeting held on 30.11.2012 were confirmed without amendments.

Agenda Item 2

[Open meeting]

Matters Arising

[The meeting was conducted in Cantonese.]

(i) **Approval of Draft Outline Zoning Plan**

2. The Secretary said that on 4.12.2012, the Chief Executive in Council approved the draft Tsuen Wan West Outline Zoning Plan (OZP) (to be renumbered as S/TWW/19) under section 9(1)(a) of the Town Planning Ordinance. The approval of the plan would be notified in the Gazette on 14.12.2012.

[Mr. Stanley Y.F. Wong arrived to join the meeting at this point.]

General

Agenda Item 3

[Open Meeting]

Planning and Engineering Study on Future Land Use at
the Ex-Lamma Quarry Area at Sok Kwu Wan, Lamma Island -
Feasibility Study (Stage 1 Community Engagement)
(TPB Paper No. 9242)

[The meeting was conducted in Cantonese.]

3. The following representatives of the Planning Department (PlanD), Civil Engineering and Development Department (CEDD) and Study Consultants were invited to the meeting at this point:

Ms. Elsa Cheuk	Chief Town Planner/Special Duties (CTP/SD), PlanD
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Mr. David Lo Kwok Chung	Chief Engineer/Islands (CE/Is), CEDD
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Ms. Betty Ho	Community Engagement Team Leader, PlanArch
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Mr. Leung Kam Shing	Urban Designer, Arup
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Mr. Lee Wai Lam	Urban Planner, Arup
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Mr. Barton Leung	Assistant Town Planner, Arup
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Ms. Lau Sze Hong	Assistant Town Planner, Arup
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4. The Chairman extended a welcome and invited CTP/SD to brief Members on the Paper.

5. Ms. Elsa Cheuk, CTP/SD, briefed Members on the background of the Planning and Engineering Study on Future Land Use at Ex-Lamma Quarry Area at Sok Kwu Wan, Lamma Island – Feasibility Study (Stage 1 Community Engagement) and made the following main points:

- (a) in January 2012, the PlanD and CEDD commissioned the Study;
- (b) the overall objective of the Study was to examine the future land use and explore the development potential of the Ex-Lamma Quarry site (the Study

Site) including residential development and other compatible uses;

- (c) the ex-Lamma Quarry site (the Study Site) was zoned “Undetermined” (“U”) (34.3 ha) on the approved Lamma Island Outline Zoning Plan (OZP) No. S/I-LI/9 on the northern coast of Sok Kwu Wan, Lamma Island;
- (d) the Study would include technical assessments to confirm the feasibility of the preferred land use options at the subsequent stage. The findings and recommendations would serve as a reference for the revision of the relevant town plans to guide the future developments at the Study Site.

6. With the aid of a Powerpoint presentation, Mr. Leung Kam Shing, Study Consultant, briefed Members on the Study as detailed in the Paper:

The Study Area

- (a) the Study Area (59.9 ha) covered the “U” zone (34.3 ha) (the Study Site) (including 20ha platform area), the adjacent “Comprehensive Development Area” (“CDA”) zone (the former cement plant), natural slopes and shorelines;
- (b) the Study Area consisted of the following unique features: the rehabilitated slopes which became a “green backdrop”; the man-made lake; the steep natural terrain; the long seawall, shoreline and lakefront; and the proximity of the area to the fish culture zone and Sok Kwu Wan seafood street;

The Vision and Planning Considerations

- (c) the overall vision of the Study was to create a green and sustainable waterfront neighbourhood that met the land use needs while complementing the local character, with guiding principles covering the development needs, local aspirations, environment and infrastructure;
- (d) the Study Site was subject to the following key planning considerations:

- the existing characters of Lamma Island and the rich landscape

- resources should be respected;
- major disturbance to the habitat should be mitigated as far as possible;
 - the connection to the Study Site should be improved;
 - basic infrastructure and utility facilities should be provided;
 - disturbance to the existing fish culture zones should be minimized;
 - the 20ha platform area presented good potential for housing, tourism, recreation, and other compatible uses to meet the land use needs; and
 - there was potential to develop the Study Site as a tourist destination and for weekend getaway, and as a resort development;

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

Initial Public Views

- (e) views collected during the informal discussions with local parties, green groups, professional institutions and other concern groups in March/April 2012 were as follows:
- the natural landscape, the rural character and the ‘car-free’ environment of Lamma Island should be conserved;
 - the 5 ha man-made lake should be preserved for public enjoyment;
 - extensive housing was not supported though provision of public housing could be explored;
 - provision of public and private housing developments should be considered; and
 - the proposal should consider integrating the Study Site with the adjacent ‘CDA’ zone;

Initial Land Use Options

- (f) two initial land use options, which included “Seaside Living” (i.e. housing) and “Seaside Paradise” (i.e. tourism plus housing), were formulated. With a flat size ranging from 50m² to 100m², the respective population of the two options was estimated to be about 5,000 to 7,000 (Option 1) and 2,800 (Option 2);

- (g) under Options 1a and 1b (“Seaside Living” – a Green Community), housing developments were the major land uses. Design features included an Entrance Plaza, an Eco-tourism Centre and a Community Square. Two variation options (Options 1a and 1b) were proposed;
- (h) only minor upgrading works for the existing fresh water system was required for Option 1a. However, a new submarine fresh water pipe connected to Hong Kong Island and other associated infrastructure facilities were required to support the planned population under Option 1b;

[Mr. H.W. Cheung arrived to join the meeting at this point.]

- (i) Option 2 (“Seaside Paradise” – a Tourist Paradise for All) aimed to enhance the tourism appeal for the Study Site as featured by a number of tourism and recreational facilities, including Lakeside and Hillside Resorts providing 250 rooms; a low-rise, pavilion-style cluster labelled as “Lamma Hub” (low-rise commercial uses serving as the major arrival point) and a Water Sports Centre. Housing developments would also be provided;
- (j) a comparison of the initial options was as follows:

	<u>Option 1a</u> <u>‘Seaside Living’</u>	<u>Option 1b</u> <u>‘Seaside Living’</u>	<u>Option 2</u> <u>‘Seaside Paradise’</u>
Population			
Estimated Population	5,000	7,000	2,800
Housing			
No. of Flats	2,000	2800	1,000
Plot Ratio	0.6 - 1.8	0.75 - 2.0	0.6 - 1.5
Building Height			
Building Height	Max 10 storeys	Max 12 storeys	Max 8 storeys
Major Land Uses			
Housing	Low to medium density housing		Low to medium density housing
Communal Spaces	Woodland Park		Woodland Park
	Lakeside Park		Lakeside Park

	<u>Option 1a</u> <u>'Seaside Living'</u>	<u>Option 1b</u> <u>'Seaside Living'</u>	<u>Option 2</u> <u>'Seaside Paradise'</u>
	Entrance Plaza, Community Square		Lamma Hub
Leisure and Recreational Facilities	Marina Facilities		Marina Facilities
	Eco-tourism Centre		Resort Hotel Lakeside: 220 rooms Hillside: 30 rooms
	Entrance Plaza		Water Sports Centre

Accessibility and Connectivity

- (k) similar connectivity strategies were adopted in both options to enhance the connectivity of the Study Site:
- a new pier was proposed at the mid-point of the Study Site with ferry services to Central/Aberdeen;
 - new hiking trails were proposed to link up with other parts of Lamma Island;
 - cycle tracks and pedestrian walkways would be planned throughout the Study Site; and
 - a tree-lined access corridor was proposed to connect different sites within the Study Site;

Stage 1 Community Engagement

- (l) a two-stage community engagement programme was proposed; and
- (m) Stage 1 Community Engagement to solicit public views on the initial land use options at the Study Site commenced on 7.12.2012 and would last till early February 2013. Community workshop, community forum, public forum and roving exhibition would be organized. The Islands and Southern District Councils, Lamma Island (North) & (South) Rural Committees, the Town Planning Board and the Legislative Council would be consulted.

7. The Chairman asked Members to comment on the Study.

8. The Vice-chairman noted that the existing population on Lamma Island was about 5,900 and about 400 people were living in Sok Kwu Wan. He asked if the proposed residential developments in the Study Site were targeted for the existing population on Lamma Island or for outsiders, and how the traffic needs of the proposed development would be met.

9. In response, Mr. Lee Wai Lam, Study Consultant, made the following main points:

- (a) during the initial informal discussions, some local residents in Sok Kwu Wan expressed their wishes to reserve some flats within the Study Site for Lamma residents as land available for housing developments on the Island was limited;
- (b) on the other hand, there was a pressing demand for housing supply in Hong Kong. As Lamma Island was located close to the urban area and there was 20ha of formed land within the Study Site, there was scope for residential developments to address the territorial housing demand; and
- (c) it was therefore proposed that in the long-term, the Study Area could provide housing land to address both the local and territorial demand.

10. Mr. Leung Kam Shing supplemented that in the Traffic Impact Assessment (TIA) undertaken during the initial phase of the Study, an additional ferry pier was proposed in the Study Site to serve future needs.

11. A Member had the following questions/comments:

- (a) noting that there were proposals for recreational, tourism and residential uses, what was the priority for the different land uses within the Study Site?
- (b) the proposed population of the Study Site would be more than the total existing population of Lamma Island, which was only 5,900 people. The

local people might have some concerns on the influx of outsiders to the Island;

- (c) the development options shown in the Stage 1 Community Engagement Digest and presented at the meeting were similar to the existing development in Discovery Bay. There seemed to be no relationship between the proposed future developments and the existing character of Lamma Island; and
- (d) there were already some holiday camps on Lamma Island. It was doubtful if there was a need to provide two resort hotels in the area. The resort hotel developments might also have impacts on the local character of Lamma Island.

12. In response, Mr. Lee Wai Lam and Mr. Leung Kam Shing made the following main points:

- (a) the two proposed land use options were put forward to solicit public views on the preferred land uses in the area. While it was considered that the Study Site provided scope for housing developments to address the housing demand, it would be ensured that the future developments would be compatible with the existing local characters and ambience of Lamma Island;
- (b) previous study had confirmed that it was feasible to develop spa and resort uses in Hong Kong and Lamma Island was considered as one of the suitable places for the provision of such uses given its good scenery and convenient location; and
- (c) future developments would be in the form of a number of small development clusters each with their own community centre, instead of a single large-scale development implemented by one single developer similar to that of the Discovery Bay development.

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

13. Some Members have the following questions and comments on the Study and the development options:

- (a) there was no mention on the timeline of the future developments in the area. There was also no description on the existing characters of Lamma Island and how the characters were to be preserved with the development of the Study Site and how the proposed small developments concept could be implemented. The Study team was suggested to consider how the existing character of Lamma Island would be transformed and mixed well with the new developments;
- (b) 3-D model should be prepared to illustrate the proposed development intensities;
- (c) the existing residential developments on Lamma Island were concentrating on the western parts of the Island, which were protected from the strong wind from the east. The suitability of proposed residential developments on the eastern part of the Island should be subject to further study;
- (d) the Study Site was considered suitable for recreation and leisure uses because of its scenic views and unique characters. The proposed building height of 12 storeys was considered excessive in this area;
- (e) there was a lack of attractive tourist spots in Hong Kong. The Study Site, being located in a scenic area, had potential to be developed for tourism and recreational uses. Consideration should be given to provide more tourism facilities such as eco-lodge and hotel. Since there was no natural beach in the area, consideration might be given to provide a man-made beach at the existing man-made lake. Facilities showing the history, culture and character of Lamma Island should also be provided;

- (f) the public engagement exercise should focus on the main objective of the future developments and to solicit views of the public on whether the area should primarily be used for housing or tourism development. Some of the key considerations, such as the planned population, traffic implication and provision of Government, institution or community facilities should be highlighted to facilitate discussion during the public engagement process;
- (g) the Study team should consider the fare and frequency of the future ferry service and whether the fare would be affordable by future residents. Whether the proposed ferry service was sustainable with the planned population in the area should also be considered. The proposed pier was located close to the existing pier at Sok Kwu Wan which might pose danger to marine traffic. The ferry traffic would also have adverse impact on the existing fish culture zone to the south-west of the area. Consideration should be given to move the new pier to the north-eastern part of the area;
- (h) the woodland of the quarry face at the backdrop of the Study Site consisted of only single species which had a short lifespan. The ecosystem could be improved by introducing more varieties of trees and increasing the bio-diversity during the development process; and
- (i) more information on the construction logistics and potential adverse impacts generated by the construction works should be provided.

[Mr. Clarence W.C. Leung arrived to join the meeting at this point.]

14. Ms. Elsa Cheuk made the following main responses to Members' questions and comments:

- (a) Lamma Island, with its good scenic views, possessed great potential to be developed as a tourist spot both for tourists and local people. On the other hand, the formed land within the Study Site provided a good opportunity for housing developments to address the pressing housing

demand in the territory. The options proposed were derived based on the two major premises and they would be considered under the Study;

- (b) it was intended that all future developments in the area would be low to medium-rise which would be compatible with the existing character and environment of Lamma Island;
- (c) taking into account the transport costs involved and local aspiration for the provision of public housing in the area, it was considered that both public and private housings could be considered;
- (d) there was also scope to introduce some new elements such as a marina and water sports facilities such that the area could be developed as a tourist spot under Option 2. It was the intention that the proposed facilities would be for public use;
- (e) according to the TIA undertaken for the Study, the increase in traffic demand from the proposed developments could be accommodated by increasing the frequency of the existing ferry service serving the area. The location of the proposed pier and its potential impact on the existing marine traffic and the fish culture zone would be studied in the technical assessments to confirm the feasibility of the preferred land use options at the subsequent stage of the Study; and
- (f) implementation mechanism of the proposed small developments concept would be considered in the detailed study stage.

15. A Member commented that whether the Study Site was suitable for housing developments should be considered having regard to the local character of Lamma Island. Another Member concurred and said that more information on how the proposed developments would connect with the existing developments and relate to the character of Lamma Island should be provided in the public consultation documents.

16. A Member was of the view that it was more important to provide more information on the main development objective of the area, while detailed design elements could be considered at the later stage of the Study.

17. The Chairman asked the Study team to take note of the comments made by Members in the formulation of the preferred option at the next stage of the Study.

18. As Members had no more question to raise, the Chairman thanked the representatives of PlanD and CEDD and the Study Consultants for attending the meeting. They all left the meeting at this point.

Agenda Item 4

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/NE-TK/370

Proposed Two Houses (New Territories Exempted Houses – Small Houses)
in “Village Type Development” and “Green Belt” zones
Lots 518 s.A ss.15 (Part), ss.16, ss.17, and RP (Part) in DD 26
and Adjoining Government Land, Shuen Wan Lei Uk, Tai Po
(TPB Paper No. 9244)

[The meeting was conducted in Cantonese.]

Presentation and Question Session

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

Ms. Jacinta Woo	District Planning Officer/Shu Tin, Tai Po and North (DPO/STN), PlanD
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Mr. S.K. Ngai) Applicants' Representatives
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Ms. Candy Ng)
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20. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited DPO/STN to brief Members on the review application.

21. With the aid of a Powerpoint presentation, Ms. Jacinta Woo, DPO/STN, made the following main points on the review application as detailed in the Paper:

- (a) the applicant sought planning permission for two proposed houses (New Territories Exempted Houses (NTEH) – Small Houses) at the application site zoned “Village Type Development” (“V”) (38%) and “Green Belt” (“GB”) (62%) on the approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/17;
- (b) the application was rejected by the Rural and New Town Planning Committee (RNTPC) on 1.6.2012 for the following reasons:
 - (i) the proposed development did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories (the interim criteria) in that it would cause adverse landscape impacts on the surrounding areas; and
 - (ii) the proposed development did not comply with the TPB Guidelines No. 10 for Application for Development within “GB” zone in that it would involve clearance of existing natural vegetation and affect the existing natural landscape of the surrounding environment;
- (c) the applicant had submitted written submission in support of the review application and the major grounds were summarized below:
 - (i) the proposed site formation level was solely dictated by the natural terrain. Similar cases could be found elsewhere in the New Territories and the nearby Small House developments. The applicants proposed to reduce the height of the retaining wall from 9.5m to 5m which would require a reasonable degree of cut and fill;

- (ii) a landscape elevation plan was prepared to show the profile of the overall Small House developments upon their full completion and the landscaping measures to mitigate the visual impact of the retaining wall. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD had no objection to the revised retaining wall and the landscape proposal;
 - (iii) land for village development for the subject villages was extremely scarce as the villages were located on a tiny peninsula of difficult topography. The subject “GB” zone comprised mostly government land and a few private lots which could accommodate no more than four Small Houses. Cumulative impact arising from encroachment of Small House developments on the “GB” zone was unlikely to be significant;
 - (iv) the site was located on a disturbed hill slope covered by common secondary plantation woodland. There were only nine small trees (below 95mm diameter breast height (DBH)) within the site. The applicants proposed to fell the small trees as they were in poor health condition and of low survival rate upon transplantation. Five heavy standard trees of 100mm DBH would be planted within the site to compensate for the loss; and
 - (v) the landscape master plan had been slightly revised with an additional landscape area to be provided in the southern part of the site resulting in a total area of 57.5m² (or 19.49% of the site) for planting of trees and shrubs. The Director of Agriculture, Fisheries and Conservation (DAFC) had no strong view on the application from a nature conservation point of view;
- (d) there were four similar applications within the “GB” zone. Applications No. A/NE-TK/195, 201 and 223, each for two proposed Small Houses, and A/NE-TK/227 for a proposed Small House were approved with conditions

by the RNTPC on 11.11.2005, 13.1.2006, 19.1.2007 and 9.3.2007 respectively. The applications were approved mainly on the grounds that they complied with the interim criteria in that the sites fell entirely within the relevant 'village environs' ('VE'); there was insufficient land within the "V" zone to satisfy the Small House demand; and the sites were at the fringe of the village. The CTP/UD&L had no objection to the applications. Approval condition on landscape proposal was imposed for Applications No. A/NE-TK/195, 201 and 227, and approval condition on landscape and tree preservation proposal was imposed for Application No. A/NE-TK/223;

- (e) departmental comments – the Head of Geotechnical Engineering Office, Civil Engineering & Development Department (H(GEO), CEDD) had no geotechnical objection to the application, but noted that the proposed platform level for the proposed development was at +10mPD (about 5m above existing ground level) which was unusual for NTEH. The CTP/UD&L objected to the application. The surrounding areas of the subject site were predominantly rural in character, with clusters of village houses and a school. The site was located on vegetated sloping ground overgrown with weeds, shrubs and some small trees and the trees within the site were of native species. The footprint of the proposed houses seemed to unavoidably be in conflict with at least two *Trema tomentosa* trees at the site and it was likely that the associated site formation would result in removal of some more trees or damage of their roots. Therefore, adverse impact on existing landscape resources was anticipated. Considering that the subject "GB" was the only buffer between the "V" zone and the adjacent "Government, Institution or Community" zone, the proposed development was detrimental to the valuable landscape resources and landscape quality of the area;
- (f) public comments - one public comment from the Kadoorie Farm & Botanic Garden Corporation was received. The commenter objected to the application for reasons that the proposed development was not in line with the planning intention of "GB" zone; some suspected site formation

works might have been conducted at the site; any “destroy first, build later” activities should not be tolerated; the approval of the application would set a precedent for other similar applications within the “GB” zone; and the Board should consider the potential cumulative impact caused in approving the application;

