

**Minutes of 1029th Meeting of the
Town Planning Board held on 22.2.2013**

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

Mr. F.C. 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

Ms. Julia M.K. Lau

Ms. Christina M. Lee

Mr. Maurice W.M. Lee

Mr. H.F. Leung

Mr. Clarence W.C. Leung

Mr. Roger K.H. Luk

Ms. Anita W.T. Ma

Dr. W.K. Yau

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

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

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

Director of Planning
Mr. K.K. Ling

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

Secretary

Absent with Apologies

Professor Edwin H.W. Chan

Ms. Bonnie J.Y. Chan

Professor P.P. Ho

Mr. Patrick H.T. Lau

Mr. Laurence L.J. Li

Mr. Stephen H.B. Yau

Ms. Bernadette H.H. Linn
Director of Lands

In Attendance

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

Senior Town Planner/Town Planning Board
Ms. Doris S.Y. Ting (a.m.)
Mr. Raymond H.F. Au (p.m.)

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1028th Meeting held on 1.2.2013

[The meeting was conducted in Cantonese.]

1. The minutes of the 1028th meeting held on 1.2.2013 were confirmed without amendments.

Agenda Item 2

Matters Arising

[The meeting was conducted in Cantonese.]

- (i) **Town Planning Appeal Decisions Received**

[Open Meeting]

Town Planning Appeal No. 3 of 2011

Temporary Public Vehicle Park (Private Car and Light Goods Vehicle) for a Period of Two Years in "Residential (Group A)" and "Open Space" zones, Lots 3035RP, 3036S.A, 3036RP, 3037, 3044, 3045RP in D.D. 51 and adjoining Government land, San Wan Road, Fanling

(Application No. A/FSS/197)

2. The Secretary reported that the subject appeal was against the Town Planning Board (the Board)'s decision to reject on review an application (No. A/FSS/197) for a temporary public vehicle park (private car and light goods vehicle) for a period of two years in "Residential (Group A)" zone and "Open Space" zone on the Fanling/Sheung Shui Outline Zoning Plan (OZP). The appeal was heard by the Appeal Board Panel (Town Planning) (TPAB) on 16.10.2012. On 22.1.2013, the TPAB dismissed the appeal based on the following main considerations:

- (a) the grounds of appeal submitted by the Appellant were not clear;

- (b) while the Appellant claimed that the application would not set a precedent as there was a 24-hour public vehicle park to the northwest of the appeal site, TPAB noted that the application was rejected by the Board not because it would set a precedent but because it would set a bad precedent. In any case, the planning consideration for the appeal site and the public vehicle park mentioned by the Appellant were totally different as the latter was located on a site where public vehicle park use was always permitted and the nearest residential building was at least 100m away;
- (c) the Appellant had not provided any evidence to demonstrate that it would cause financial difficulties to operate a public vehicle park that was not open 24 hours a day;
- (d) information provided by the Appellant on the average number of vehicles entering/exiting the vehicle park during the period of 2300 to 0700 could not sufficiently demonstrate that the proposed vehicle park would not cause adverse impact on the surrounding environment;
- (e) Environmental Protection Department had reservation on the application as the Appellant had not provided information to demonstrate that the addition of light goods vehicles and operation on a 24-hour basis for the monthly rental of carparking spaces would not increase noise nuisance to the residents nearby;
- (f) TPAB noted that the previous planning applications No. A/FSS/169 and No. A/FSS/187 were revoked in 2009 and 2010 as the appellant did not comply with the approval condition restricting operation hours from 7:00am to 11:00pm and the approval condition prohibiting the parking of vehicles other than private cars respectively. TPAB considered the Appellant's claim that he was not aware of the approval conditions was inherently improbable; and
- (g) TPAB considered that the Board's second rejection reason was well justified, i.e., approval of the application with repeated non-compliances

would set an undesirable precedent for other similar planning permissions for temporary uses which were also subject to the requirement to comply with the approval conditions, thus nullifying statutory planning control.