- (g) PlanD’s views – PlanD did not support the review application based on the assessments set out in paragraph 7 of the Paper, which were summarized below:
- (i) the proposed development 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. There was a general presumption against development within this zone;
 - (ii) according to the District Lands Officer/Tai Po, Lands Department’s (DLO/TP, LandsD) record, the total number of outstanding Small House applications for Shuen Wan Chan Uk, Lei Uk, Chim Uk and Sha Lan was 314 while the 10-year Small House demand forecast for the same villages was 361. Based on the latest estimate by the PlanD, about 3.35 ha (or equivalent to about 133 Small House sites) of land were available within the “V” zone of the four villages. The land available could not fully meet the future Small House demand of about 16.88 ha (or equivalent to about 675 Small House sites);
 - (iii) the site comprised private lots (180m², 61%) and government land (115m², 39%). Part of the site was situated on a portion of a slope overgrown with some shrubs and young trees. The slope stood at about 45 degrees to the horizontal with levels dipping from +14.5mPD to +5.0mPD. The applicants proposed to construct the two Small Houses on a raised platform at +10mPD supported by 5m high retaining walls in order to follow the natural topography of the

site and match with the adjoining developments at +6.5mPD and +15.0mPD;

- (iv) in the review application, the applicants further revised the landscape master plan with an additional landscape area proposed in the southern part of the site and there would be a total area of 57.5m² (or 19.49% of the site) to be set aside for planting of trees and shrubs. However, despite the provision of additional landscape area, the proposed development and the associated site formation works would involve clearance of trees and dense vegetation causing irreversible damage to the landscape resources and character of the surrounding area;
- (v) although the site fell within the 'VE' and there was a general shortage of land in meeting the Small House demand, the proposed development did not comply with the interim criteria in that the proposed development would cause adverse landscape impacts on the surrounding areas. The proposed development also did not comply with the TPB Guidelines No. 10 for development within "GB" zone in that the proposed development would involve clearance of existing natural vegetation and affect the existing natural landscape of the surrounding environment. CTP/UD&L maintained his previous views of objecting to the application from landscape planning point of view; and
- (vi) no site formation plans were provided for the similar applications (No. A/NE-TK/195, 201, 223 and 227) and these applications were approved without taking into consideration the site formation works required. Nonetheless, it was the current practice of the Board to require the submission of relevant layout/section plans showing the development proposal including the building platforms and the associated retaining walls in order to ensure that there would be no adverse visual or landscape impacts on the surrounding areas. The current application did not warrant the same considerations as those

similar applications.

22. The Chairman then invited the applicants' representatives to elaborate on the application.

23. With the aid of some plans, photographs and presentation materials, Mr. S.K. Ngai made the following main points:

- (a) 38% of the application site fell within the "V" zone and 100% of the site fell within the "VE" of four villages, namely Shuen Wan Chan Uk, Lei Uk, Chim Uk and Sha Lan;
- (b) land for village development for the subject villages was extremely scarce because of the difficult topography of the area;
- (c) there were more than 10 Small Houses being constructed in the area adjacent to the application site, some of them had obtained planning permission from the Board;
- (d) the proposed Small Houses had been carefully designed and the applicants had proposed to lower the level of the proposed Small Houses such that the height of the retaining walls could be reduced from 9.5m to 5m to address the concern on adverse visual impact raised by relevant departments;
- (e) the current proposal would involve slope cutting through in-situ cut and fill works, thus eliminating the need to dump the soil debris at the landfill. However, if the level of the proposed Small Houses was to be further lowered, the extra soil debris created would need to be dumped at the landfill;
- (f) according to the tree survey undertaken by the applicants, only nine small trees less than 95mm DBH were found within the application site. The applicant proposed to fell these trees. 20% of the application site would be used as landscape area and five heavy standard trees of 100mm DBH

would be planted to compensate for the loss of trees. CTP/UD&L, PlanD had no comment on the landscape proposal;

- (g) as shown in the photographs of the adjacent Small Houses which were under construction, the construction works had not generated any adverse landscape impact on the surrounding area. It was expected that the proposed Small Houses under application would not generate any adverse landscape impact on the surrounding area. There would not be any contravention to the interim criteria;
- (h) except the felling of the nine small trees within the site, the proposed Small Houses would not require extensive clearance of vegetation. There would not be any contravention to the TPB Guidelines No. 10;
- (i) while the CTP/UD&L, PlanD objected to the application on the ground that there would be felling of trees, DAFC had no strong view on the application as the plants to be affected were common species; and
- (j) while any development within the “GB” zone would inevitably involve clearance of vegetation, any adverse landscape impact within the “GB” zone would be confined within the application site only.

24. In response to two Members’ questions, Mr. S.K. Ngai said that the applicants were from two different villages and had no relation with each other. They owned part of the application site and the remaining part was on government land. The applicants would surrender their land and apply for land exchange to the LandsD under the existing land policy to facilitate the proposed Small House developments. The applicants had submitted the applications for Small House grants for years.

25. In response to another Member’s question, Mr. S.K. Ngai clarified that only 38% of the application site was located within the “V” zone, despite 100% of it fell within the “VE”. The interim criteria indicating that no planning permission would be required if not less than 50% of the footprint of a Small House fell within the “V” zone and the “VE” of a recognized village was not applicable to the subject application.

26. In response to a Member's questions on the landscape and visual impacts of the proposed Small Houses, Ms. Jacinta Woo said that as the trees to be affected were of common species, DAFC had no strong view on the felling of the trees for the proposed development from the nature conservation point of view. However, from the landscape point of view, the proposed development, which involved clearance of existing vegetation within the "GB" zone, would affect the integrity of the general "GB" zone and was not in line with the planning intention of the "GB" zone. As shown on some photographs of the Small Houses adjacent to the application site which were under construction, the retaining walls of 9.5m high of those Small Houses had created substantial visual impact on the surrounding areas.

[Mr. Maurice W.M. Lee arrived to join the meeting at this point.]

27. Ms. Jacinta Woo went on to say the adjacent six Small Houses shown on Plan R-2 were mostly within the "GB" zone. They were the subject of three previous applications approved by the RNTPC in 2005, 2006 and 2007. In response to the Chairman's question, Ms. Woo said that if the level of the platform for the proposed Small Houses was further lowered, more slope cutting would be required.

28. Mr. S.K. Ngai said that no slope cutting was involved for the adjacent Small Houses and as such they had to be supported by tall retaining walls. The applicants had already lowered the level of the platform for the proposed Small Houses to 5m through in-situ cut and fill on the existing slope. Further lowering the platform would involve additional slope cutting and the soil debris created had to be dumped at the landfill. The applicant had discussed with relevant department and it was noted that CTP/UD&L, PlanD had no further comment on the application from urban design and visual perspectives.

29. In response to a Member's question, Ms. Jacinta Woo said that the applicants had proposed various landscape treatments to soften the visual impact of the retaining walls. CTP/UD&L had no further comments on the application from visual impact point of view. However, CTP/UD&L objected to the application from landscape point of view as the development involved clearance of existing vegetation and adverse impact on existing landscape resources was anticipated. The proposed development was not in line with the

planning intention of the “GB” zone.

30. In response to a Member’s question, Ms. Jacinta Woo referred Members to Plan R-2 which showed the land ownership of the application site. Ms. Woo said that part of the slope on government land was maintained by Highways Department. Mr. Jeff Lam, Deputy Director of Lands, said that if planning permission was granted by the Board, land exchange might be granted by LandsD to the applicants for the proposed Small Houses. The slope within the site would then be maintained by the applicants.

31. As the applicants’ representatives had no further comment to make and Members had no further questions, the Chairman informed the applicants’ 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 applicants of the Board’s decision in due course. The Chairman thanked the applicants’ representatives and DPO/STN for attending the meeting. They all left the meeting at this point.

[Dr. C.P. Lau, Mr. Rock C.N. Chen and Mr. Clarence W.C. Leung left the meeting at this point.]

Deliberation Session

32. A Member said that the application should not be supported. This Member considered that the integrity of the subject “GB” zone had already been affected by the Small Houses previously approved and the tall retaining walls associated with these Small Houses had created significant visual impact to the surrounding areas. The proposed Small Houses under application also involved the cutting of existing slope on government land which was not acceptable. Another Member did not support the applicant and said that the retaining wall was a high structure.

33. A Member noted that the application site had involved some land outside the footprint of the proposed Small Houses. This was not acceptable given that the land involved was government land.

34. Another Member considered that the planning intention to preserve the “GB” zone should be upheld. The proposed development would have adverse landscape impact on the “GB” zone as well as the surrounding areas.

35. As requested by the Chairman, the Secretary said that according to the interim criteria, sympathetic consideration might be given to the application if 100% of the proposed Small House footprint fell within the ‘VE’ of a recognized village and there was a general shortage of land in meeting the Small House demand in the concerned villages. However, the subject application did not comply with the interim criteria in that the proposed development would cause adverse landscape impact on the surrounding areas. The Secretary explained that when the previous applications were considered by the Board, there was no requirement for the submission of site formation plans. Those applications were approved without taking into consideration the site formation works involved. It was the current practice of the Board to require the submission of relevant layout/section plans to show the proposed development including the building platforms and the associated retaining walls in order to ensure no adverse visual or landscape impacts on the surrounding areas. For the subject application, though the applicant had reduced the retaining wall from 9.5m to 5m in height, the construction of the proposed development and the associated site formation works would involve clearance of the existing natural vegetation and affect the existing natural landscape. The applicant had not submitted further information in the review application to address the concern on adverse landscape impact of the proposed development.

36. A Member did not support the application and considered that there was scope for the applicant to revise the layout of the proposed development to minimize the adverse landscape impact. This view was supported by another Member who said that the applicant had not submitted any further justification in the review application to support the proposed development.

37. A Member said that the proposed development had to cut into the adjacent slope on government land which affected the integrity of the “GB” zone. There was also concern on the future maintenance responsibility of the slope.

38. A Member said that as shown on the photographs of the adjacent Small Houses under construction, the tall retaining wall had created significant adverse visual impact on the

surrounding areas.

39. Another Member said that the application should not be approved as it would have adverse landscape impact on the “GB” zone and was not in line with the interim criteria.

40. The Chairman concluded Members’ views that the application should not be supported as it would cause adverse landscape impacts on the surrounding areas.

41. 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 proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories in that the proposed development would cause adverse landscape impacts on the surrounding areas; and
- (b) the proposed development did not comply with the Town Planning Board Guidelines No. 10 for Application for Development within “Green Belt” zone under section 16 of the Town Planning Ordinance in that the proposed development would involve clearance of existing natural vegetation and affect the existing natural landscape of the surrounding environment.

Agenda Item 5

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/ST/786

Proposed Place of Recreation, Sports or Culture (Arts Studio, Rehearsal Room for Art Performance) for a Period of Five Years

Godown 10, 11 & 12, 11/F, Grandtech Centre, 8 On Ping Street, Sha Tin, N.T

(TPB Paper No. 9245)

[The meeting was conducted in Cantonese.]

42. Mr. Maurice W.M. Lee declared interest in this item as the applicant's representative was a close friend of his and had current business dealings with him. Members agreed that the interest of Mr. Lee was direct and substantial, and that he should refrain from the discussion and consideration of the item. Mr. Maurice W.M. Lee left the meeting temporarily at this point.

Presentation and Question Session

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

Ms. Jacinta Woo	District Planning Officer/Shu Tin, Tai Po and North (DPO/STN), PlanD
Mr. Lai Ka Luen)
Mr. Lo Pui Kuen) Applicant's Representatives
Mr. Lee King Cheung, John)
Mr. Cho Chi Cheung)

44. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited DPO/STN to brief Members on the review application.

45. With the aid of a Powerpoint presentation, Ms. Jacinta Woo, DPO/STN, made the following main points on the review as detailed in the Paper:

- (a) the applicant sought planning permission for place of recreation, sports or culture (arts studio, rehearsal room for art performance) use at the application premises on a temporary basis for a period of five years at the site zoned "Other Specified Uses" annotated "Business 1" ("OU(B)1") on the draft Sha Tin Outline Zoning Plan (OZP) No. S/ST/26;

- (b) the application was rejected by the RNTPC on 24.8.2012 for the reason that the proposed development did not comply with the TPB Guidelines No. 22D for Use/Development within “OU” annotated “Business” zone in that it would attract unreasonably large number of persons who could be exposed to fire risk. The proposed arts studio and rehearsal room for art performance was unacceptable from the fire safety point of view;
- (c) the applicant had submitted written submission in support of the review application and the major grounds were summarized below:
 - (i) the proposed arts studio and rehearsal room for art performance were in line with Government’s policy in promoting arts space in industrial building;
 - (ii) the proposed use were compatible with the land uses in the surrounding neighbourhood which were predominately retail, office and commercial uses;
 - (iii) the proposed use had no adverse environmental and traffic impact;
 - (iv) the application premises were located just adjacent to the staircases No. ST5 and ST6, which served also as means of escape (MOE) from the subject premises to the ground floor of the subject industrial building. The applicant would provide additional fire exit which would link with the protected lobby of these staircases without using the common corridor with other occupiers, and hence, any fire risk for the person who might be exposed might therefore be minimized; and
 - (v) the proposed use would only involve 5 to 6 visitors in each of the two art studio rooms provided at any one time and prior reservation was required to use these studio rooms under the guidance and management control of the applicant within the premises;

- (d) previous and similar applications - there were no previous and similar applications within the application premises and the subject industrial building;
- (e) departmental comments - the Director of Fire Services (DFS) considered the subject application unacceptable as the proposed arts studio within an industrial building involved direct provision of customer services or goods to the general public. It would attract unreasonably large number of persons who could be exposed to fire risk which they would neither be aware of nor prepared to face. DFS objected to the review application. Other relevant departments had no comment on the review application;
- (f) public comments - one public comment was received and the commenter indicated that he had no comment on the application;
- (g) PlanD's views – PlanD did not support the review application based on the assessments set out in paragraph 7 of the Paper, which were summarized below:
 - (i) the planning intention of the “OU(B)1” zone was to reserve land primarily for information technology and telecommunications industries, non-polluting industrial, office and other commercial uses. However, ‘Place of Recreation, Sports and Culture’ use in industrial buildings within the “OU(B)1” zone might be permitted on application to the Board based on individual merits and the planning assessment criteria sets out in the TPB Guidelines No. 22D;
 - (ii) according to TPB Guidelines No. 22D, Fire Services Department (FSD) should be satisfied on the risks likely to arise or increase from the proposed arts studio use under application. In all cases, separate means of escape should be available for the subject premises; and
 - (iii) while the applicant undertook to provide two additional fire exits from the subject premises to access staircases No. ST05 and ST06

leading to the ground floor of the subject industrial building, the DFS considered the subject application unacceptable as the proposed arts studios within an industrial building involved direct provision of customer services or goods to the general public. It would attract unreasonably large number of persons who could be exposed to fire risk which they would neither be aware of nor prepared to face. DFS objected to the review application.

46. The Chairman then invited the applicant's representatives to elaborate on the application.

47. With the aid of some presentation materials, Mr. Lai Ka Luen made the following main points:

- (a) the application premises were located on 11/F of a modernized and well-established building;
- (b) the occupation permit (OP) for the subject building was granted in 1996. According to the OP, 3/F to 9/F and 10/F to 22/F were all occupied by godowns. According to the information provided in the TPB Paper, these floors were now mostly occupied by offices, godowns and other uses. A library of City University was located on 21/F;
- (c) as shown on the cross section of the subject building, fireman's lifts serving as passengers' lifts were located on the G/F which provided access to the floors above, including the application premises on 11/F and the library on 21/F. There was also a protected lobby on 11/F. As most of the premises within the building had been converted to office use, the corridors within the building were no longer the same as that of a conventional industrial buildings;
- (d) the applicant would provide direct exit to the protected lobbies of the fire escapes. Fire Services Installations (FSIs) had been provided for the whole building in accordance with the requirement of a commercial

building (i.e. audio/visual advisory system, which was only required for commercial building, was also provided);

- (e) according to the building plans for the subject building approved in 1996, the discharge value of the MOE provided for the subject building was the same as the capacity requirement of an office building;
- (f) an office would be provided within the proposed arts studio to manage the use of the studio to make sure that only members who had made prior booking could use the studio;
- (g) the maximum capacities of the two studio rooms were 6 and 15 people respectively at any one time and prior booking was required. The proposed arts studio would not attract an unreasonably large number of persons to the premises as claimed by the DFS;
- (h) the existing library on 21/F of the building would attract even more visitors;
- (i) other uses such as mini-storage and indoor soccer field were found in the subject building and other industrial buildings. These uses would attract more visitors than the proposed arts studio under application;
- (j) it was stated in the FSD Circular Letter No. 4/96 that office was permitted in an industrial building if it did not attract an unreasonably large number of persons who could be exposed to risks which they would neither be aware of nor prepared to face would be permitted in industrial building. However, it should be noted that the subject building had mostly been converted to office use;
- (k) according to TPB Guidelines No. 22D, FSD should be satisfied on the risks likely to arise or increase from the proposed commercial use under application within an industrial building. Given the nature of the use and the intended number of visitors, it was considered that the proposed arts

studio would not generate any fire risks; and

- (l) the proposed arts studio was in line with the government policy to revitalize industrial buildings to address the changing needs of the community.

48. Mr. Lee King Cheung, John made the following main points:

- (a) the applicant had been involved in the development of music culture in Hong Kong for many years. Its business was on the development and provision of supporting facilities for musical and performing art;
- (b) the proposed arts studio would not be open for public use. Only members with prior booking could use the studio; and
- (c) the applicant could not afford the high rent in commercial premises in the Central District. The headquarters of the applicant's company was also located in the subject building.

49. In response to the Chairman's question, Ms. Jacinta Woo said that according to the TPB Guidelines No. 22D, for any application within an existing industrial building, the FSD should be satisfied that the proposed use would not generate or increase fire risks. Should the Board decide to approve the subject application, the approval conditions stated in paragraph 8.2 of the Paper were suggested for Members' reference. The fire safety measures as required under the approval condition would then be submitted to FSD for consideration in the building plan submission stage.

50. In response to the Chairman's another question, Ms. Jacinta Woo explained that the subject site was an industrial building and according to Schedule II (for industrial and non-industrial building) of the Notes of the "OU(B)" zone, the provision of library was not permitted within the building, unless the library was located in the purpose-designed non-industrial portion on the lower floors of an existing building and provided that the use was separated from the industrial uses located above by a buffer floor and no industrial uses were located within the non-industrial portion. The library of City University was located

on 21/F and no planning application had been raised for such use.

51. The Chairman said that the relevant government department should follow up on lease enforcement action, as required, with regard to the library use on 21/F of the subject building.

52. In response to a Member's question on the discharge value of the application premises, Mr. Lai Ka Luen said that as the subject premises would accommodate only 21 visitors at any one time, the discharge value would be about 17m² per person. As shown on the approved building plans, the discharge value of the subject building met the requirement on the provision of MOE even for an office building. Mr. Lai emphasized that the subject use was not a place of public entertainment which would attract a large number of customers visiting the premises.

53. In response to a Member's question on the relevant "Broad Use Term" (BUT) for the applied use, Ms. Jacinta Woo said that the proposed arts studio was regarded as a "Place of Recreation, Sports or Culture" which was a Column 2 use under Schedule II of the Notes of the subject "OU(B)" zone. According to the advice of FSD, under Column 1 of the Notes, uses, such as office use, would have to be restricted to those which would not involve direct provision of customer services or goods, and uses which would not attract large number of persons could be submitted for the Board's consideration under s.16 of the Ordinance and each application would be considered on a case by case basis. According to the FSD Circular Letter No. 4/96, only nine uses were allowed to be provided within an industrial building. If office was to be provided, the office should not attract an unreasonably large number of persons who could be exposed to fire risks which they would neither be aware of nor prepared to face.

54. Mr. Lai Ka Luen said that the applicant had already met all the fire safety requirements and the provision of MOE also complied with the relevant requirements.

55. In response to a follow-up question from a Member on the discharge value calculation for the subject building, Mr. Lai Ka Luen said that a discharge value of 9m² per person was required for office development. The subject building, though an industrial building, was provided with MOE and FSIs meeting the requirements of an office building.

56. In response to the Vice-chairman's questions, Mr. Lee King Cheung, John said that the proposed arts studio would provide a venue for musical performance. The performers would be amateurs. The performance would be broadcast to audience through the internet and there would not be audience present in the studio during the performance. The video/audio equipment to be installed would involve a lot of investment. The applicant intended to provide a platform for art and musical performance using the new technology.

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

57. In response to a Member's questions, Mr. Lee King Cheung, John said that the application premises were not subject to fire risk as adequate fire escapes were provided and there would not be audience in the studio. The DFS had not made accurate assessment of fire risk and fire safety measures provided in the application premises and the subject building. Mr. Lai Ka Luen said that fire safety requirements were clearly set out by relevant departments and the applicant had discussed with FSD on the proposal. For the subject case, all the required fire safety measures had been provided. Mr. Lo Pui Kuen supplemented that he had telephone discussion with FSD on their comments. It was understood that in accordance with FSD's guidelines, FSD would not support any proposed commercial uses within the industrial building with direct provision of customer services, even if the number of customers was small.

58. In response to another Member's question, Mr. Lai Ka Luen said that the applicant would provide all the fire safety measures required by FSD and comply with the relevant approval condition imposed by the Board if the application was approved.

59. In response to the same Member's question, Mr. Lee King Cheung, John said that the proposed arts studio was intended to provide services, but the proposed use was not an audio-visual recording studio. The proposed arts studio was used for performance which would be broadcast to audience through the internet.

60. In response to two Member's questions, Mr. Lee King Cheung, John said that the users of the arts studio would be mostly from the age group of 20 to 40 and the total number of members would be around 100 to 200. The target users were amateurs and they were not

children.

61. In response to a Member's question, Mr. Lee King Cheung, John said that each session of booking of the studio would be two hours and the operation time would be from 9:00am to 10:00pm each day.

62. 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 DPO/STN for attending the meeting. They all left the meeting at this point.

Deliberation Session

63. A Member said that given the operation mode of the proposed use and the small number of customers to be served at any one time, the approval of the application might be considered.

64. A Member noted that there were many illegal conversion of the premises within the building to other uses, but only the applicant had made an effort to submit an application for the proposed use for consideration of the Board. The conversion of industrial buildings for other uses was in line with the government policy to revitalize industrial buildings. Noting the concerns of FSD on the potential fire risks, the Member asked if the application could be approved subject to imposition of approval condition requesting for the provision of fire safety measures.

65. The Chairman said that while it was the government policy to encourage revitalization of industrial building, this should be effected through wholesale conversion of industrial building so that the change of uses would not create compatibility and fire safety problems. For the subject case, DFS had raised objection on fire safety concerns. Members had to be careful in considering whether the application should be approved.

66. A Member did not support approving the application with condition requiring the provision of fire safety measures to the satisfaction of FSD as FSD had raised objection to the application.

67. A Member noted that FSD had grave concerns on any partial conversion of the existing industrial building for non-industrial use because of the potential fire risks and difficulty in crowd control, in particular for some uses which would attract a large number of visitors to the premises. While according to the applicant, fire safety measures had been provided in accordance with the relevant regulations, FSD still had objection to the application. FSD's concern should be addressed. In this connection, this Member asked if FSD could be requested to undertake further assessment on the subject case and provide more details to the Board for consideration.

68. Another Member considered that FSD's concern on the subject application was valid as the proposed use might attract visitors who were not familiar with the industrial building. While the number of users at any one time would be restricted, the total number of visitors going to the premises throughout the operation hours each day would be large, and it would be difficult to ensure that the users would not include teenagers or children. This Member said that fire safety concern could not be compromised and the application should not be supported. This view was supported by another Member who considered that there was no ground to overrule FSD's expert view which was a valid concern.

69. In response to a Member's question, the Secretary clarified that the subject use was categorized as a place of recreation, sports or culture. As for audio-visual recording studio which was subsumed under 'office' use under the Definition of Terms, it would be subject to planning permission from the Board if it involved direct provision of customer services or goods.

70. The Chairman then asked Members' view on whether the Board should defer a decision on the subject application and request FSD to provide more details on the fire safety concerns for the Board's consideration or to reject the application on fire safety concerns. The Secretary supplemented that FSD's view on conversion of uses within an existing industrial building was very clear and firm. FSD would not support any partial conversion of uses which would involve direct provision of customer services or goods.

71. Three Members supported that the application should be rejected on FSD's concern on fire safety.

72. After further discussion, the Chairman said that the majority views were to reject the application as it did not comply with the TPB Guidelines that FSD should be satisfied on the risks likely to arise or increase from the proposed use under application.

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

the proposed development did not comply with the Town Planning Board Guidelines for Use/Development within "Other Specified Uses (Business)" Zone (TPB PG-No. 22D) in that it would attract unreasonably large number of persons who could be exposed to fire risk. The proposed arts studio and rehearsal room for art performance was unacceptable from the fire safety point of view.

[Mr. Maurice W.M. Lee, Dr. Wilton W.T. Fok, Mr. Laurence L.J. Li and Ms. Bonnie J.Y. Chan left the meeting at this point.]

Tuen Mun and Yuen Long District

Agenda Item 6

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/TM-LTYYY/221

Proposed Flat Development in "Residential (Group E)" Zone

Lots 464 s.A ss.1, 464 s.B, 465, 472 s.A RP and 472 s.B RP in DD 130

San Hing Road, Lam Tei, New Territories

(TPB Paper No. 9246)

[The meeting was conducted in Cantonese.]

74. Mr. Ivan C.S. Fu had declared interest in this item as he had current business dealing with the applicant's representative but the business dealing was not related to the subject application. As the interest of Mr. Fu was indirect, Members agreed that Mr. Fu should be allowed to stay at the meeting for the item.

Presentation and Question Session

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

Mr. W.S. Lau District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL), PlanD

Mr. Henry Lau)
Mr. Justin Lau) Applicant's Representatives
Mr. John W.T. Hui)
Mr. Charles Chan)

76. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited DPO/TMYL to brief Members on the review application.

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

- (a) the applicant sought planning permission for proposed flat development at the application site zoned "Residential (Group E)" ("R(E)") on the draft Lam Tei and Yick Yuen Outline Zoning Plan (OZP) No. S/TM-LTY/6;
- (b) the application was rejected by the RNTPC on 10.8.2012 for the following reasons:
 - (i) the proposed noise barriers of 12.6m in height and about 6m to 57m in length were not compatible with the rural setting and would generate adverse visual impact on the surrounding area; and

- (ii) the applicant failed to provide a satisfactory design and layout for the proposed development and there was room for improvements on these aspects;
- (c) the applicant had submitted written submission in support of the review application and the major grounds were summarized below:
- (i) the noise barriers were only designed to link up the 15m residential blocks that were actually dispositioned into 4 clusters with visual corridors allowed at the frontage of each block. The noise barriers were not massive and overpowering as they would be constructed with light metal structures, infilled by transparent panels, and without a top horizontal member to reduce the cage effect;
 - (ii) when the industrial activities in the area were fading out, there would be more residential developments and the noise barriers in this site could be removed, thus uplifting the visual impact;
 - (iii) the arrangement of the building blocks was to reduce the overall bulk. Dispersing the blocks along the site periphery would increase the length of the noise barriers, thus the wall effect;
 - (iv) approving this application would stimulate other lot owners to submit applications or to amalgamate sites for development, thus expediting the phasing out of industrial uses; and
 - (v) the applicant strongly objected to the rationale of rejecting this application due to adverse visual impact, while consideration for public housing development in the subject “R(E)” zone was underway. Public housing blocks which were bulkier and taller would impose far worse visual impact on the surrounding area and were incompatible with the rural setting of the locality in the adjoining “Village Type Development” (“V”) zone;

- (d) previous applications – there was no previous application at the subject application site;
- (e) similar applications - there were two similar applications for proposed low-density residential development within the same “R(E)” zone. Application No. A/TM-LTY/89 was rejected by the Board upon review on 19.7.2002 for the reasons that there was insufficient information to demonstrate that the industrial/residential (I/R) interface problems could be adequately addressed and the proposed development would not be subject to adverse environmental, odour and noise impacts from the nearby industrial uses including the two adjacent dyeing factories to the south and west of the development. Application No. A/TM-LTY/97 was rejected by the Board on 9.8.2002 for the reasons that there was no information to demonstrate that the I/R interface problems could be adequately addressed and the proposed residential development would not be subject to adverse environmental, odour and noise impacts from the nearby industrial uses;
- (f) departmental comments – the Chief Town Planner/Urban Design & Landscape (CTP/UD&L) had concern on the potential visual impact arising from the proposed noise barrier structures. Although the applicant had put forward the merits of the current scheme including peripheral planting, the scheme should be reviewed with a view to reducing the scale and need for such high noise barriers so as to minimize the adverse visual impact on the surrounding area. The Director of Housing had strong objection to the application as the site fell within the “R(E)” zone which had been identified for potential public housing development. The proposed use would adversely affect the flat production, layout and associated works currently under study by the Administration;
- (a) public comments - two public comments were received. An Indigenous Inhabitant Representative (IIR) of San Hing Tsuen objected to the review application on grounds that the 15m high residential blocks near the arch would adversely affect the “fung shui” of the village; large amount of

vehicular traffic during the construction period and the traffic generated from the proposed development would increase the risk of accidents and cause traffic congestion; new residents or visitors would occupy the existing car park and cause inconvenience to the indigenous inhabitants; and construction works might cause environmental nuisance including noise and air pollution to existing residents. An Inhabitant Representative (IR) of San Hing Tsuen objected to the review application for the reasons that the proposed development would have adverse traffic impacts and generate air and noise pollution;

- (b) 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 subject “R(E)” zone was intended primarily for phasing out of existing industrial uses through redevelopment for residential use on application to the Board, provided that the I/R interface problem could be satisfactorily resolved. The proposed development was in line with the planning intention of the “R(E)” zone. However, the design and layout of the proposed development were not satisfactory in that the proposed noise barriers, being a measure to mitigate the I/R interface problem, which were 12.6m in height and about 6m to 57m in length, would generate adverse visual impact on the surrounding area and were incompatible with the rural setting of the locality which was mainly clusters of village houses;
 - (ii) the tall and long noise barriers together with the residential blocks would result in “wall-like” structure enclosing the development and the layout design and disposition of the buildings were not satisfactory. In the review application, the applicant only elaborated on the detailed design and materials of the noise barriers without any attempt to revise the layout and design of the proposed scheme to address the concerns of the RNTPC;

- (iii) although the applicant had regarded peripheral planting as merits of the current scheme, CTP/UD&L considered that the scheme should be reviewed with a view to reducing the scale of and the need for such high noise barriers so as to minimize the adverse visual impact on the surrounding area. There was scope to revise the layout and design of the structure and reduce the height of the noise barrier;

- (iv) as the site was surrounded by storage/warehouse, vehicle repair workshop and factory, it was subject to I/R interface problems which needed to be tackled in a satisfactory manner. Since it might not be possible to phase out the industrial uses all at once, it was important to ensure that the proposed residential development would not only be environmentally acceptable in addressing the I/R interface problems, a quality living environment to the future occupants and other residents in the area was equally important through sustainable building design. In this regard, the proposed development had adopted an inward-looking courtyard layout with 6 blocks of 5-storey buildings packed closely together around the internal vehicular access and footway. To address the I/R interface problem, the applicant proposed noise mitigation measures including noise barriers up to 12.6m of height, which were tall and massive generating adverse visual impact on the surrounding area. The applicant should explore alternative design and layouts of the proposed development in order to reduce the scale of and need for such high noise barriers.

78. The Chairman then invited the applicant's representatives to elaborate on the application.

79. With the aid of a Powerpoint presentation, Mr. John W.T. Hui made the following main points:

- (a) the applicant did not revise the layout of the proposed development as he considered that the proposed layout was not undesirable. In addition, if

the proposed layout was to be revised, the applicant had to do all the technical assessments including the Environmental Impact Assessment (EIA) in support of the application again;

- (b) it was noted that the planning intention of the “R(E)” zone was to provide incentive for the landowners to upgrade and to develop their land to improve the general environment. The applicant’s proposal was in line with this planning intention;
- (c) the application site was strategically located at the road junction and adjacent to existing village houses. The approval of the proposed residential development would act as a catalyst to redevelopment of the area for residential use to phase out existing industrial uses in the area;
- (d) the applicant had explored other layout design but was found not desirable. The current design with the building blocks set back would allow the provision of more space for greenery along the periphery of the site in order to address the concern on wall-effect of the proposed development;
- (e) there were other existing developments in the area with building blocks sited along the boundary of the site which would create actual wall-like effect;
- (f) the proposed L-shape noise barrier along the south-eastern boundary of the site would not generate any adverse visual impact to the surrounding area as it was blocked by the existing vehicle repair workshop adjacent to the site and not visible from the surrounding area;
- (g) the proposed 12.6m high noise barriers was a noise mitigation measure required under the EIA for the proposed development. Vertical planting would be provided on the proposed noise barriers. They would not generate adverse visual impact to the area. Photomontages and a video prepared by the applicant showed that the proposed development and the noise barriers would not create any wall-effect. Peripheral planting would

be provided which would screen off the site and could also act as buffer between the subject development and other adjacent future developments;

- (h) the proposed noise barriers were only temporary installations. If the adjacent sites were redeveloped for residential uses in future, the upper parts of the noise barriers would be removed and the lower parts with vertical planting would be retained as normal boundary fence wall;
- (i) view and wind corridors were proposed within the development. Green podium and balconies were to be provided in building blocks. Residents could enjoy a green view from their flats;
- (j) it was noted that there was a plan for public housing development in the area. It was considered that high-rise public housing blocks would impose far worse visual impact on the surrounding environment than the applicant's proposed noise barriers; and
- (k) the applicant had undertaken various assessments in support of the proposed development and the assessments were accepted by relevant government departments.

80. In response to a Member's questions, Mr. John W.T. Hui said that the proposed 12.6m high noise barriers was a noise mitigation measure required under the EIA. They would be removed if the adjacent sites were redeveloped for residential use and the noise mitigation measure was no longer required. While he understood that redevelopment of the adjacent sites was subject to private initiative, the approval of the proposed development would encourage redevelopment of other sites in the area.

81. In response to the Vice-chairman's question, Mr. John W.T. Hui said that the proposed houses within the subject development would be 15m in height. As such, only the top floor would be above the proposed noise barrier of 12.6m high. However, the views from the flats would not be affected.

82. In response to a Member's question, Mr. W.S. Lau said that the proposed noise barriers were intended to screen off the site from the noise generated from the existing industrial uses adjacent to the site. The proposed noise barriers which were 12.6m in height and 6m to 57m in length (a total of 106m in length) would generate adverse visual impact not only on the surrounding area, but also on the future residents living inside the development. Though the applicant had proposed to use transparent panels, the noise barrier would still create an enclosed effect on the residents which was undesirable.

83. In response to a Member's question, Mr. John W.T. Hui said that adequate view and wind corridors would be provided and as such there would not be any air ventilation problem within the proposed development.

84. 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 DPO/TMYL for attending the meeting. They all left the meeting at this point.

Deliberation Session

85. A Member said that since the area adjacent to the application site was occupied by existing developments, the proposed noise barriers might not generate substantial visual impact from the proposed development and on the surrounding area, in particular when the applicant had proposed to provide peripheral landscaping to mitigate the potential visual impact.

86. Another Member said that although the applicant proposed to use transparent material for the noise barriers, the installation of such tall and massive noise barriers surrounding the building blocks would result in a very congested environment and would affect air ventilation within the development.

87. A Member said that the planning intention of the "R(E)" zone was to phase out existing industrial uses through redevelopment for residential use. However, the subject

proposed development was piecemeal and could not address the potential I/R interface problem.

88. The Chairman said that it was uncertain whether the existing industrial uses in the adjacent areas would be redeveloped in the near future. After further discussion, he concluded Members' views that the application should not be approved as the proposed noise barriers were not compatible with the rural setting and would generate adverse visual impact on the surrounding area, and that the applicant failed to provide a satisfactory layout design to address the I/R interface problem. Members agreed.

89. 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 proposed noise barriers of 12.6m in height and about 6m to 57m in length were not compatible with the rural setting and would generate adverse visual impact on the surrounding area; and
- (b) the applicant failed to provide a satisfactory design and layout for the proposed development and there was room for improvement on these aspects.

90. The Chairman suggested and Members agreed that Agenda Items 7 to 10 were to be moved to after Item 11.

91. The meeting was adjourned for lunch break at 1:45p.m.

92. The meeting was resumed at 3:00 p.m.

93. 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

Mr. Timothy K.W. Ma

Professor Edwin H.W. Chan

Mr. Ivan C.S. Fu

Mr. Sunny L.K. Ho

Ms. Janice W.M. Lai

Mr. Dominic K.K. Lam

Dr. C.P. Lau

Mr. Roger K.H. Luk

Dr. W.K. Yau

Principal Assistant Secretary (Transport)
Transport and Housing Bureau
Miss Winnie Wong

Deputy Director of Environmental Protection
Mr. C.W. Tse

Director of Lands
Ms. Bernadette Linn

Director of Planning
Mr. K.K. Ling

Hong Kong District

Agenda Item 11

[Open Meeting (Presentation and Question Session only)]

Consideration of Further Representations to the
Draft Wong Nai Chung Outline Zoning Plan No. S/H7/15
(TPB Paper No. 9243)

[The hearing was conducted in Cantonese and English.]