3. A copy of the Summary of Appeal and the TPAB's decision had been sent to Members for reference.

Town Planning Appeal No. 11 of 2011

Proposed House (New Territories Exempted House (NTEH) – Small House) in “Village Type Development” Zone and “Agriculture” Zone, Government Land in D.D. 15, Shan Liu Village, Tai Po

(Application No. A/NE-TK/347)

4. The Secretary reported that the subject appeal was against the Town Planning Board (the Board)'s decision to reject on review an application (No. A/NE-TK/347) for a proposed Small House development at a site partly zoned “Village Type Development” (“V”) and partly zoned “Agriculture” (“AGR”) on the Ting Kok Outline Zoning Plan (OZP). The appeal was heard by the Appeal Board Panel (Town Planning) (TPAB) on 28.11.2012. On 18.1.2013, the TPAB dismissed the appeal based on the following main considerations:

- (a) the site was at a highly undesirable location on the top of a natural slope and at the edge of two steep slope features, one of which had a steep gradient of 55 degree. The proposed development would affect the slope features whose stability conditions were unknown. Since public safety was seriously at stake in the present case, the TPAB considered it reasonable for the TPB to require the Appellant to submit information on site formation, even if expensive, without any assurance that the Application would be approved;
- (b) the Appellant had failed to demonstrate that the proposed development would not cause adverse geotechnical and landscape impacts on the surrounding areas. The proposed development would likely involve clearance of mature trees and dense vegetation that would cause

irreversible damage to the landscape quality of the area surrounding the Pat Sin Leng Country Park. The proposed development did not comply with assessment criterion (h) of the “Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories”;

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

- (c) as to the Appellant’s view that the Director of Agriculture, Fisheries and Conservation (DAFC) had incorrectly commented that the site had potential for agricultural rehabilitation, no concrete evidence had been produced by the Appellant to contradict DAFC’s comment. As to the Appellant’s question on whether the Lands Department would permit an individual to use a piece of government land for agricultural use, according to the OZP, agricultural use was always permitted at the Site and therefore such use was not subject to planning permission;
- (d) although the Appellant considered that the TPB had erroneously zoned areas covered by hill slopes and wooded areas as “V”, the TPAB had to exercise its discretion within the parameters of the OZP in determining this appeal, even though the comments of the Appellant were noted with sympathy. Whether the OZP had room for improvement was irrelevant. Therefore, the Appellant’s submission of adverse comments against the OZP did not advance his appeal;
- (e) there were insufficient individual merits or site-specific circumstances to justify the Application. The undesirable location of the Site, its close proximity to Pat Sin Leng Country Park, and its poor accessibility, all provided planning grounds to refuse the Application;
- (f) the subject Appeal could be distinguished from application No. A/NE-TK/359 which was approved by the TPB and was located quite close to the Site, in that (a) the footprint of the proposed development lay mostly in the “V” zone; (b) the slope in the approved application only had

a gradient of 18 degrees; and (c) the site in the approved application had an area of more than 700 square feet to provide sufficient space for landscape planting;

(g) although sympathetic or favourable consideration could have been given to the application as the footprint of the proposed house was entirely within the village ‘environs’, more than 50% of the footprint of the proposed house was within the “V” zone and there was a general shortage of land in meeting the demand for NTEH in Shan Liu Village, criterion (h) of the Interim Criteria on landscape and geotechnical impacts was not satisfied and there were insufficient planning merits to justify an approval of the application; and

(h) as to the general shortage of land in meeting the demand for NTEH, the TPAB considered that it should be dealt with comprehensively and systematically, and having due regard to all relevant planning considerations. That is however the function of the TPB under section 3 of the Town Planning Ordinance. The TPAB was pleased to note that communications between the Appellant and the TPB were already underway. Hopefully, such communications would soon lead to an improvement of the OZP.

5. A copy of the Summary of Appeal and the TPAB’s decision had been sent to Members for reference.

Appeal Statistics

6. The Secretary reported that as at 22.2.2013, 22 appeal cases were yet to be heard by the Appeal Board Panel (Town Planning). Details of the appeal statistics were as follows:

Allowed	:	29
Dismissed	:	128
Abandoned/Withdrawn/Invalid	:	162

Yet to be Heard	:	22
<u>Decision Outstanding</u>	:	<u>1</u>
Total	:	342

(ii) [Closed Meeting]

7. This item was recorded under confidential cover.

(iii) Approval of Draft Outline Zoning Plan
[Open Meeting]

8. The Secretary reported that on 5.2.2013, the Chief Executive in Council approved the draft Chai Wan Outline Zoning Plan (OZP) (to be renumbered as No. S/H20/21) under section 9(1)(a) of the Town Planning Ordinance. The approval of the OZP was notified in the Gazette on 22.2.2013.