94. The following Members had declared interest in this item:

- | | | |
|----------------------|---|--|
| Professor S.C. Wong | - | had business dealings with Ove Arup & Partners Hong Kong Ltd. (OAP) which was a consultant of Hong Kong Sanatorium and Hospital (HKSH) and HKSH was one of the representers (R708). He was also the Director of the Institute of Transport Studies of the University of Hong Kong (HKU) and OAP sponsored some activities of the Institute |
| Mr. Dominic K.K. Lam |] | had business dealings with OAP which was a consultant of HKSH. HKSH was one of the representers (R708) |
| Mr. Ivan C.S. Fu |] | |
| Mr. Patrick Lau | - | being the Chairman of the Happy Valley Residents' Association which was one of the representers (R999); and had business dealings with OAP and MVA Hong Kong Ltd. which were the consultants of HKSH. HKSH was one of the representers (R708) |

- Miss Bonnie J.Y. Chan - her family member owned a flat in Happy Valley
- Dr. Wilton W.T. Fok - his family member owned a flat at Blue Pool Road
- Mr. Maurice W.M. Lee - owned a flat at Link Road and a flat at Wun Sha Street
- Ms. Bernadette Linn (Director of Lands) - owned a flat at Broadwood Road and her spouse was a private practice doctor who would occasionally use the facilities in HKSH
- Miss Ophelia Wong (the Secretary) - owned a flat at Broadwood Road

95. Members noted that Professor S.C. Wong, Mr. Dominic K.K. Lam and Mr. Ivan C.S. Fu had no involvement in the HKSH project, and the properties owned by Mr. Maurice W.M. Lee, Ms. Bernadette Linn, and the family members of Miss Bonnie J.Y. Chan and Dr. Wilton W.T. Fok (that had very distant view of HKSH) would not be affected by the HKSH project. Members considered that Professor Wong's interest declared in the capacity of the Director of the Institute of Transport Studies of HKU was indirect. Members noted that Ms. Linn's spouse was not an employee of HKSH nor was he involved in the HKSH project and considered that the interest declared was indirect. Members agreed that the Members mentioned above could stay in the meeting and participate in the discussion. Members also noted that Mr. Fu had left the meeting temporarily, and Miss Chan, Dr. Fok and Mr. Lee had indicated that they would not attend the afternoon session of the meeting.

96. Members considered that Mr. Patrick H.T. Lau's interest as a representative of R999 was direct and he should be invited to withdraw from the meeting for this item. Members noted that Mr. Lau had indicated that he would not attend the afternoon session

of the meeting.

97. As in previous Board meetings to discuss the representation of HKSH, Members agreed that as the role of the Secretary was to provide information and advice on procedural matters and would not take part in the decision-making, she could stay in the meeting.

Presentation and Question Session

98. The Chairman said that sufficient notice had been given to invite the further representers, representers and commenters to attend the hearing, but other than those who were present at the meeting, the rest had either indicated not to attend the hearing or made no reply. As sufficient notice had been given to the further representers, representers and commenters, Members agreed to proceed with the hearing in their absence.

99. The following government representatives were invited to the meeting at this point:

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|------------------|---|
| Ms. Ginger Kiang | - District Planning Officer/Hong Kong (DPO/HK), Planning Department (PlanD) |
| Mr. Louis Kau | - Senior Town Planner/Hong Kong (STP/HK), PlanD |
| Mr. Johnny Chan | - Engineer/Wan Chai (E/WC), Traffic Engineering Division (Hong Kong), Transport Department (TD) |

100. The following further representers, representers and their representatives were also invited to the meeting at this point:

F96 – Chi Sui Fun

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| Ms. Chi Sui Fun | - Further Representer |
|-----------------|-----------------------|

F101 – Lee Yuen Yee, Helen

Mrs. Chang Lai Sau Kay - Further Representer's Representative

F493 – Wong Kit Yee, Irene

Ms. Wong Kit Yee, Irene - Further Representer

F596 – Li Sui Chi, Betty

Ms. Li Sui Chi, Betty - Further Representer

F654 – Yuen Man Fung, Richard

Dr. Yuen Man Fung, Richard - Further Representer

F871 – Wong Kwok Choi, Kacey

F872 – Cameron MacDonald

F874 – Wong Yeuk Yin, Jacqueline

R836 – Ho Kit Wai, Margaret

R971 – David John Forshaw

Mr. David John Forshaw - Further Representers' Representative,
Representer and Representer's
Representatives

R708 – The Hong Kong Sanatorium and Hospital

Mr. Ian Brownlee]

Dr. Joseph Chan]

Mr. Benson Poon]

Ms. Adrienne Li]

Mr. Kelvin Ip]

Mr. Eddie Chan]

Ms. Anna Lee] Representer's Representatives

Mr. Chapman Lam]

Mr. Ben Yu]

Ms. Kwok Sui Yee]

Ms. Fung Siu Man]

Mr. Kenneth Ip]
Mr. Alan Poon]

R751 – Lau Ching Fong

R752 – Wong Chi Yin

R753 – Wong Lai Ping

R754 – Liu Yee Ling

R828 – Chiu Kin Man

R882 – Hung Yiu Kwong

R928 – Chan Hon Ming

R948 – Lee Wing Sum, Wendy

Ms. Liu Yee Ling - Representer and Representers’
Representative

R763 – Elite Eternal Ltd.

Ms. Pamela Peck - Representer’s Representative

R764 – Lin Sai Har, Peggie

R1000 – Cheung Shu Sang

Mr. Cheung Shu Sang - Representer and Representer’s
Representative

R810 – Wong Fui Man, Catherine

Ms. Wong Fui Man, Catherine - Representer

R823 – Wealth Ltd.

R866 – New Investment Ltd.

Mr. Lam Hau Sing - Representers’ Representative

R958 – The Incorporated Owners of San Francisco Towers

Mr. Ho Yip Chor]

Ms. Ho Loy] Representer’s Representatives

Mr. Cheng Hiu Wan]

R969 – Tse, Joseph

R977 – Mr. Wong

R978 – Fum Ying

R979 – Mrs. Ng

R980 – Kellogg W. Ltd. Miss Young

R981 – Jiang Ting Pui

R1005 – Wong Man Yu

R1006 – Lung Yee Fong

R1007 – Lai, Cindy

R1019 – Mrs. Chu

R1023 – Miss Wan

R1048 – Mr. Lui

R1049 – Chan Shiu Tong

R1050 – Mrs. Tung

R1051 – Kwan Tai Yuen

R1052 – Tse, Joseph

R1053 – Chan K.

R1054 – Mr. Poon

R1055 – To Ming Fai

R1056 – Wong K.H.

R1057 – Chan Yuk Lan

R1058 – Lau, Alex

R1059 – Fung King Cheong

R1060 – Ng, Ivan

Mr. Eric Sum - Representers' Representative

R951 – Lam Shiu Toi

R1022 – Ng Kam Chun

Mr. Ng Kam Chun - Representer and Representer's Representative

R972 – Yeung Lam Mee

R999 – Happy Valley Residents’ Association

- | | | |
|-------------------|---|--|
| Ms. Yeung Lam Mee | - | Reprenter and Representer’s Representative |
| Ms. Ellen Wong |] | |
| Ms. Tam Yuen Ling |] | Reprenter’s Representatives |
| Ms. Lam Yuk Ying |] | |

R991 – Robert Allender

- | | | |
|---------------------|---|-----------|
| Mr. Robert Allender | - | Reprenter |
|---------------------|---|-----------|

101. The Chairman extended a welcome and explained the procedures of the hearing. Mr. Eric Sum (R969 and other representers’ representative) requested for making his presentation first as he had to leave the meeting early. Subsequently, Mr. Ng Kam Chun (R1022) and Dr. Yuen Man Fung, Richard (F654) made the same request. The Secretary said that according to the hearing procedures, DPO/HK should make the presentation first, followed by further representers, representers and then commenters. With no objection from the attendees, the Chairman allowed Mr. Sum, Mr. Ng and Dr. Yuen to make their presentations first under their respective groups after DPO/HK’s presentation.

102. The Chairman then invited the representatives of PlanD to brief Members on the background to the further representations. With the aid of a Powerpoint presentation, Mr. Louis Kau, STP/HK, made the following main points as detailed in the Paper:

Background

- (a) on 30.9.2010, the draft Wong Nai Chung Outline Zoning Plan (OZP) No. S/H7/15, incorporating amendments to impose building height restrictions (BHRs) for the Hong Kong Sanatorium and Hospital (HKSH) site (i.e. to revise BHRs to 89mPD in the northwestern part, 115mPD in the western part and 2 storeys in the northeastern part), was exhibited for public inspection under section 7 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of 1,068

representations, with 702 supporting representations, 362 opposing representations (including one submitted by HKSH, i.e. R708) and four representations providing comments, were received. On 24.12.2010, the representations were published for three weeks for public comments, and 9 comments were received;

[Mr. Dominic K.K. Lam returned to join the meeting at this point.]

- (b) on 8.4.2011, the Town Planning Board (the Board) noted that R794 and R1047 had been withdrawn. The Board considered that the parts of R1024 and R1025 relating to the Man Lam Christian Church were invalid, and also decided not to uphold the remaining parts of these two representations. The Board also decided to defer a decision on the remaining 1,064 representations pending the submission of further information (FI) by HKSH to substantiate the Traffic Impact Assessment (TIA) and the advice from concerned government bureaux/departments on the geotechnical constraint of the subject site and the space requirement of the proton therapy machine;
- (c) on 11.5.2012, the Board held its meeting to hear the representations and comments and to consider the FI submitted by HKSH and the advice given by concerned government bureaux/departments on geotechnical constraints and proton therapy machine. As some Members and some representers/commenters raised questions on the TIA submitted by HKSH, the Board decided to defer a decision on the 1,064 representations pending clarification from the Transport Department (TD) on the assumptions adopted in the TIA;
- (d) on 17.8.2012, the Board held its meeting to hear the representations and comments and to consider the FI submitted by TD on the assumptions adopted in the TIA and on the sensitivity test conducted for the hospital traffic ingress route assignment prepared by HKSH. After deliberation, the Board decided to meet Representation No. R708 and not to uphold the remaining representations. On 31.8.2012, the Board agreed that the

proposed amendments, which included revisions to the stipulated maximum BHs for the northeastern part of the “Government, Institution or Community” (“G/IC”) zone covering the subject site from 2 storeys to 89mPD; for the central part of the “G/IC” zone covering the subject site from 89mPD to 115mPD and for a small part of the “G/IC” zone covering the subject site from 89mPD to 148mPD and 37 storeys; and amending the Notes of the “G/IC” zone for the subject site to specify that the total number of hospital beds should not be in excess of 800 beds and not more than 15% of the total non-domestic GFA of the hospital development should be used for clinic purpose, were suitable for publication for further representation;

- (e) on 14.9.2012, the proposed amendments were published under section 6(C)2 of the Ordinance, and a total of 876 further representations were received;
- (f) on 16.11.2012, the Board decided that two further representations (i.e. F875 and F876) were invalid as they were submitted by two of the original representers (i.e. R1000 and R875);

The Further Representations

- (g) out of 874 valid further representations received, 870 (F1 to F870) (submitted by staff of HKSH and members of the public) generally supported the proposed amendments (with 413 made in standard format) while the remaining four (F871 to F874) (submitted by members of the public) opposed the proposed amendments. The grounds of the supportive further representations and adverse further representations, and PlanD’s responses to the further representations were set out in paragraphs 2.4, 2.5, and 3.7 to 3.26 of the Paper and summarised below;

Supportive Further Representations

More and Quality Medical and Health Care Services and Facilities

- (h) the grounds of the further representations on provision of more and quality medical services aspects were:
- (i) the existing HKSH required expansion. The redevelopment would provide more hospital beds, increase job opportunities, facilitate medical development and promote economic development;
 - (ii) better planning for clinical services and expansion of some specialised centres could be achieved;
 - (iii) the hospital redevelopment was beneficial to the society and the public as well as for a better prospect of HKSH;
 - (iv) more staff amenities and more leisure space for the patients could be provided; and
 - (v) proton therapy could be introduced into Hong Kong for the benefit of paediatric cancer patients. More researches and training opportunities could be provided in a private healthcare setting;

Traffic Improvement

- (i) the grounds of the further representations on traffic improvement aspects were:
- (i) the existing manoeuvring space for vehicles entering the hospital was not enough, thus leading indirectly to traffic congestion. HKSH redevelopment might help to reduce the traffic

congestion in the area; and

- (ii) new parking lots were required to improve the traffic condition in the district;
- (j) PlanD's responses – the supportive further representations on grounds of provision of more quality medical and health care services as well as opportunities for traffic improvement to the area were noted;

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

Adverse Further Representations

Visual Impact

- (k) the grounds of the further representations on visual impact aspects were:
 - (i) as shown in the photomontages, the two proposed buildings would generate severe visual impact from all points in Happy Valley and block the view towards the green hill behind;
 - (ii) the reduced setback from 27m to 16m would significantly aggravate the overbearing impact of the proposed development and even further reduce the visual openness along Wong Nai Chung Road; and
 - (iii) the buildings did not conform to the intentions of the draft OZP to prevent tall buildings that were out of context;
- (l) PlanD's responses to grounds on visual impact aspects were:
 - (i) the stepped BHs imposed on the HKSH site, with the lower Phase 4 building fronting Wong Nai Chung Road and the taller Phase 3A in the inner part of the subject site partly shielded by

the existing Phases 1 cum 3 building was considered not incompatible with the existing BH bands of 85mPD to 115mPD for the valley floor area covered by the OZP;

- (ii) according to the Town Planning Board Guidelines No. 41, three major local vantage points, namely the Happy Valley Recreation Ground, Bowen Road and the tram terminus on Wong Nai Chung Road, which were easily accessible by and popular to the public or tourists had been identified. Based on the visual assessment, the maximum BHs of 115mPD and 89mPD as proposed in the HKSH's redevelopment would not have a major adverse impact on the view from the Happy Valley Recreation Ground towards Wong Nai Chung Gap but the view from Bowen Road towards the Race Course would be partly affected. There would be visual enhancement when viewed from the tram terminus on Wong Nai Chung Road. The Board had taken a balanced consideration of the visual assessment and other relevant factors, including the permissible development intensity of the subject site under the Buildings Ordinance (BO) and the lease, technical constraints of the subject site, compatibility of the BHs with the general BH bands for the area, functional and operational needs of the hospital as well as the contribution of the proposed development in enhancing the medical services to the needs of the community, and agreed that the BHs of 115mPD and 89mPD were acceptable; and

- (iii) on the reduction in the building setback from 27m to 16m along Wong Nai Chung Road, while viewing at the tram terminus on Wong Nai Chung Road, it would aggravate the overbearing impact of the HKSH's redevelopment on the local area and reduce the visual openness along Wong Nai Chung Road, it would not have a significant impact on the more distant views from Happy Valley Recreation Ground and Bowen Road. The Board had taken a balanced view between the visual impact and

other relevant factors as mentioned above and agreed that the proposed reduction in setback along Wong Nai Chung Road from 27m to 16m was acceptable;

[Mr. C.W. Tse returned to join the meeting at this point.]

Air Ventilation Impact

- (m) the grounds of the further representations on air ventilation impact aspects – the wall-like structure of the proposed development would block the prevailing wind and the last remaining wind corridor would be lost. The wind environment for the low-rise developments at Fung Fai Terrace would be worsened;

- (n) PlanD's responses to grounds on air ventilation impact aspects – according to the Air Ventilation Assessment (AVA) by expert evaluation conducted by PlanD's consultant in 2008 for the Wong Nai Chung Planning Scheme Area, Shan Kwong Road was one of the major wind corridors for the area. The 2-storey BHR on the OZP would ensure the provision of a 16m setback of the hospital tower along Shan Kwong Road/Wong Nai Chung Road and the tower would be away from the wind corridor. The north-easterly wind was the annual prevailing wind, while the southerly wind was prevailing in the summer. In terms of the annual prevailing winds, HKSH was located immediately in front of a slope. During summer, wind would generally flow from southwest through the two sides of Stubbs Road developments at a higher level towards Wong Nai Chung. In view of the above, the BHRs for the subject site should not have significant adverse impact on the air ventilation in the area;

[Mr. Ivan C.S. Fu returned to join the meeting at this point]

Traffic Impact

- (o) the grounds of the further representations on traffic impact aspects were:
 - (i) the BHR relaxation would create traffic congestion and bring detrimental effects on traffic/pedestrian environment of the Happy Valley area; and

[Professor S.C. Wong returned to join the meeting at this point.]

- (ii) the traffic impact had not been properly assessed in the TIA and traffic statements. In particular, the pedestrian impacts had not been assessed, the critical weekend peak had only been assessed for two junctions and the assumption that all northbound traffic exiting the hospital would be via the new access had not been sufficiently interrogated;

[Dr. C.P. Lau returned to join the meeting at this point.]

- (p) PlanD's responses to grounds on traffic impact aspects were:
 - (i) according to the TIA submitted by HKSH, with additional ingress/egress point on Wong Nai Chung Road, all the key junctions in the vicinity would be operating within capacity by the design year of 2021 with the addition of traffic arising from the HKSH's redevelopment. The Commissioner for Transport (C for T) considered that the assumptions adopted in the TIA were justifiable and the TIA was acceptable. C for T had no objection to the HKSH's redevelopment from traffic perspective provided that there was a mechanism to ensure that the proportion of clinics would be provided as stated by HKSH (i.e. 15% of the total non-domestic GFA of the hospital development). In this regard, the Board had agreed to amend the Notes of the "G/IC" zone for the subject site to specify that not more than

15% of the total non-domestic GFA of the hospital development should be used for clinic purpose. With the new ingress/egress at Wong Nai Chung Road diverting some traffic from the local road network, the HKSH's redevelopment would unlikely worsen the existing traffic conditions in the area;

- (ii) regarding the assessment on pedestrian impacts, C for T had explained at the Board meeting on 17.8.2012 that specific matters that needed to be assessed in a TIA would depend on the nature and scale of the development and pedestrian assessment was not a requirement for all TIAs. For the HKSH's redevelopment, pedestrian assessment was considered not necessary;
- (iii) according to the TIA submitted by HKSH, the capacities of 12 key junctions had been assessed according to the typical TIA methodology in which only weekday am and pm peaks would be required. C for T had no objection to the methodology adopted in the TIA. The assessment of the two junctions (i.e. junctions of Shan Kwong Road/Village Road and Wong Nai Chung Road/Shan Kwong Road) by the traffic consultant of HKSH in the sensitivity test report was in response to the Board's and some representers' queries on the effect of the commissioning of the new traffic signal outside the HKSH. The assessment on weekend peaks was part of the sensitivity test, but not a requirement of TIA; and
- (iv) as for the hospital egress traffic assumption, it should be noted that according to the TIA submitted by HKSH, 81% and 88% of the total hospital egress traffic would be via the new ingress/egress at Wong Nai Chung Road while 7% and 2% would be via the existing egress at Village Road heading north during weekday morning and evening peaks respectively. Hence, not all northbound traffic exiting the hospital would be

via the new access. It was also explained by the HKSH's traffic consultant at the Board's meeting on 17.8.2012 that by using the new egress, drivers could avoid possible delay caused by the traffic signals on Shan Kwong Road and Wong Nai Chung Road. This would be the obvious choice for northbound traffic;

Environmental Impact

- (q) the grounds of the further representations on environmental impact aspects were:
 - (i) the 10-year construction period for the redevelopment would cause environmental impact and bring detrimental effects on air quality. It was inappropriate to just rely on statutory controls. An in-depth environmental study was required; and
 - (ii) the environmental and safety issues that would be caused by the proton therapy machine had not been addressed;
- (r) PlanD's responses to grounds on environmental impact aspects were:
 - (i) regarding the environmental impacts of the HKSH's redevelopment during construction, the Director of Environmental Protection (DEP) reiterated that the constructional and operational environmental impacts were controlled under various pollution control ordinances, including Air Pollution Control Ordinance, Noise Control Ordinance, etc. To minimise the nuisance to nearby residents during the construction, the contractor should implement appropriate pollution control measures;
 - (ii) DEP advised that as 'Hospital' was not a designated project, Environmental Impact Assessment (EIA) as required under the EIA Ordinance would not be applicable. Generally,

environmental considerations for hospital use would follow Chapter 9 of the Hong Kong Planning Standards and Guidelines (HKPSG) which provided broad environmental guidelines and set out requirements for different major land uses to safeguard the environmental quality. In addition, DEP also advised that 'Hospital' was not classified as a polluting use and would not generate insurmountable environmental impact on the surrounding areas. Hence, no in-depth environmental study was required; and

- (iii) as for the environmental and safety aspects of the proton therapy machine, the Director of Health (D of Health) advised that the use of proton therapy machine was subject to the control under a number of regulations. Amongst these regulations, the hospital would have to apply for Irradiating Apparatus Licence and Radioactive Substance Licence from the Radiation Board in order to possess and use the proton therapy machine, as well as to collect, manage and handle the radioactive substances generated. Structural protective measures would be required to satisfy the requirements of the Radiation Ordinance, especially with regard to shielding of radiation and management of radioactive substances. DEP also advised that since the proton therapy machine was to be installed in an enclosed environment, impacts on air and water quality were not anticipated;

Medical Service Provision

- (s) the grounds of the further representations on medical service provision aspects were:
 - (i) the government policy to promote private medical services was flawed;
 - (ii) the HKSH's redevelopment should be encouraged to relocate to

the North East New Territories rather than an urban neighbourhood that was already overloaded; and

- (iii) HKSH charged up to HK\$19,900 per day (excluding medical services fee) for a luxurious suite on 37/F, which was not a service to the community;
- (t) PlanD's responses to grounds on medical service provision aspects were:
 - (i) the Secretary of Food and Health (SFH) advised that as part of their healthcare reform initiatives to improve the long-term sustainability of healthcare system, they promoted and facilitated private hospital development in order to address the imbalance between the public and private sectors in hospital services and to increase service demand arising from an aging population. This would also provide the public with more choices and affordable high quality private hospital services and facilitate the development of Hong Kong's medical industry. In addition, the Government had also set up a Steering Committee to conduct a review with an aim to strengthen regulation of private hospitals, enhance the safety and quality of private healthcare services and better protect consumer's rights;
 - (ii) as for the suggestion that the HKSH's redevelopment should be encouraged to relocate to the North East New Territories, it should be noted that HKSH had indicated a strong preference for redevelopment at its existing site taking into account the operational and functional requirements of the hospital. SFH and D of Health had no objection to the HKSH's in-situ redevelopment proposal; and
 - (iii) in respect of the comment that HKSH was not providing a service to the community, SFH had pointed out that private hospitals generally served not only residents in the district, but

also patients from other parts of the territory. Apart from the residents of Happy Valley, HKSH was providing in-patient and out-patient services to the community and patients outside Happy Valley. D of Health also advised that apart from charging by fee-for-service, HKSH was also offering packaged price for some services. It should also be noted that, in terms of planning intention, the “G/IC” zone was intended primarily for the provision of GIC uses to serve the needs of the local residents, as well as those of a wider district, region or the territory;

Bad Precedent

- (u) the grounds of the further representations on bad precedent aspects – the excessive relaxation of BHRs from 2 storeys to 89mPD and 89mPD to 115mPD would set an undesirable precedent resulting in a proliferation of undesirable developments in the area and adversely affect the quality of the neighbourhood in the future;

- (v) PlanD’s responses to grounds on bad precedent aspects – in considering any relaxation of BHRs, the Board would assess the merits of each proposal on a case by case basis. The Board had thoroughly assessed the specific development scheme and technical assessments submitted by HKSH and balanced relevant factors, including the planning intention of the “G/IC” zone, surrounding land uses, the development and operation needs of the hospital, technical constraints of the subject site, the permissible GFA of the subject site under the lease and BO, the availability of other development options, compatibility of the BHs with the general BH bands for the area and surrounding developments, visual impact of the proposed development on major local vantage points, and acceptability of the development from traffic and infrastructural viewpoints before agreeing to the BHRs of 89mPD, 115mPD and 2 storeys for the subject site. As such, the relaxation of BHRs for the subject site would not set an undesirable precedent resulting in a

proliferation of undesirable developments in Happy Valley;

Others (considerations of BHRs)

- (w) the grounds of the further representations on considerations of BHRs aspects were:
 - (i) there was no discussion about the relaxation of BHR from 89mPD to 148mPD and 37 storeys at both the 979th and 1017th Board meetings. This was a matter of principle and the BHR could not be relaxed; and
 - (ii) at the 917th Board meeting on 8.8.2008, the Board had already pointed out that the existing Phase 3 building of 148mPD was a “visual eyesore” and would not be approved by the Board. Members also did not support further high-rise development that would destroy “the unique medium to low-rise character of Happy Valley”, and decided not to uphold HKSH’s representation and considered that a BHR of 12 storeys was appropriate and compatible with the surrounding developments;
- (x) PlanD’s responses to grounds on considerations of BHRs aspects were:
 - (i) it should be noted that the 917th Board meeting on 8.8.2008 was the hearing for consideration of representations (including a representation submitted by HKSH) in respect of the previous OZP No. S/H7/14. At that time, HKSH had proposed a Phase 4 redevelopment at 148mPD (37 storeys), i.e. similar to the Phases 1 cum 3 building on the subject site. The Board, after hearing, did not agree to the 148mPD proposal. Subsequently, the Board had taken into consideration the visual impact and other relevant factors in determining the current BHRs for the HKSH site. The BHRs were considered not incompatible with the stepped BH profile of the surrounding developments as

stipulated on the OZP with BHRs of 85mPD and 115mPD; and

- (ii) the previous boundary of the BH control sub-area was based on the configuration of the Central Block. The relaxation of BHR for a minor portion of the subject site from 89mPD to 148mPD and 37 storeys was only to reflect the Phases 1 cum 3 building which had been completed and was permitted under the Notes of the OZP;

Independent Adviser

- (y) the grounds of the further representations on independent adviser aspects – there was a clear conflict of interest as PlanD had negotiated with HKSH on the settlement of a previous JR concerning the same site. The Board should seek independent professional advice on the planning implications of the proposed development;
- (z) PlanD's responses to grounds on independent adviser aspects were:
 - (i) the Secretary of the Board was authorised to represent the Board to negotiate with HKSH for a possible settlement proposal. The settlement proposal submitted by HKSH was considered and agreed by the Board on 3.9.2010. Once the amendments to the OZP (in line with the settlement proposal) were submitted to the Metro Planning Committee of the Board for agreement to exhibit for public inspection, the settlement proposal had lapsed. The exhibition of the amendments was a statutory channel for public consultation. Under the provisions of the Ordinance, the public could make representations on the amendments to the OZP. In the consideration of these representations, it was for the Board to decide whether the OZP should be amended to meet the representations and the Board was not bound by the settlement proposal. PlanD only assisted in the statutory planning process under the established practice. There was no question of any

conflict of interests; and

- (ii) under the current practice, any proponent of a development proposal was required to submit relevant technical assessment reports (e.g. traffic, geotechnical, environmental, visual and air ventilation impacts) to demonstrate that the proposed development would not cause adverse impact on the surrounding area. PlanD was not the only one to vet the proposal. Relevant government bureaux/departments would be consulted and they would provide their independent and professional advice/comments on the proposed development. In the case of the HKSH's redevelopment, relevant government bureaux/departments had already provided their comments for the consideration of the Board and had responded and answered questions in the meetings. There was apparently no particular reason for the Board to seek independent advice from professional planners;

Public Consultation

- (aa) the grounds of the further representations on public consultation aspects were:
 - (i) there had been no public consultation and there was an abuse of the planning process in the subject case; and
 - (ii) the government reached a settlement with HKSH which allowed high-rise development on the site on 3.9.2010 prior to public consultation. Public consultation was not conducted until 24.11.2010 and the public unanimously agreed that HKSH's proposal should be rejected;
- (bb) PlanD's responses to grounds on public consultation aspects – the amendments to the OZP were exhibited on 30.9.2010 for public

inspection for a period of two months in accordance with the provisions of the Ordinance. The exhibition of the amendments was a statutory channel for public consultation. Any person had the right to make a representation to the Board. Apart from the local consultation forum as mentioned by the further representer, the Wan Chai District Council (Wan Chai DC) and Wan Chai South Area Committee were also consulted on 19.10.2010 and 19.11.2010 respectively. Their views were also relayed to the Board for consideration. These statutory and administrative consultation procedures were considered adequate; and

PlanD's Views

(cc) based on the planning considerations and assessment as set out in paragraph 3 of the Paper, PlanD's views were:

(i) to note the support of F1 to F870; and

(ii) not to uphold F871 to F874.

103. Members noted that R752 and R971's written submissions were tabled at the meeting.

104. The Chairman then invited the further representers and representers to elaborate on their submissions. The Chairman asked the attendees to be concise with their presentations as their submissions had all been provided to Members before the meeting and reminded them not to repeat the points that had already been presented by other attendees.

F654 – Yuen Man Fung, Richard

(Dr. Yuen Man Fung, Richard – further representer)

105. Dr. Yuen Man Fung, Richard made the following main points:

(a) he was a professor at the Faculty of Medicine of the University of Hong

Kong (HKU) and he supported the HKSH redevelopment;

- (b) HKSH was an important private hospital providing training to student doctors as well. Since 1998, HKSH had collaborated with the Faculty of Medicine of HKU to provide training for student doctors. The duration of the training programme had been extended from about one week for the 5-year course to two weeks per year, with the annual total number of students receiving such training increased from 120 to 250. The training would cover out-patient operations as well as some specialised medical treatment not available in public hospitals. The training enabled student doctors to have more exposure in the interface of private and public hospital services. The redevelopment would provide more medical training and research opportunities as well as medical facilities that would benefit both the doctors and the patients; and
- (c) being a doctor of HKSH, he was impressed by HKSH's commitment in providing good quality medical services for the people of Hong Kong. HKSH had spent a lot of resources in conducting researches, procurement of new equipment as well as providing training for their doctors and nurses.

F96 – Chi Sui Fun

(Ms. Chi Sui Fun – further representer)

106. Ms. Chi Sui Fun made the following main points:

- (a) she was the nursing manager of the out-patient department in HKSH;
- (b) HKSH provided medical services not only for the local community in Happy Valley but also the larger community of Hong Kong;
- (c) in some cases, the patients, after receiving preliminary treatment in HKSH, could not stay in the hospital for further necessary treatment due

to the shortage of hospital beds. They, at times, had to receive treatment in public hospitals. Just in a recent emergency case, she had sent a patient suffering from high blood pressure to Ruttonjee Hospital for treatment as there was no hospital bed available at that moment. However, the patient might suffer from delayed medical treatment and this would also increase the demand for service at public hospitals and take up some of the resources on medical care available for the general public; and

- (d) she hoped that HKSH could be redeveloped to provide more expedient and efficient services to the community so that the above situation would not occur again. Indeed, those patients with medical insurance cover could afford and probably prefer to have their medical treatment in a private hospital. If there was an imbalance in the provision of public and private medical service, both public and private hospitals would suffer.

F101 – Lee Yuen Yee, Helen

(Mrs. Chang Lai Sau Kay – further representer)

107. Mrs. Chang Lai Sau Kay made the following main points:

- (a) she had once been a member of the ‘yellow-ribbon’ campaign opposing the HKSH redevelopment;
- (b) she was living at Village Road in Happy Valley and would be most affected by the visual and traffic impact to be brought about by the HKSH redevelopment. In the past, she objected to the hospital’s expansion scheme given that the proposed buildings were too tall and too bulky;
- (c) she changed her position from objection to supporting the HKSH redevelopment after she had suffered from breast cancer in April 2012 and had been admitted to HKSH for an operation. Throughout the

process, she realised the importance of receiving good quality medical services and the problem of shortage in hospital beds. Hence, she considered that the HKSH redevelopment to provide better medical facilities and service would be beneficial to the patients in the community. As improvement had been made to the redevelopment proposal, she hoped that the project could be implemented as soon as possible; and

- (d) she appreciated the effort made by a group of local people and some DC members in challenging the proposal submitted by HKSH. With their effort, HKSH had further improved its redevelopment plan.

F493 – Wong Kit Yee, Irene

(Ms. Wong Kit Yee, Irene – further representor)

108. Ms. Wong Kit Yee, Irene made the following main points:

- (a) she was the Principal of the Nursing School in HKSH;
- (b) the nursing school had been established since 1927. So far, about 3,000 nurses had graduated from the school. Every year, they provided training for over 200 student nurses including registered nurses and enrolled nurses. Their graduates would work in HKSH or other medical institutions. They also assisted in providing training for other nursing institutions such as HKU, Hong Kong Polytechnics University and Open University of Hong Kong; and
- (c) she was glad that HKSH's redevelopment scheme had been approved by the Board. The redeveloped HKSH would provide the much needed and enhanced facilities for improving nursing training. There would also be more training opportunities for student nurses that could help resolve the problem of shortage of nurses in the long run for the benefit of the community as a whole.

F596 – Li Sui Chi, Betty

(Ms. Li Sui Chi, Betty – further representer)

109. Ms. Li Sui Chi, Betty made the following main points:

- (a) she was the Vice-Head Nurse in HKSH and was also taking charge of the operation theatres;
- (b) she was glad that HKSH's redevelopment scheme had been approved by the Board. HKSH had a total of about 500 beds but there were only 10 operation theatres. The 10 operation theatres were not enough to meet the service needs of the hospital. In some occasions, they could not provide timely service to the patients because all operation theatres were fully booked;
- (c) in some cases, patients were not able to stay in the hospital for the needed medical care after taking operations due to insufficient hospital beds. She had hard feeling whenever she had to turn the patients away. Doctors were also disappointed when they were unable to reserve hospital beds for their patients to undertake the required medical treatment; and
- (d) HKSH desperately needed the additional space through redevelopment to accommodate the more advanced equipment. She hoped that the redevelopment project could be implemented very soon so that HKSH could provide more and better medical services for the public;

F871 – Wong Kwok Choi, Kacey

F872 – Cameron MacDonald

F874 – Wong Yeuk Yin, Jacqueline

R836 – Ho Kit Wai, Margaret

R971 – David John Forshaw

(Mr. David John Forshaw – further representers' representative, representer and representer's representative)

110. Mr. David John Forshaw made the following main points:

Traffic Impact

- (a) grounds – at the meeting on 17.8.2012, the Board failed to address the points made by an expert traffic engineer that the new hospital would not improve traffic conditions in the area; no pedestrian impact assessment had been carried out; the critical weekend peak had only been assessed at two junctions; and there was no evidence to support that all northbound traffic exiting the hospital would be via the new access;
- (b) PlanD's responses – the assumptions adopted in the TIA were justifiable and the TIA was considered acceptable by C for T. A pedestrian impact assessment was considered unnecessary. The assessment of the two junctions at Shan Kwong Road/Village Road and Wong Nai Chung road/Shan Kwong Road was not a requirement of the TIA. The northbound traffic exiting the hospital via the new access would be the drivers' obvious choice to avoid possible delay caused by the traffic signals on Shan Kwong Road and Wong Nai Chung Road;
- (c) on PlanD's responses on traffic impact aspects, he considered that:
 - (i) the conclusion in the TIA submitted by HKSH that the traffic circulation in the surrounding area would be improved was false and misleading. There was no evidence to show that if not more than 15% of the gross floor area was used for clinic purpose, then with the new ingress/egress diverting some traffic from the local network, the HKSH redevelopment would unlikely worsen the traffic conditions;
 - (ii) according to TD's guidelines for TIA studies (Department Circular No. 1/2011), traffic analysis should be carried out for the worse case scenarios. The sensitivity test revealed that the traffic volume at the studied junction along Shan Kwong Road

southbound and Village Road northbound at Sunday peak were 74% and 80% higher than those in the weekday peak. As such, the sensitivity test should be undertaken at all 12 junctions;

- (iii) in view of the large scale of HKSH redevelopment, there must be a pedestrian walkway system to ensure pedestrian safety during the construction period and upon completion of the redevelopment; and
- (iv) there would not be the case that all traffic using the existing egress at the hospital would turn right to head south or east (without any traffic turning left into Wong Nai Chung Road northbound) as many car parks were more adjacent to the existing egress;

Visual Impact

- (d) grounds – the proposed redevelopment would result in severe visual impact on Happy Valley. PlanD had a conflict of interest in this case. The reduced setback would significantly aggravate the overbearing impact of the proposed redevelopment and reduce the visual openness along Wong Nai Chung Road;
- (e) PlanD's responses – the proposed BH was considered not incompatible with the existing BH bands in Happy Valley. The HKSH redevelopment would not have a major adverse impact on the view from the Happy Valley Recreational Ground but the view from Bowen Road would be partly affected. The Board had taken a balanced consideration of the visual assessment and other relevant factors. The reduced setback would not have a significant impact on the views from Happy Valley Recreational Ground and Bowen Road. The Board had taken a balanced consideration and considered that the reduced setback was acceptable;