Hong Kong District

Agenda Item 3

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comments related to the Draft Wan Chai Outline Zoning Plan No. S/H5/27
(TPB Papers No. 9286, 9287 and 9288)

[The meeting was conducted in English and Cantonese.]

Presentation and Question Session

9. The following Members declared interests 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. Stephen H.B. Yau - being a council member of the Hong Kong Council of Social Services (HKCSS) which managed the Duke of Windsor Social Service Building (DWSSB)
- Ms. Bonnie J.Y. Chan - her parents owned a property opposite to Three Pacific Place along Queen's Road East
- Ms. Winnie Wong - owned a flat at Kennedy Road
- Mr. K. K. Ling - owned a property near Wan Chai Market

10. Mr. Ivan S.C. Fu said that his company was the project architect of a redevelopment project at Hing Wan Street near the representation sites but he was not directly involved in the project. Professor S.C. Wong said that he had current business dealings with Ove Arup & Partners Ltd. which was the consultant of Representation R2 but he was not directly involved in the project.

11. Members agreed that Mr. Stephen H.B. Yau's interest was direct as the DWSSB was one of the representation sites. Members noted that Mr. Yau had tendered an apology for not attending the meeting. As Mr. K. K. Ling and Ms. Winnie Wong's properties in Wan Chai were in the vicinity of the representation sites of Group 1, and the properties owned by Mr. Laurence L.J. Li, Ms. Julia M.K. Lau, and Mr. Rock C.M. Chen's companies were in the vicinity of the representation sites of Group 3, Members agreed that their interests were direct and they should be invited to leave the meeting for the hearing of the respective group. Members noted that Mr. Laurence L.J. Li, Ms. Julia M.K. Lau and Mr. Rock C.N. Chen had not yet arrived to join the meeting

12. Members also agreed that Ms. Bonnie J.Y. Chan, Mr. Ivan C.S. Fu and Professor S.C. Wong's interests were indirect and they should be allowed to stay in the

meeting. Members noted that Ms. Bonnie J.Y. Chan had tendered an apology for not attending the meeting.

[Mr. K.K. Ling left the meeting temporarily at this point and Ms. Winnie Wong left the meeting at this point.]

Hearing for Group 1 (Representations R1 to R13, R15 to R23 and R25 to R233 and Comment C2)

(TPB Paper No. 9286)

Presentation and Question Session

13. As reasonable notice had been given to the representers and commenters to invite them to attend the meeting, Members agreed to proceed with the hearing in the absence of the other representers and commenters who had indicated that they would not attend or made no reply to the invitation to the hearing.

14. Members noted that replacement pages of TPB Papers No. 9286 and 9287 were tabled their reference.

15. The following representative of the Planning Department (PlanD), representers, commenter and their representatives were invited to the meeting at this point:

Planning Department (PlanD)

Ms. Ginger Kiang	-	District Planning Officer/Hong Kong (DPO/HK), PlanD
Mr. Louis Kau	-	Senior Town Planner/Hong Kong, (STP/HK), PlanD

R2 – The Salvation Army

Mr. Daniel Hui]	Representer's representatives
Ms. Yeung Wing Shan, Theresa]	

R9 – The Methodist Church, Hong Kong

Mr. Au Fun Kuen]	
Rev. Canon Dr. Howard Mellor]	
Mr James Chen]	Representer's representatives
Mr. Gene Buttrill]	
Mr. Simon Fok]	
Ms. Katherine Ng]	

R13 – Kennedy Road Protection Group

R18 – Mr. Roger Emmerton

Ms. Mary Mulvihill]	Representer's representative
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R21 – Mr. Mok Shek Kwong

Mr. Mok Shek Kwong]	Representer
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R25 – Mr. Cheng Ki Kin

Mr. Cheng Ki Kin]	Representer
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R43 – Mr. Lung Man Chuen

Mr. Lung Man Chuen]	Representer
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R54 – H15 Concern Group

Ms. Veronica Luk]	
Mr. Yip Yiu Yeung]	
Ms. Cheung Sze Ki]	
Ms. Yuen Wing Po, Rainbow]	Representer's representatives
Mr. Ching Ka Ko]	
Ms. Chak Yuk Ying]	
Ms. Yu Wong Sze]	
Mr. Tsui Yick Yiu]	

R92 – Ms. Zhang Li

Ms. Zhang Li]	Representer
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R94 – Mr. Wong Chun Yin

Ms. Cheung Wai Chun] Representers' representative

R101 – Mr. Wong Yick Ming

Mr. Wong Yick Ming] Representer

R118 – Ms. Lo Sze Wan

Mr. Gabriel Tam] Representers' representative

R133 – 關注基層住屋聯席

Ms. Chan Hoi Chi] Representers' representative

R147 – Mr. Wong Wai Pan, Felix

Mr. Wong Wai Pan, Felix] Representer

R155 – Ms. Wong Ka Wai

Mr. Ng Sze On] Representers' representative

R204 – Ms. Cheung Hoi Yee

Mr. Yip Chuy Kin] Representers' representative

R213 – Mr. Wong Kwok Wing

Mr. Wong Kwok Wing] Representer

Ms. Wong Wan Yin] Representers' representative

C2 – Designing Hong Kong Ltd

Mr. Paul Zimmerman] Commenters' representative

Ms. Debby Chan]

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

17. With the aid of a Powerpoint presentation, Mr. Louis Kau made the following

main points as detailed in the Paper:

Background

- (a) on 3.8.2012, the draft Wan Chai Outline Zoning Plan (OZP) No. S/H5/27, incorporating various amendments, was exhibited for public inspection under s.7 of the Town Planning Ordinance (the Ordinance). A total of 223 representations and two comments were received;
- (b) on 14.12.2012, the Board decided to consider the representations and the related comments in three groups: (a) Group 1 – 221 representations (R1 to R13, R15 to R23 and R25 to R223) and one comment (C2); (b) Group 2 – 16 representations (R1, R2, R10 to R13 and R15 to R24) and two comments (C1 and C2); and (c) Group 3 – two representations (R13 and R14);

The Representations

- (c) the 221 representations in Group 1 (R1 to R13, R15 to R23 and R25 to R223) were related to the following amendments of the draft OZP:
 - (i) revision to the stipulated BHR for the Methodist International Church (MIC) site at 271 Queens' Road East from 4 storeys to 110mPD (Amendment Item A);
 - (ii) rezoning of the Lui Kee Education Services Centre (LKESC) and Wan Chai Polyclinic (WCP) sites at 269 Queen's Road East and 99 Kennedy Road respectively from "G/IC" to "R(E)" with revision of BHR from 3, 4 and 8 storeys to 110mPD (Amendment Item B);
 - (iii) revision to the stipulated BHR for the Duke of Windsor Social Service Building (DWSSB)) at 15 Hennessy Road from 50mPD to 93mPD (Amendment Item D);

- (iv) incorporation of requirements for a covered open space and minimum setback for the MIC site in the Remarks of the Notes for the “G/IC” zone;
- (d) while R1 to R10 generally supported the relaxed BHRs of the MIC and DWSSB sites and/or the rezoning of the LKESC and WCP sites, R9 opposed to the requirement for a covered open space at street level and the minimum setback requirement along Queens’ Road East for the MIC site and R10 opposed to the rezoning of the LKESC and WCP sites from “G/IC” to “R(E)” with revision of BHR;
- (e) the remaining 211 representations (R11 to R13, R15 to R23 and R25 to R223) opposed generally to the relaxed BHRs of the MIC and DWSSB sites and/or the rezoning of the LKESC and WCP sites with revision of BHR. However, R11 and R12 supported the rezoning of the LKESC and WCP sites, and R21 and R22 had no comments on the relaxed BHRs in respect of the MIC site;
- (f) one comment C2 was related to the representations R1 to R12 in respect of the relaxed BHRs for the MIC and DWSSB sites and/or the rezoning of the LKESC and WCP sites with revision of BHR;

Grounds of Representations and Representers’ Proposals

Supportive Representations (R1 to R12)

- (g) R1 to R12 supported the relaxed BHRs of the MIC and DWSSB sites and/or the rezoning of the LKESC and WCP sites;
- (h) R2 indicated that equal treatment on the relaxation of BHR should be applied on all “G/IC” sites including the Salvation Army’s site at Salvation Army Street. The redevelopment proposal at the Salvation Army’s site would not generate adverse impact on visual and air ventilation;

- (i) there was a great demand for public housing and the LKESC and WCP sites should not be used for luxury housing (R3 to R8);
- (j) better utilization of the land for residential development to meet the community's needs (R12);
- (k) R2 proposed to review and relax the BHR imposed on the Salvation Army's site.