- (f) on PlanD's responses on visual impact aspects, he had the following views:
- (i) the Phase 3 building had already contravened the planning intention of stipulating building height control to avoid the proliferation of tall buildings in the area. The erection of two more high-rise buildings on the site would aggravate the adverse visual impact on the surrounding;
 - (ii) the functional and operational needs of the hospital should not be taken into consideration by the Board;
 - (iii) PlanD admitted that the reduction of the setback along Wong Nai Chung Road from 27m to 16m would aggravate the overbearing impact of the proposed redevelopment; and
 - (iv) there was a clear conflict of interest for the PlanD to negotiate with HKSH on the settlement of the previous JR and to advise the Board on the statutory planning process. The Board should seek independent planning advice;

Planning Considerations and Assessment

- (g) grounds – the Board failed to properly assess the planning implications of the proposed development. The Phase 3 development of HKSH already caused adverse impacts on the environment, traffic, visual, noise and air ventilation aspects. The Board's decision to approve the proposed redevelopment was inconsistent with its decision made on 8.8.2008 that further high-rise development would destroy the unique medium to low-rise character of Happy Valley;
- (h) PlanD's responses – the Board would assess the merits of each proposal on a case by case basis. Upon assessment of HKSH's proposal, the Board had balanced relevant factors including planning intention,

surrounding land uses, operational needs of the hospital, technical constraints, permissible GFA under the lease and Buildings Ordinance, availability of other development options, visual impact, acceptability from traffic and infrastructure viewpoints. The relaxation of BHRs would not set an undesirable precedent;

- (i) on PlanD's responses on planning considerations and assessments aspects, he held the views that the planning intention of the "G/IC" zone was to provide community facilities to meet the community needs. The HKSH redevelopment for single-bed luxury wards did not conform to such planning intention. The approval of the proposed redevelopment would adversely affect the unique medium to low-rise character of the area;

Air Ventilation Impact

- (j) grounds – the wall-like structure of the proposed redevelopment would block the prevailing wind and the last wind corridor would be lost. The wind environment of Fung Fai Terrace would be worsened;
- (k) PlanD's responses – during summer, wind generally flowed from southwest and the BHRs should not have a significant adverse impact on the air ventilation in the area;
- (l) on PlanD's responses on air ventilation impact aspects, he held the views that the north-easterly wind was the prevailing wind and the proposed redevelopment would block the airflow to Fung Fai Terrace. The AVA study should compare a 12-storey development with the proposed redevelopment, rather than a 27m setback and a 17m setback arrangement of the tower block;

Environmental Impact

- (m) grounds – the Board should not merely rely on Chapter 9 of the HKPSG in considering the pollution and environment hazards. The environmental and safety implications of the proton therapy machine as well as the adverse environmental impact at construction should be addressed. HKSH had a record of refusing to repair damages they caused to a private street;
- (n) PlanD's responses – the environmental impacts were controlled under various pollution control ordinances. 'Hospital' was not a designated project requiring an EIA and was not a polluting use. Proton therapy machine was subject to control under a number of regulations. The proton therapy machine installed in an enclosed environment would have no impacts on air and water quality;
- (o) on PlanD's responses on environmental impact aspects, he held the views that the large scale redevelopment proposal within a residential area would create a significant impact on the surroundings. It was imperative that an EIA should be carried out. On the other hand, the handling of radioactive waste in a residential area warranted an in-depth study before approval could be granted;

Medical Service Provision

- (p) grounds – the government policy to promote private medical services was flawed. HKSH was not providing a service to the community. It charged up to HK19,900 per day for a luxury suite;
- (q) PlanD's responses – SFH advised that they promoted and facilitated private hospital development to address imbalance between public and private hospital services particularly in anticipation of the demand from an aging population;

- (r) on PlanD's responses on medical service provision aspects, he had the following views:
- (i) land was granted to private hospitals with a requirement that not less than 20% of the beds had to be provided free of charge or at low cost. It seemed that the lease to HKSH was unrestricted and did not contain such a provision. SFH should ensure that HKSH provided 160 beds free of charge or at a low cost, and the provision should be made known to the public. Otherwise, the proposed scheme should not be approved;
 - (ii) the subject site was not suitable for the proposed redevelopment due to site constraints; and
 - (iii) the provision of single-bed luxury wards was not in the public interest considering the shortage of public hospital beds;

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

Public Consultation

- (s) grounds – no public consultation had been conducted and there was an abuse of the planning process. The Government reached a settlement with HKSH to permit two high-rise buildings on 3.9.2010. The so-called public consultation was not held until 24.11.2010 in which the public unanimously objected to the HKSH proposal;
- (t) PlanD's responses – the consultation procedures were considered adequate. The Wan Chai DC and Wan Chai South Area Committee had been consulted and a local consultation forum had been held;
- (u) on PlanD's responses on public consultation aspects, he held the views that the statutory procedures were manifestly inadequate. The Eastern DC was not consulted even though the proposed redevelopment would

have a significant impact on the traffic in Causeway Bay. As in the Board meeting on 11.5.2012 and the local consultation forum on 24.11.2010, the Wan Chai DC members and the public raised strong objection to the proposed redevelopment; and

Conclusion

- (v) Mr. Forshaw said that the Board should bear the responsibility and consequences of its decisions.

R969 – Tse, Joseph

R977 – Mr. Wong

R978 – Fum Ying

R979 – Mrs. Ng

R980 – Kellogg W. Ltd. Miss Young

R981 – Jiang Ting Pui

R1005 – Wong Man Yu

R1006 – Lung Yee Fong

R1007 – Lai, Cindy

R1019 – Mrs. Chu

R1023 – Miss Wan

R1048 – Mr. Lui

R1049 – Chan Shiu Tong

R1050 – Mrs. Tung

R1051 – Kwan Tai Yuen

R1052 – Tse, Joseph

R1053 – Chan K.

R1054 – Mr. Poon

R1055 – To Ming Fai

R1056 – Wong K.H.

R1057 – Chan Yuk Lan

R1058 – Lau, Alex

R1059 – Fung King Cheong

R1060 – Ng, Ivan

(Mr. Eric Sum – representers' representative)

111. Mr. Eric Sum (representing a group of 24 representers) made the following main points:

- (a) he represented a company providing management services for Celeste Court, a residential development in Wong Nai Chung; and
- (b) the company had consulted the residents on the redevelopment proposal of HKSH. Some residents had raised concerns about the adverse visual impact brought about by the HKSH redevelopment and the traffic congestion problem along Shan Kwong Road and Village Road. As HKSH would provide a total of 800 hospital beds upon redevelopment, the traffic problem might be worsened. Some residents considered that the TIA was unrealistic, the traffic would be congested and the safety of the pedestrians would also be affected. One of the residents was concerned whether there would be sufficient ancillary facilities to support the HKSH redevelopment.

R951 – Lam Shiu Toi

R1022 – Ng Kam Chun

(Mr. Ng Kam Chun – representer and representer's representative)

112. Mr. Ng Kam Chun made the following main points:

- (a) he was born, lived and worked in Happy Valley. He said that Ms. Pamela Peck, Mr. Wong Wang Tai and himself (three Wan Chai DC members) did not attend the previous Board meeting on 17.8.2012 because two of them were candidates of the Legislative Council election and they were advised not to attend the meeting during the election period. Moreover, they thought that the previous meeting was only on the traffic issues. However, he said that their absence did not mean that they did not object to the HKSH redevelopment;

- (b) the papers prepared for the meeting on 17.8.2012 were written in English and it was difficult for some representers to understand the papers. Some residents also could not understand the technical information contained therein, especially the TIA. However, they were advised by the Secretariat of the Board that Chinese translation of the TIA was not available;
- (c) the major concerns of the residents had already been presented in the previous meetings, which covered mainly the traffic impact, geotechnical risk, fire safety of the high-rise hospital block and safety of the proton therapy machine;
- (d) the existing ingress/egress of the hospital was from Shan Kwong Road and Village Road which were already very congested, especially during peak hours and/or Fridays and Saturdays. He doubted whether the provision of new ingress/egress at Wong Nai Chung Road to cater for the traffic generated by the 800 hospital beds of HKSH could resolve the traffic congestion problem;
- (e) the Happy Valley residents were law-abiding and peaceful as demonstrated in a previous incident some years ago. In 2008, the residents' request for a MTR station in Happy Valley was turned down by MTRC on the ground of financial viability for a population of about 39,000 in Happy Valley. Although some residents were discontent, they did not strongly protest against the decision. However, on 27.5.2012, hundreds of residents in Happy Valley including elderly, children and foreigners all joined together to protest against the HKSH's redevelopment proposal. This reflected the strong local objection to HKSH's proposal;
- (f) some private hospitals were registered as non-profit making organisations upon application of land grants. The residents were concerned that after obtaining the land grants, these private hospitals did not follow the land grant conditions to provide the required number of

low-cost or free beds to the general public. Instead, they charged very high fee and the general public could not be benefitted from their services; and

- (g) provision of medical services was very important to the community. The residents of Happy Valley generally considered that HKSH was a hospital providing good quality service and they had no objection to HKSH expanding its service. However, the redevelopment proposal should not create confrontation and conflicts with the local residents. They hoped that the redevelopment of HKSH would not further aggravate the traffic congestion in the area. Given that the redevelopment of HKSH would involve a significant increase in the number of hospital beds and that would unavoidably result in a significant increase in traffic, HKSH should consider choosing another location for its expansion, e.g. in Wong Chuk Hang, instead of pursuing redevelopment in Happy Valley.

R708 – The Hong Kong Sanatorium and Hospital

(Mr. Ian Brownlee – representer’s representative)

(Dr. Joseph Chan – representer’s representative)

113. Mr. Ian Brownlee made the following main points:

The Further Representations

- (a) the further representations should be related to the specific proposed amendments made under section 6(C)2 of the Ordinance rather than the original BHRs imposed in September 2010;
- (b) the proposed amendments only involved minor changes to the original BHRs in order to achieve a more practical design. In addition, the Board had already imposed restriction to limit the maximum number of hospital beds to 800 so as to address the traffic concerns;

- (c) the further representations did not contain any new information that had not been considered by the Board at the previous representation hearing;
- (d) there were no new reasons to justify further changes to the BHRs;

Visual Impact Assessment

- (e) the visual impact should only be related to the minor adjustment to the setback area, which had already been discussed at the previous Board meetings. In terms of visual impact, there should be no significant difference between the original BHRs and the revised BHRs under consideration. The Board had taken a balanced view in considering the visual impact. There was no substantive reason given in the further representations to justify a change of the Board's view ;

Traffic Impact Assessment

- (f) the traffic impact, including the pedestrian impact, had been duly considered by the Board at the previous meetings;
- (g) the proposed new pedestrian access and redirection of pedestrians to a more suitable crossing had already been explained at the previous meetings;
- (h) the assessment of the weekend traffic at the two relevant junctions had been conducted;

Compliance with Standards

- (i) the issue on compliance with environmental and safety standards such as HKPSG, EIA, proton therapy machine licensing, health policy, proportion of hospital beds, etc. had all been discussed at the previous meetings;
- (j) the Board should follow the published standards and policies established by other bodies where relevant and should not create its own standards and policies;

- (k) the Board should perform a statutory role under its jurisdiction;

Public Consultation

- (l) HKSH's latest proposal was different from its original proposal of having a BH of 37 storeys and 1,000 beds;
- (m) there had been a compromise between HKSH's development needs and the Board's requirements/public aspirations;
- (n) taking into account the BHRs and the control on hospital beds, the HKSH redevelopment would be in line with the planning intention;
- (o) the public consultation and the hearings were conducted in a proper way, and the relevant information was made available for public inspection;
- (p) HKSH's latest proposal had received public support as there were 870 supportive further representations against four adverse further representations;
- (q) while there were some adverse comments received during the public consultation process, the public did not unanimously consider that the proposal should be rejected as demonstrated by one of the further representers;

Precedent

- (r) the HKSH redevelopment was unique in nature and each proposal would be considered on a case by case basis. As such, HKSH's proposal would not set an undesirable precedent for other cases. According to the High Court ruling on the Smart Gain case, a precedent could only be set where the various planning and locational characteristics were identical;
- (s) the subject case would not set a precedent for other cases as there was only one hospital in Happy Valley and any justification in the HKSH

case should not apply to sites subject to different zonings and planning circumstances; and

Conclusion

- (t) HKSH therefore supported the views of PlanD and requested the Board to confirm the amendments as there was no strong ground in support of the adverse further representations.

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

114. Dr. Joseph Chan made the following main points:

- (a) he was the Deputy Medical Superintendent of HKSH;
- (b) he was glad that the Board had accepted HKSH's proposal and proposed amendments to the OZP;
- (c) HKSH currently provided different types of wards, i.e. ordinary wards (66%), semi-private wards (18%) and private wards (14.5%) to cater for the needs of different people. At present, out of about 500 beds, there were only 79 private wards. In order to provide more choices and to better meet the needs of the patients, the provision of private wards was considered necessary;
- (d) given the experience in handing the infectious diseases in Hong Kong in the last few years, namely SARS, bird flu and swine, the hospital would adopt single-bed wards in the redevelopment for better infection control. Although that would require more floor space, the hospital considered it worthwhile as it would enhance the safety of patients. Designing the hospital with single-bed wards was in line with the global trend;
- (e) regarding the private road near Fung Fai Terrace, since the completion of the Phase 3 building, HKSH had taken every possible effort to negotiate with the residents in Fung Fai Terrace with a view to undertaking the

required road repairing works. However, the works could not commence as HKSH was unable to obtain consents from all relevant property owners to proceed with the repairing works. The next meeting with the residents had been scheduled for 2013 and he hoped that the remaining property owners would give them the consents. HKSH was willing to bear the costs of the repairing works; and

- (f) he clarified that there were no requirements in the lease that HKSH should provide beds free of charge or at a low-cost to the public and hence there was no contravention of the lease conditions.

R751 –Lau Ching Fong

R752 – Wong Chi Yin

R753 – Wong Lai Ping

R754 – Liu Yee Ling

R828 – Chiu Kin Man

R882 – Hung Yiu Kwong

R928 – Chan Hon Ming

R948 – Lee Wing Sum, Wendy

(Ms. Liu Yee Ling – representer and representers' representative)

R763 – Elite Eternal Limited

(Ms. Pamela Peck – representer's representative)

115. At the request of Ms. Liu Yee Ling, Ms. Pamela Peck made the following main points on behalf of Ms. Liu:

- (a) being a Wan Chai DC member, she represented the views of Happy Valley residents as well as those people working in this area;
- (b) the reason why she did not attend the meeting on 17.8.2012 had already been explained by Mr. Ng Kam Chun (R1022). Although she did not attend the meeting, it did not mean that she supported the HKSH redevelopment. She agreed with the points made by Mr. David John

Forshaw (R971) as his views could well represent the views of Happy Valley residents;

- (c) the provision of more medical care services could be a benefit to the local residents. However, the HKSH redevelopment would create more adverse impacts than benefits. There were major traffic problems in Happy Valley and the existing road network could not cope with the redevelopment at the site, in particular, the ingress/egress at Wong Nai Chung Road was a bottleneck. There were also regular horse-racing and sports events taking place in this area. On the other hand, the wall-like buildings proposed were disproportionate with the scale of developments in the area and would have adverse visual and air ventilation impacts on the surrounding environment;
- (d) it was a serious matter that residents of Happy Valley, who represented the higher income groups, had to voice out their discontent by protesting on the streets. The local residents were determined to stop the further expansion of HKSH on the site;
- (e) while it was a good thing for HKSH to provide additional medical services, HKSH could choose other sites for its expansion rather than adding burden to the local residents in Happy Valley; and
- (f) it was important to maintain harmony in the local community and the Board was urged to seriously consider the residents' opposition to the HKSH redevelopment on the site.

116. Ms. Liu Yee Ling considered that some of the points in the written submission of R752 tabled at the meeting had not been covered by Ms. Peck. Ms. Liu continued to cover the following main points:

- (a) in the past, Happy Valley had a pleasant living environment. Since the completion of the Phase 3 high-rise building at HKSH, Happy Valley became one of the areas in Hong Kong that experienced very high

temperature. In particular, Valley Terrace was very humid as it was shaded by the high-rise buildings of HKSH. The air ventilation in Valley Terrace was also very poor. She did not understand why the hospital blocks could be built so tall while Valley Terrace was kept at a height of 4 to 5 storeys. As Happy Valley lay on a valley floor, the development of more high-rise buildings would worsen the air ventilation of the whole area;

- (b) similarly, Fung Fai Terrace was under shadow and some flats had no sky view. The Board should consider seriously the impact on the low-rise developments; and
- (c) while HKSH was providing medical services to serve the community of Hong Kong, it could choose an alternative site outside Happy Valley, such as Wong Chuk Hang, for its expansion.

R764 – Lin Sai Har, Peggie

R1000 – Cheung Shu Sang

(Mr. Cheung Shu Sang – representer and representer’s representative)

117. With the aid of a Powerpoint presentation, Mr. Cheung Shu Sang made the following main points:

- (a) HKSH could consider improving the efficiency of its booking system for hospital beds so as to address the problem of insufficient hospital beds;
- (b) two planning applications (No. A/H7/160 and A/YL-PS/377) were considered by the Board in the morning session of the same meeting. These applications for minor relaxation of BHRs from four storeys to five storeys and from 13m to 17m were considered reasonable. However, in the HKSH case, the BHR was relaxed from 12 storeys to 89mPD (20 storeys) and 115mPD (27 storeys), which was out-of-scale and totally unacceptable;

- (c) as mentioned in the previous meeting on 17.8.2012, it was agreed that HKSH's intention to enhancing its quality medical services was in the right direction. Nevertheless, the relaxation of BHR to such an extent, even for the purpose of achieving a good intention, was not justified;
- (d) the Legislative Council Public Accounts Committee's (PAC) investigation on the Director of Audit's Report in relation to the Union Hospital was reported in the newspaper. The Union Hospital site involved a change from hospital use to residential use. A number of previous rezoning applications had been rejected but a revised scheme was subsequently approved by the Board in 2000. In approving the application, one of the considerations was that the hospital would put up three additional storeys providing 200 additional hospital beds at the existing hospital block. By adopting the same assumption, six additional storeys should be able to accommodate the 400 additional hospital beds (with a view to achieving 800 hospital beds in total) in the HKSH case;
- (e) in 2008 when the Board rejected HKSH's proposal, one of the grounds was the need to preserve the ridgeline. The Board also commented that the Phase 3 building, if submitted, would not be approved. As such, he did not understand why the proposed development with two high-rise buildings would be accepted by the Board. It was important to strike a balance between development and conservation. The Wan Chai DC did not support the HKSH redevelopment. In view of the above, a comprehensive review of the HKSH's proposal should be conducted. He could not understand why HKSH's proposal with 800 hospital beds and the reduced setback could be supported by PlanD;
- (f) recently, the Government had announced that it would not allow private hospitals to amend the terms and conditions of their land lease. Given the Government's announcement in the PAC event, PlanD should withdraw its support to HKSH redevelopment and conduct a comprehensive review on HKSH's proposal including seeking the views

of D of Health and SFH. Without the policy support of D of Health and SFH, HKSH's proposal should not be allowed to proceed; and

- (g) for the benefits of Hong Kong, HKSH should work out a compromised scheme to meet its development needs and the local concerns.

R810 – Wong Fui Man, Catherine

(Ms. Wong Fui Man, Catherine – representer)

118. Ms. Wong Fui Man made the following main points:

- (a) she had been living in Fung Fai Terrace for many years and she represented the views of Fung Fai Terrace residents;
- (b) she did not understand why Fung Fai Terrace was only of about 7 storeys in height but HKSH was allowed to build up to about 40 storeys. HKSH agreed to repair the private road leading to Fung Fai Terrace that had been damaged by the construction trucks for the HKSH Phase 3 development, but HKSH's promise had not yet been realised ;
- (c) air ventilation at Fung Fai Terrace had deteriorated after completion of HKSH's Phase 3 development. Some residents had made their complaints to the Environmental Protection Department (EPD) on the air quality problems. Besides, the sky view was also blocked by the tall buildings of HKSH. Some residents also suffered from the low frequency noise generated from HKSH; and
- (d) any further development of HKSH would make the situation even worse and all local residents would suffer.

[Professor H.W. Chan returned to join the meeting at this point.]

R823 – Wealth Ltd.

R866 – New Investment Ltd.

(Mr. Lam Hau Sing – representers' representative)

119. Mr. Lam Hau Sing made the following main points:

- (a) he represented the views of some Happy Valley residents who were unable to attend the meeting;
- (b) he read out a letter from a group of Christians. While they appreciated the effort spent by the Board to look into the redevelopment proposal of HKSH in the past years, they urged the Board to ensure justice and fairness in deliberation of the case. As Happy Valley was a comfortable and pleasant neighbourhood, the public aspiration of the local community to preserve its character and amenity should not be neglected. The situation seemed to be getting worse. HKSH should not be allowed to pursue its redevelopment plan;
- (c) he then read out another letter from a group of elderly who had been living in Happy Valley for a long time. In the past, HKSH used to be a good hospital but had become money-minded serving the rich people. They found it unbearable and did whatever they could for the purpose of arousing public attention. They took all such actions as they were care about the deteriorating living environment, traffic congestion and declining quality of life and they were prepared to take further protest actions. The Board should give due consideration to the importance of maintaining a harmonious local community in the deliberation of the HKSH case;
- (d) he further read out the third letter from a group of mothers and their children. The mothers said that they protested together with their children on the streets because they considered that HKSH should be a conscientious entrepreneur caring more about the local community. They would teach their children not to behave in the way that HKSH did, i.e. just to maximise its profits without considering the adverse impact on the public;

- (e) according to his understanding, HKSH was registered as a non-profit making organisation for the purposes of application for land grant and exemption of profit tax. HKSH was granted a piece of land by the Government and they were allowed to build a high-rise building on the site. However, HKSH was still not satisfied and lodged a JR against the Board's decision in 2008. Being a non-profit making organisation, HKSH should serve the whole community instead of the rich people. The very high medical fees were unaffordable to the general public. Even though he was living close to HKSH, he had recently chosen to stay in another private hospital in the area instead of HKSH;
- (f) the provision of medical training to some 200 student doctors should not be at the expense of the quality of life of about 40,000 population in Happy Valley. The insufficient hospital beds in HKSH should not be a reason to justify HKSH's expansion. There were other private hospitals available in the same district and other districts to meet the service demand;
- (g) the Happy Valley residents could not afford to employ consultants to conduct technical assessments to challenge HKSH's proposal. They used their spare time to study the relevant documents and arranged meetings to discuss the issues;
- (h) according to his survey with about 20 taxi drivers, over 70% of them considered that HKSH was the main source of traffic congestion in Happy Valley. The traffic congestion problem would delay the ambulance services. There was a real situation that a 2 minutes' journey along Valley Road turned out to be a 15 minutes' journey because of the traffic congestion; and
- (i) the local residents would like to have a pleasant living environment but they did not have the power to fight against HKSH. They sincerely requested the Board to safeguard the quality of life of the local residents in considering the HKSH redevelopment.

R958 – The Incorporated Owners of San Francisco Towers

(Mr. Ho Yip Chor – representer’s representative)

(Ms. Ho Loy – representer’s representative)

120. With the aid of a Powerpoint presentation, Mr. Ho Yip Chor made the following main points:

- (a) he was the Chairman of the Incorporated Owners of San Francisco Towers and he represented the views of the residents living there;
- (b) he noted that a further representer had changed her position to support the HKSH redevelopment because of her difficulties in finding a hospital bed in HKSH. He also had similar experience in finding a hospital bed for his son two weeks ago and subsequently he sent his son to Ruttonjee Hospital for treatment. However, he still considered that the in-situ redevelopment of HKSH should not be supported and HKSH’s expansion should be located elsewhere;

Traffic Considerations

- (c) Happy Valley was an old district and traffic congestion in Happy Valley was not uncommon. The already saturated traffic infrastructure would not be able to sustain the additional traffic generated by the HKSH redevelopment. It was doubtful that the provision of a new ingress/egress at HKSH could help resolve the traffic congestion problem in the area;
- (d) the critical weekend traffic was not assessed in the TIA. The weekend traffic should be subject to further study and the further information should be taken into consideration before the proposed amendments to the OZP could be approved;

Increasing Employment Opportunities

- (e) the argument that HKSH redevelopment would increase employment

opportunities was misleading. In reality, the expansion of private hospitals would create brain-drain problem of public hospitals, thus exploiting the availability of resources for the general public;

Car Parking Spaces

- (f) HKSH claimed that with the redevelopment, the traffic condition in Happy Valley would be improved. The increase in car parking spaces in HKSH appeared to be substantial in term of percentage but in terms of number, there would only be an increase of about 100 additional car parking spaces upon redevelopment. They were insufficient to meet the anticipated demand of the staff, patients and visitors of HKSH;

Number of Further Representations

- (g) only four adverse further representations, as compared with 870 supportive further representations, were received by the Board was due to the fact that the original representers like themselves were not allowed to submit further representations in accordance with the Town Planning Ordinance, as advised by the Secretariat of the Board. He indeed represented a total of 160 flats or over 700 residents living in San Francisco Towers, all objecting to HKSH redevelopment on ground of its adverse impacts on the traffic situation in Happy Valley. He understood that almost all local residents raised objection to the redevelopment proposal of HKSH. The Wan Chai DC also expressed strong local objection to HKSH redevelopment;

Private Road at Fung Fai Terrace

- (h) given that HKSH was a non-profit making organisation occupying a “G/IC” site, it should have done more for the benefit of the local community. However, HKSH had not yet repaired the private road at Fung Fai Terrace which was damaged by the hospital. HKSH should have commenced the repairing works once the consents from a majority of the owners were obtained. Furthermore, the low-frequency noise generated from HKSH continued to cause nuisance to local residents for years;

Hospital Beds

- (i) the provision of all 400 beds in single-bed wards on ground of minimising cross-infection was not justified as no such provision was found in public hospitals. This might not be in line with the planning intention of the “G/IC” zone. The Board was urged to impose restriction requiring the provision of more ordinary wards for the benefits of the general public;
- (j) as the HKSH site was zoned “G/IC” and the hospital was registered as a non-profit making organisation, HKSH should provide at least 20% low-cost beds to the general public upon redevelopment; and

Safety of Proton Therapy Machine

- (k) the local community had a keen safety concern on the proton therapy machine accommodated in the hospital. HKSH should provide details on its safety.

121. Ms. Ho Loy made the following main points:

- (a) she represented R958, and was also speaking as a member of the public and a stakeholder;

Expansion of Medical Services

- (b) expansion of medical services alone might not necessarily be beneficial to the local community. It would be more important to promote prevention of diseases and to make investment in protecting public health and improving quality of life;
- (c) the provision of additional hospital beds in HKSH would attract outsiders into Happy Valley, creating impacts on the quality of life of the local residents in terms of traffic congestion, use of public space, poorer air ventilation etc. The adverse impact created should be properly compensated. In this regard, the Board should not allow HKSH to

maximise its commercial benefits at the expense of the well-being and quality of life of the Happy Valley residents. The Board should impose an appropriate BHR for the hospital, giving due consideration to the protection of ridgeline. The HKSH redevelopment would breach the ridgeline and the Board should provide justifications for the relaxation of the BHRs;

Monopoly of Private Medical Services

- (d) there was concern that the continual expansion of private medical services would lead to monopoly of private medical service. The experienced staff and experts working in the public hospitals were head-hunted by private hospitals to meet the expansion needs of private hospitals. The high turnover rate of medical personnel in public hospitals had already affected the quality of public medical service and had resulted in long waiting time. This indeed set a bad precedent of private sector taking up the public resources;

Visual Impact

- (e) the HKSH's redevelopment would create visual impact. In the past 30 years, there were new developments including HKSH which were poorly designed and had created eyesores in the built environment. The architectural design of new buildings should give due consideration to enhancing air ventilation and natural light and sunshine in the local community. The design of HKSH's redevelopment should contribute to good cityscape. Furthermore, too little work had been done for the preservation of historical buildings. This was the responsibility of the Board and relevant government departments and they should serve as the goal-keepers to ensure that the interest of the public was protected;

Compensation

- (f) there was a need for quantitative assessment to ensure that a proposal would only bring positive impacts and not adverse impacts on the local residents in terms of noise, air quality, traffic and so on. Otherwise, compensation should be made. In considering HKSH's proposal, the

Government should carry out relevant studies on the possible adverse impacts and propose mitigation measures, as appropriate. The quality of life of about 40,000 population in Happy Valley should not be affected by improper land-use planning;

Judicial Review

- (g) on 8.8.2008, the Board agreed to HKSH's proposal without going through proper procedures. This had violated the established practice and procedures of the Board and hence she urged the Board to withdraw its decision made on 8.8.2008. She had already submitted a judicial review against the Board's decision on the ground that the Board did not follow the statutory procedures in approving HKSH's proposal;

Comprehensive Review

- (h) both HKSH's traffic consultant and TD claimed that the traffic capacity in Happy Valley would only be saturated in 2030. As a matter of fact, the traffic capacity in this area had already reached its capacity as the local traffic was always congested. There was no additional road space to cope with the additional traffic. A comprehensive review of the whole area should be conducted rather than focusing on a single hospital; and
- (i) the Board should be accountable for its decision on the case and the public would keep an eye on the matter closely.

R972 – Yeung Lam Mee

R999 – Happy Valley Residents' Association

(Ms. Yeung Lam Mee – presenter and presenter's representative)

122. Ms. Yeung Lam Mee made the following main points:

- (a) she represented the Happy Valley Residents' Association;
- (b) as a member of the public, she did not object to HKSH's expansion of

service as the redevelopment of the hospital would be beneficial to the people who could afford the service. However, HKSH should consider decentralising its medical services to other locations such as the Mainland, Tseung Kwan O and North East New Territories, instead of implementing the redevelopment proposal at Happy Valley. This would avoid further overtaxing the traffic infrastructure and worsening the traffic congestion problem in Happy Valley;

- (c) in recent years, she could no longer afford the very expensive service provided by HKSH and could only make use of the medical service provided by public hospitals such as Ruttonjee Hospital;
- (d) Happy Valley was a small neighbourhood. The redevelopment of a 38-storey building at the site was considered incompatible. It would be more desirable if the high-rise building could be turned into two lower buildings;
- (e) the current traffic in Happy Valley was already very congested, not just during peak hours. The HKSH redevelopment, with a substantial increase in the number of hospital beds, would further aggravate the traffic congestion in the area;
- (f) the Happy Valley residents were rational, reasonable and law-abiding citizens. Even though their request for a MTR station in Happy Valley was turned down by the MTRC, they did not take any strong protest; and
- (g) both HKSH and the Board should seriously take into account the grave concerns and strong objection of the local residents with regard to the adverse impact generated by the redevelopment of HKSH.

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

123. As the further representers, representers and their representatives had completed their presentations, the Chairman invited questions from Members. Mr.

Cheung Shu Sang (R1000), Mr. Lam Hau Sing (R823 and R866's representative) and Dr. Joseph Chan (R708's representative) requested to supplement their presentations.

124. Mr. Cheung Shu Sang (R1000) said that at the representation hearing on 17.8.2012, PlanD had already indicated that the visual impact assessment of the proposed redevelopment was positive. Mr. Cheung further said that at the same meeting, a Member was concerned about the conflict between traffic from Shan Kwong Road (northbound) and Wong Nai Chung Road (westbound) near HKSH and the Board was told that it was a priority junction. After that meeting, he submitted video and photos taken on the spot to the Board which showed that there was indeed conflicting traffic. He understood that TD had subsequently confirmed that his observation was correct. In this regard, the Member's concern about the conflicting traffic on the two roads could be established. In response to the Chairman's question, the Secretary said that the traffic movement at the concerned junction had been clarified by TD and reported back to the Board as recorded in the relevant minutes of the previous meetings.

125. Mr. Lam Hau Sing (R823 and R866's representative) supplemented the following main points:

- (a) HKSH said that it would undertake the repairing works of the private road in Fung Fai Terrace but HKSH had made up an excuse for avoiding the works by saying that the works could not be commenced as the consent of all concerned owners could not be obtained. Noting that only one or two owners had not yet given consent, some residents had already suggested that they could share the costs of these few owners. In fact, at the time when HKSH used the road for their construction work, they did not get consent from all property owners. The local residents considered that the situation was unacceptable and they had resorted to the Police and the media in resolving the issue. HKSH's latest reply to local residents was received on 4.9.2012. Since then, they did not receive any news from HKSH. It was hoped that the repairing works could be implemented in 2013 without further delay; and
- (b) in his last submission, there were over 2,000 signatures and 27

Incorporated Owners indicating their opposition to HKSH redevelopment. They hoped that HKSH could act as a good and responsible neighbour.

126. In response to Mr. Lam's concern about the road repairing works at Fung Fai Terrace, the Chairman said that the repairing works of the private road was a matter between the residents and HKSH and was unrelated to the proposed amendments to the OZP. The matter was not within the ambit of the Board. He believed that HKSH was aware of the residents' views on the subject matter at the meeting.

127. Dr. Joseph Chan (R708's representative) agreed that the repairing works of the private road in Fung Fai Terrace was unrelated to the proposed amendments under consideration at the meeting. He requested concerned owners to assist in reaching out to the few owners that could not be contacted so that the repairing works could commence as soon as possible. Dr. Chan also clarified that the HKSH site was a private lot where the lease conditions did not contain a requirement for the provision of low-cost beds. Besides, HKSH was not a charitable organisation and its profit was subject to tax payment, though the net profit would be ploughed back for the development of the hospital. The hospital wards were mostly ordinary wards and about 90% of their patients were Hong Kong people. There was no plan to build a 38-storey block at the site.

128. As Members had no question to raise, the Chairman said that the hearing procedures had been completed and the Board would deliberate on the further representations in the absence of the further representers and representers. The further representers, representers and commenters would be informed of the Board's decision in due course. The Chairman thanked the further representers, representers, their representatives and the government representatives for attending the meeting. They all left the meeting at this point.

[The meeting adjourned for a short break of 5 minutes.]

Deliberation Session

129. The Chairman invited Members to consider the further representations taking

into consideration all the written submissions and the oral representations and materials presented.

130. The Chairman said and Members agreed that all the issues concerning the HKSH's case had been thoroughly discussed in the previous Board meetings and there were no particular new points or issues raised at the meeting.

131. On the traffic issue, a Member enquired whether any TIA had been prepared and submitted by the opposing representers/further representers. The Secretary said that one of the representer's representative, Mr. Cameron McDonald, who was a transport consultant, had commented on the TIA conducted by HKSH's traffic consultant. The comments raised by Mr. McDonald had been answered by HKSH's traffic consultant and TD at the previous hearing. Members had therefore considered that the concerned TIA was acceptable.

132. Ms. Bernadette Linn, Director of Lands, said that the recent remarks made by SFH regarding the restriction on land use in respect of new sites to be granted for private hospitals were not relevant to the HKSH case as HKSH's proposal would neither involve a new land grant nor require a change in land use permitted under the existing lease.

133. After some discussion, the Chairman summarised Members' views on the following main aspects:

Visual Impact

- (a) the BHRs for the subject site were considered not incompatible with the stepped BH profile as stipulated on the OZP with BHRs of 85mPD to 115mPD. Based on the findings of the visual assessment, the BHRs of 89mPD, 115mPD and 2 storeys for the subject site would not have a major adverse impact on the view from most of the major local vantage points. There was also a balanced consideration of the visual impact and other relevant factors, including the permissible development intensity of the subject site under the BO and the lease, technical constraints of the subject site, and functional and operational needs of the hospital in terms of integrated design for the hospital blocks;

Air Ventilation Impact

- (a) according to the AVA conducted for the OZP area, Shan Kwong Road was one of the major wind corridors for the area. The 2-storey BHR on the OZP would ensure the provision of a 16m setback of the hospital tower along Shan Kwong Road/Wong Nai Chung Road and the tower would be away from the wind corridor. Based on the annual and summer prevailing winds, the BHRs for the HKSH site should not have significant adverse impact on the air ventilation in the area;

Traffic Impact

- (a) according to the TIA, Traffic Statement, Further Traffic Statement conducted for the proposed redevelopment at the HKSH site, the redevelopment under the amended BHRs would not cause unacceptable traffic impact on the surrounding areas. C for T considered that the assumptions adopted in the TIA were justifiable and the TIA was acceptable;

Environmental Impact

- (b) 'Hospital' was not classified as polluting use and would not generate insurmountable environmental impact on the surrounding areas. The environmental impacts during the construction and operation stages of hospital redevelopment would be subject to statutory control under various pollution control ordinances;
- (c) as for the environmental and safety concerns of the proton therapy machine, D of Health advised that the use of such machine was subject to the control under a number of regulations. DEP also advised that since the proton therapy machine was to be installed in an enclosed environment, impacts on air and water quality were not anticipated;

Medical Service Provision

- (d) SFH and D of Health had no objection to HKSH's in-situ redevelopment proposal. The proposed hospital redevelopment at the subject site

allowed under the amended BHRs could enhance and upgrade the medical services and capacity of the hospital to meet the needs of the community and to provide the public with more choices; and

Public Consultation

- (e) proper statutory and administrative consultation procedures had been conducted for the amendments to the OZP.

134. After deliberation, Members noted the support of F1 to F870 to the proposed amendments for the subject site and agreed not to uphold F871 to F874 and that the OZP should be amended by all the proposed Amendment Items A1 to A3. Members then went through the reasons for not upholding F871 to F874 as stated in paragraph 5 of the Paper and agreed that they should be suitably amended.