Adverse representations

Adverse Representations on Relaxed BHRs for the MIC Site (R11 to R13, R15 to R21 and R25 to R28)

- (l) The main grounds of the representations are summarized below:

Planning Intention/Development Intensity

- (i) the proposed development was not in line with the intention of "G/IC" zone to serve as breathing space and provide visual and spatial relief (R13, R17 and R18);
- (ii) the plot ratio (PR) of 13.86 for the proposed church redevelopment was excessive and higher than the PR of 8 in the vicinity (R13, R17 and R18);

Visual

- (iii) the MIC site was a buffer area between the green hilly area and urban area and there was no need to approve the development of a 25-storey building (R12);
- (iv) there was no justification for the proposed BH of the redevelopment (R16);

- (v) BHR of 90mPD was stipulated on the Mid-level East OZP in 2002 to protect view corridor from Wan Chai Gap towards Wan Chai. The relaxed BHR of 110mPD for the MIC site would defeat such purpose (R13);
- (vi) the proposed redevelopment would have adverse visual impact and the relaxed BHR would seriously affect the current residents' reasonable expectation on sight view (R20, R21 and R28);

Air Ventilation

- (vii) the relaxed BHR would seriously affect the current residents' reasonable expectation on air flow and sunlight (R21, R25 and R28);

Traffic

- (viii) the redevelopment proposal with a PR of 13.86 was not in line with the proposal under Amendment B of the OZP which would reduce the traffic burden on the junction of Queens' Road East and Kennedy Road (R11);
- (ix) it was unrealistic to project that the proposed redevelopment would have no impact on traffic at the junction of Kennedy Road and Queens' Road East. This junction was under extreme stress and the mitigation measures for the Mega-tower development (i.e. Hopewell Centre Phase II development) did not improve the general situation. Any additional load on eastbound Kennedy Road would have serious traffic implications (R13);
- (x) the proposed redevelopment would have adverse traffic impact and worsen the traffic congestion in the vicinity. (R12, R15 and R20);
- (xi) the pedestrian traffic was minimal at this location. The ground floor of the proposed church redevelopment did not offer a

meaningful benefit to the general community (R13);

Environment

- (xii) the proposed redevelopment would have adverse impact on air quality (R21);

Heritage

- (xiii) the church had historical significance and should not be demolished just for the sake of exchanging more space for the church (R26);

Representers' proposals

- (m) the representers' proposals were summarized below:
 - (i) to reduce the BH to 10 to 12 storeys which would be sufficient for redevelopment (R12);
 - (ii) to revise significantly the BH of the redevelopment in order to reduce the impact on traffic, visual and air ventilation (R15);
 - (iii) to retain the MIC site for widening of road junction to solve the traffic problem if required (R26);

Adverse Representation on requirement for a covered open space at street level and minimum setback requirement for the MIC site (R9)

- (n) the main grounds of the representation were summarized below:
 - (i) it would affect the property rights of the Church and create security problems. It was never the intention of the Church to dedicate the open space at ground level as land for public access. Also, the Church would not be able to utilise the additional plot ratio gained by dedicating land for public access, unless minor relaxation of the

BHR would be granted by the Board;

- (ii) the requirement for the covered open space to be open-sided was fraught with difficulties unless defined and delineated in a more precise manner (e.g. location and dimension of the opening). From a design perspective, it was not possible to have all of the frontages open since there should be columns to support the building. From air ventilation and visual perspective, the Church was prepared to design the two frontages with gates or partitions, retractable or partially open, that facilitate ventilation across Queen's Road East and Kennedy Road and were visually transparent instead of having two frontages physically open;
- (iii) it was not fair to impose a minimum setback requirement for the MIC site but not the adjacent "R(E)" site;

Representer' proposals

- (o) the representer's proposals were summarized below:
 - (i) to delete "with open-sided frontage along Queen's Road East and Kennedy Road" in the Notes of the OZP as well as in the Explanatory Statement (ES) and to delete "The open space shall be accessible to the public" in the ES of the OZP; and
 - (ii) to impose a setback of 3m from Queen's Road East for the LKESC site.