Representations No. F1 to F870

135. After further deliberation, the Board noted the support of F1 to F870.

Representations No. F871 to F874

136. After further deliberation, the Board decided not to uphold F871 to F874 for the following reasons:

Visual Impact

- (a) the building height restrictions (BHRs) for the subject site were considered not incompatible with the stepped BH profile as stipulated on the Outline Zoning Plan (OZP) with BHRs of 85mPD to 115mPD. Based on the findings of the visual assessment, the BHRs of 89mPD, 115mPD and 2 storeys for the subject site would not have a major adverse impact on the view from most of the major local vantage points. There was also a balanced consideration of the visual impact and other relevant factors, including the permissible development intensity of the subject site under the Buildings Ordinance and the lease, technical constraints of the subject site, and functional and operational needs of

the hospital in terms of integrated design for the hospital blocks (**F871**, **F873** and **F874**);

Air Ventilation Impact

- (b) according to the Air Ventilation Assessment conducted for the OZP area, Shan Kwong Road was one of the major wind corridors for the area. The 2-storey BHR on the OZP would ensure the provision of a 16m setback of the hospital tower along Shan Kwong Road/Wong Nai Chung Road and the tower would be away from the wind corridor. Based on the annual and summer prevailing winds, the BHRs for the Hong Kong Sanatorium Hospital (HKSH) site should not have significant adverse impact on the air ventilation in the area (**F874**);

Traffic Impact

- (c) according to the Traffic Impact Assessment (TIA), Traffic Statement, Further Traffic Statement conducted for the proposed redevelopment at the HKSH site, the redevelopment under the amended BHRs would not cause unacceptable traffic impact on the surrounding areas (**F871**, **F872** and **F874**);

Environmental Impact

- (d) 'Hospital' was not classified as polluting use and would not generate insurmountable environmental impact on the surrounding areas. The environmental impacts during the construction and operation stages of hospital redevelopment would be subject to statutory control under various pollution control ordinances (**F871**, **F873** and **F874**);

Medical Service Provision

- (e) the Secretary for Food and Health and the Director of Health had no objection to HKSH's in-situ redevelopment proposal. The proposed hospital redevelopment at the subject site allowed under the amended BHRs could enhance and upgrade the medical services and capacity of the hospital to meet the needs of the community and to provide the public with more choices (**F871** and **F874**);

Bad Precedent

- (f) in considering the relaxation of BHRs, the Town Planning Board (the Board) had assessed the HKSH's redevelopment on its own merits and balanced against all relevant factors. The BHRs of 89mPD, 115mPD and 2 storeys for the subject site were not incompatible with the stepped BH profile as stipulated on the OZP with BHRs of 85mPD to 115mPD. The relaxation of BHRs for the subject site would not set an undesirable precedent resulting in a proliferation of undesirable developments in Happy Valley (**F871** and **F873**);

Others (considerations of BHRs)

- (g) the proposed amendment for a small part of the subject site from 89mPD to 148mPD and 37 storeys was to reflect the as-built situation of the Phases 1 cum 3 building (**F871**);

Independent Adviser

- (h) there did not appear to be any particular reason why the Board should seek independent advice from professional planners (**F874**); and

Public Consultation

- (i) the amendments to the OZP were exhibited on 30.9.2010 for public inspection for a period of two months in accordance with the provisions of the Ordinance. The exhibition of the amendments was a statutory channel for public consultation. Any person had the right to make a representation to the Board. In addition, the Wan Chai District Council and Wan Chai South Area Committee were also consulted and a consultation forum was held to solicit the views of the locals. These statutory and administrative consultation procedures were considered adequate (**F874**).

137. The Board also agreed that:

- (a) the draft Wong Nai Chung OZP No. S/H7/16 should be amended by the proposed amendments and such amendments should form part of the

draft OZP. In accordance with section 6H of the Town Planning Ordinance (the Ordinance), the OZP should thereafter be read as including the amendments;

- (b) the amendments should be made available for public inspection until the Chief Executive in Council had made a decision in respect of the draft OZP under section 9 of the Ordinance; and
- (c) administratively, the Building Authority and relevant government departments would be informed of the decision of the Board and would be provided with a copy/copies of the amendments.

Agenda Item 7

[Open meeting]

Request for Deferral for Review of Application No. A/H7/160

Proposed Minor Relaxation of Building Height Restriction

from 4 Storeys including Carports to 5 Storeys including Carports

of an Existing Residential Building in “Residential (Group B) 2” zone,

7 Village Terrace, Happy Valley, Hong Kong

(TPB Paper No. 9247)

[The meeting was conducted in Cantonese.]

138. The Secretary reported that on 22.11.2012, the applicant wrote to the Secretary of the Town Planning Board (the Board) requesting the Board to defer making a decision on the review application for two months in order to allow more time to prepare further information to address government departments’ comments. 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 prepare for the review hearing, the deferment period was not indefinite, and the deferment would not affect the interest of other relevant parties.

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

Tuen Mun and Yuen Long District

Agenda Item 8

[Open meeting]

Request for Deferral for Review of Application No. A/YL-PS/377

Proposed Concrete Batching Plant and Minor Relaxation of Building Height Restriction in “Industrial (Group D)” zone, Lots 843 s.A, 843 s.B and 843 RP in D.D.124 and Lots 233 RP, 235 and 236 in D.D.127, Ping Shan, Yuen Long, New Territories (TPB Paper No. 9248)

[The meeting was conducted in Cantonese.]

140. The Secretary reported that on 15.11.2012, the applicant wrote to the Secretary of the Town Planning Board (the Board) requesting the Board to defer making a decision on the review application for two months so as to allow time for preparation of Traffic Impact Assessment and Environment Assessment to support the review application. 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 technical issues with relevant government departments, the deferment period was not indefinite, and the deferment would not affect the interest of other relevant parties.

141. After deliberation, the Board agreed to defer a decision on the review application for two months in order to allow time for the applicants to prepare submission of further information. The Board also agreed that the application should be submitted

for its consideration within three months from the date of receipt of further information from the applicants. The Board also agreed to advise the applicant that two months were allowed for preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 9

[Open Meeting]

Request for Deferral for Review of Application No. A/YL-NSW/204

Proposed Columbarium in “Undetermined” and “Government, Institution or Community” zones, Lots 879, 880 s.A ss.1, 880 s.B ss.1 to 885, 889 RP (Part), 891 (Part), 1318, 1326, 1344 (Part) in D.D.115 and Adjoining Government Land, Au Tau, Nam San Wai, Yuen Long, New Territories (TPB Paper No. 9249)

[The meeting was conducted in Cantonese.]

142. The Secretary reported that on 20.11.2012, the applicant wrote to the Secretary of the Town Planning Board (the Board) requesting the Board to defer making a decision on the review application for one month so as to allow time to address public and departmental comments. 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 address public and departmental comments, particularly the comments of the Chief Executive of the Hospital Authority, the deferment period was not indefinite, and the deferment would not affect the interest of other relevant parties.

143. After deliberation, the Board agreed to defer a decision on the review application for one month 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 applicant that one month was allowed for preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

Sha Tin, Tai Po and North District

Agenda Item 10

[Open Meeting]

Request for Deferral for Review of Application No. A/FSS/210

Proposed Minor Relaxation of Non-Domestic Plot Ratio Restriction

For Permitted Commercial/Residential Development in “Commercial/Residential (3)”

zone, Junction of Ma Sik Road and Sha Tau Kok Road, Fanling, New Territories

(Fanling Sheung Shui Town Lot 177)

(TPB Paper No. 9250)

[The meeting was conducted in Cantonese.]

144. The Secretary reported that on 20.11.2012, the applicant wrote to the Secretary of the Town Planning Board (the Board) requesting the Board to defer making a decision on the review application for two months so as to allow additional time to review the design of the 24-hour public pedestrian walkway. 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 provide important supplementary information, the deferment period was not indefinite, and the deferment would not affect the interest of other relevant parties.

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

Procedural Matters

Agenda Item 12

[Open Meeting]

Application to the Chief Executive under section 8(2) of the Town Planning Ordinance for Extension of Time Limit for Submission of the Draft Ma On Shan Outline Zoning Plan No. S/MOS/17 to the Chief Executive in Council for Approval (TPB Paper No. 9251)

[The meeting was conducted in Cantonese.]

146. The Secretary said that one of the representations (R5) was submitted by the major landowner of the Lok Wo Sha “Comprehensive Development Area (1)” (“CDA(1)”) site immediately adjacent to the representation sites. The following Members had declared interest in this item:

Mr. Clarence W.C. Leung - being the Director of a non-government organisation (NGO) that had received a private donation from a family member of the Chairman of Henderson Land Development Co. Ltd., the developer of the Lok Wo Sha “CDA(1)” site

Mr. Dominic K.K. Lam - had business dealings with Henderson and New World Development Co. Ltd., developers of the Lok Wo Sha “CDA(1)” site; and his spouse owned two flats at Marbella in Ma On Shan

Mr. Patrick H.T. Lau] had business dealings with Henderson,
Ms. Janice W.M. Lai] developer of the Lok Wo Sha “CDA(1)”
Mr. Ivan C.F. Fu] site

- Dr. W.K. Yau - had tendered advice to Ma On Shan residents on the subject matter under consideration
- Dr. C.P. Lau - being a close relative of one of the representers

147. Members noted that Dr. Yau and Dr. Lau had already left the meeting while Mr. Leung and Mr. Lau had indicated that they would not attend the afternoon session of the meeting. As the item was procedural in nature and no deliberation was required, the other Members who had declared interest could stay in the meeting for this item.

148. The Secretary briefly introduced the Paper. On 24.2.2012, the draft Ma On Shan Outline Zoning Plan (OZP) No. S/MSO/17, incorporating amendments to facilitate the proposed residential and recreational developments in Whitehead, and residential development at a site off On Chun Street, was gazetted for public inspection under section 7 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, 1,079 representations were received. On 18.5.2012, the representations were published for three weeks for public comments, and 61 comments were received. The representations and comments received were considered by the Town Planning Board (the Board) in two groups. The first group (involving 7 representations and 42 comments) was related to the rezoning of the sites at Whitehead while the second group (involving 1,074 representations and 59 comments) was related to the rezoning of the site at On Chun Street. At the hearing held on 31.8.2012, the Board decided not to uphold the first group of representations. However, in considering the second group of representations and comments, the Board noted that some of the representers had suggested an alternative “Government, Institution or Community” (“G/IC”) site for residential development. After considering the grounds of representations, the Board decided to defer a decision on the representations pending a review of all the undeveloped “G/IC” sites in Ma On Shan which might also be suitable for residential developments.

149. The Secretary continued and said that a review of the “G/IC” sites in Ma On Shan was being undertaken in consultation with the concerned Government departments

and the findings would be submitted to the Board for consideration upon completion. Depending on the outcome of further hearing of the representations, the Board might or might not propose amendments to the Ma On Shan OZP to meet/partially meet the representations. In such circumstances, taking into account the time required for completing the review, publication of the proposed amendments, if any, based on the Board's decision, it was unlikely that the representation consideration process could be completed within the 9-month statutory time limit for submission of the draft OZP to the Chief Executive in Council (CE in C) for approval (i.e. before 24.1.2013). 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.

150. After deliberation, the Board agreed that the CE's agreement should be sought under section 8(2) of the Ordinance to extend the time limit for submission of the draft Ma On Shan OZP No. S/MOS/17 to the CE in C for a further period of six months from 24.1.2013 to 24.7.2013.

Agenda Item 13

[Open Meeting]

Application to the Chief Executive under section 8(2) of the Town Planning Ordinance for Extension of Time Limit for Submission of the Draft Tsuen Wan Outline Zoning Plan No. S/TW/29 to the Chief Executive in Council for Approval
(TPB Paper No. 9253)

[The meeting was conducted in Cantonese.]

151. The following Members had declared interest in this item:

Mr. Stanley Y.F. Wong (the Vice-chairman)	-	being a serving member of the Energy Advisory Committee (EnAC) under the Environment Bureau which was a non-statutory committee advising the
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government on energy policy

Mr. Ivan C.S. Fu - had business dealings with Sun Hung Kai Properties Ltd. which was the owner of Starrylight Ltd. (R4); and with Masterplan Ltd. which was the consultant of R4

Mr. Dominic K.K. Lam] had business dealings with Sun Hung
Mr. Patrick H.T. Lau] Kai Properties Ltd. which was the owner of Starrylight Ltd. (R4); and with Kenneth To & Associates Ltd. which was the consultant of R7

Ms. Janice W.M. Lai - had business dealings with Sun Hung Kai Properties Ltd. which was the owner of Starrylight Ltd. (R4); and being a serving member of the EnAC under the Environment Bureau which was a non-statutory committee advising the government on energy policy

152. Members noted that the EnAC was not directly involved in the operation and development plan of CLP Power Hong Kong Limited (R1). Members also noted that Mr. Lau had indicated that he would not attend the afternoon session of the meeting. As the item was procedural in nature and no deliberation was required, the other Members who had declared interest could stay in the meeting for this item.

153. The Secretary briefly introduced the Paper. On 24.2.2012, the draft Tuseen Wan Outline Zoning Plan (OZP) No. S/TW/29, incorporating amendments mainly including imposition of building height restrictions (BHRs) on various development zones, some rezoning proposals, designation of sub-zones for incorporation of appropriate development restrictions and designation of non-building areas and building gaps, was gazetted for public inspection under section 5 of the Town Planning Ordinance (the

Ordinance). During the two-month exhibition period, seven representations were received. On 4.5.2012, the representations were published for three weeks for public comments, and 620 comments were received. On 14.9.2012, after giving consideration to the representations and comments, the Board agreed to propose amendment to the OZP to meet one representation by revising the BHR for a “Government, Institution or Community” site. On 12.10.2012, the proposed amendment was published under section 6C(2) of the Ordinance, and no further representation was received.

154. The Secretary continued and said that Tsuen Wan Town Lot (TWTL) 393 (the Site), originally zoned “Commercial” and subject to a maximum plot ratio of 9.5, was previously included in the 2008-09 Application List of the Land Sale Programme (the Application List) for hotel development. Having noted Tsuen Wan District Council’s (TWDC) concern over the proposed development intensity and considered the overall demand and supply condition of hotel sites, the Administration decided to remove the Site from the Application List. The Site was therefore rezoned to “Undetermined” (“U”) pending a land use review. On 27.3.2012, when the TWDC was consulted on the Tsuen Wan OZP No. S/TW/29, members welcomed the rezoning of the Site to “U” and requested that their views be taken into account in determining the future land use of the Site. Taking into account the latest circumstances, the Planning Department was exploring several land use options with different development parameters for the Site. As further consultation with concerned bureaux/departments and the TWDC was required on the proposed development options, it was unlikely that the review could be completed before the 9-month statutory time limit for submission of the draft OZP to the Chief Executive in Council (CE in C) for approval (i.e. before 24.1.2013). 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 land use review of the TWTL 393 site prior to incorporation of appropriate zoning amendments to the draft OZP before its submission to the CE in C for approval.

155. After deliberation, the Board agreed that the CE’s agreement should be sought under section 8(2) of the Ordinance to extend the time limit for submission of the draft Tsuen Wan OZP No. S/TW/29 to the CE in C for a further period of six months from 24.1.2013 to 24.7.2013.

Agenda Item 14

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations
and Comments to the Draft Wan Chai Outline Zoning Plan No. S/H5/27
(TPB Paper No. 9252)

[The meeting was conducted in Cantonese.]

156. The following Members had declared interest in this item:

- | | | |
|---|---|--|
| Mr. Laurence L.J. Li | - | co-owned with his spouse a flat near St. Francis Street |
| Mr. Rock C.N. Chen | - | his companies owned a flat at Star Street and some properties at Lockhart Road |
| Ms. Julia M.K. Lau | - | owned two flats at Star Street |
| Mr. K.K. Ling
(Director of Planning) | - | owned some properties in Wan Chai |

157. Members noted that Mr. Li, Mr. Chen and Ms. Lau had indicated that they would not attend the afternoon session of the meeting. As the item was procedural in nature and no deliberation was required, the other Members who had declared interest could stay in the meeting for this item.

158. The Secretary briefly introduced the Paper. On 3.8.2012, the draft Wan Chai Outline Zoning Plan (OZP) No. S/H5/27 was exhibited for public inspection under section 7 of the Town Planning Ordinance. During the two-month exhibition period, 223 representations were received. On 26.10.2012, the representations were published for three weeks for public comments, and two comments were received.

159. The Secretary continued and said that the representations were related to the imposition of BHRs on “Government, Institution or Community” (“G/IC”) sites, rezoning of a proposed land sale site from “G/IC” to “Residential (Group E)” and rezoning of the terraces and the stepped streets in Sau Wa Fong area. As some of the representations were of similar or related nature, some of the representation sites were in close proximity to each other and the proposed amendments had attracted wide public interest, it was recommended that the representations and related comments should be heard by the full Board in three groups, as follows:

- (a) Group 1: collective hearing of 221 representations (R1 – R13, R15 – R23 and R25 – R223) and 1 comment (C2) in relation to the BHRs of the “G/IC” sites at 271 Queen’s Road East and 15 Hennessy Road and rezoning of the adjoining proposed sale site at 269 Queen’s Road East and 99 Kennedy Road, i.e. Amendment Items A, B and D;
- (b) Group 2: collective hearing of 16 representations (R1, R2, R10 – R13 and R15 – R24) and 2 comments (C1 and C2) in relation to the BHR of the “G/IC” site at 77 Spring Garden Lane, i.e. Amendment Item C; and
- (c) Group 3: collective hearing of 2 representations (R13 and R14) in relation to the rezoning of the terraces and the stepped streets in Sau Wa Fong area, St. Francis Street, St. Francis Street Yard and Kwong Ming Street from “R(A)”, “R(C)”, “G/IC” and “O” to area shown as ‘Road’ on the OZP, i.e. Amendment Item E.

160. After deliberation, the Board agreed that the representations and comments should be heard collectively in three groups by the Board in the manner as proposed in paragraph 2.4 of the Paper.

Agenda Item 15

[Open meeting]

Submission of the Draft Lung Yeuk Tau and Kwan Tei South
Outline Zoning Plan No. S/NE-LYT/15A to the Chief Executive in Council
for Approval under Section 8 of the Town Planning Ordinance
(TPB Paper No. 9254)

[The meeting was conducted in Cantonese.]

161. The Secretary briefly introduced the Paper. On 16.3.2012, the draft Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan (OZP) No. S/NE-LYT/15 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, one representation was received, which was not related to the amendment items of the plan. On 8.6.2012, the Town Planning Board (the Board) decided that the representation was invalid as it was not made in relation to the proposed amendments and could be treated as not having been made. As the plan-making process had been completed, the draft Lung Yeuk Tau and Kwan Tei South OZP was ready for submission to the Chief Executive in Council (CE in C) for approval.

162. After deliberation, the Board:

- (a) agreed that the draft Lung Yeuk Tau and Kwan Tei South OZP No. S/NE-LYT/15A and its Notes were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) endorsed the updated Explanatory Statement (ES) for the draft Lung Yeuk Tau and Kwan Tei South OZP No. S/NE-LYT/15A 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

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

163. There being no other business, the meeting closed at 6:15 p.m.