Adverse Representations on rezoning of the LKESC and WCP sites from "G/IC" to "R(E)" with Revision of BHR (R9, R10, R13, R15 – R23 and R25 – R223)

- (p) The main grounds of the representations were summarized below:

Housing Policy

- (i) the rezoning was only piecemeal and ad hoc action without a clear overall strategy on housing policy. Given the prime location of the sites, the proposed residential development would be expensive and unaffordable to the public and could not solve the housing problem in Hong Kong (R26);
- (ii) the proposal would lead to increase in property price/rent (R40 – R48, R191, R201, R208, R209 and R211);
- (iii) luxury housing to be developed on the sites could not help the grassroots/low income group. (R52, R53, R62, R67, R69, R90, R91, R98, R105, R114, R115, R119, R130, R132 – R134, R138 and R206);
- (iv) the site was small and suitable for public housing. (R120, R132 and R133). More land should be used for public housing to meet the great demand. There was no public housing available in Hong Kong Island/Wan Chai (R47, R54, R63 – R66, R93 – R96, R99, R100, R112, R113, R117, R118, R122 – R129, R132 – R134, R136, R138, R197, R201 – R205, R207 and R210) ;
- (v) housing was required for location of the tenants affected by the urban renewal projects in the area in order to maintain the social network (R135 and R136);

Planning Intention/Development Intensity

- (vi) the proposed development was not in line with the intention of “G/IC” zone to serve as breathing space and provide visual and spatial relief. The relaxed BHR would lead to excessive development (R13, R17 and R18);
- (vii) there were already many high rise buildings in Wan Chai (R16, R58, R60, R61, R131 and R190);

- (viii) the redevelopment of the LKESC and WCP sites for private residential use would affect the public access to these sites (R57);

Visual

- (ix) the proposed development would exceed the BHR of 90mPD stipulated on the Mid-level East OZP in 2002 to protect the view corridor from Wan Chai Gap towards Wan Chai (R13, R17 and R18);

- (x) the proposed development would block views and have adverse visual impact. It was very close to the Brilliant Court and would affect the privacy of the residents (R19 – R21, R25, R27, R51, R192 and R193);

Air ventilation

- (xi) there were already many tall buildings in Wan Chai blocking the air ventilation and affecting the air quality (R15, R21, R25, R33 – R34 and R51);

- (xii) as the proposed development would be very close to the Brilliant Court, its building mass would block the north-easterly prevailing winds resulting in wall effect (R27, R30 and R32);

Traffic

- (xiii) as the existing junction of Queen's Road East and Kennedy Road was already congested and there were already many residential developments in Wan Chai, the proposed residential development would have adverse traffic impact (R15, R20, R22, R23, R25, R28 and R33 – R40);

- (xiv) with the completion of massive Hopewell Phase II development, Lee Tung Street project and hotel, etc, the traffic on Queen's Road East would definitely worsen in an exponential manner. There would be no buffer to help improve the traffic problem in future,

should the LKESC and WPC sites be used for residential building (R26);

Environment

(xv) the proposed development would adversely affect the low-rise residential developments along Kennedy Street as well as the adjoining Brilliant Court. Its wall effect would block sunlight and create noise and air pollution (R25 – R27, R30 – R32, R192 and R193);

(xvi) Wan Chai was already densely populated. The proposed development would worsen the living environment and quality in the vicinity (R25, R31, R33 and R55);

Heritage

(xvii) the proposal would affect the preservation/integrity of the old urban characteristics in Wan Chai/Stone Nallah Lane (R31, R44, R55 and R106);

(xviii) the WCP had historical value (R25);

Community/Medical Services

(xix) there was a need to retain the WCP (R29);

(xx) the existing sites provided the needed services for the community and should not be converted to commercial/residential uses (R25 and R219);

(xxi) the proposal would affect the services provided by LKESC and WCP and add burden on the existing social welfare services of the area (R35, R38, R48 – R50 and R61);

(xxii) there was a lack of community facilities such as home for the elderly in the district (R25, R46 and R60);

(xxiii) there was insufficient public space and the LKESC and WCP sites should be reserved for public use (R58 and R68);

Consultation

(xxiv) there was no information available about the relocation of the LKESC and WCP. The education groups and constituencies representing the teachers should be consulted (R26);

(xxv) many residents were not aware of the rezoning proposal due to low-profile and inadequate public consultation (R26, R45, R132 and R133);

(xxvi) the residents should be consulted on the use of the LKESC and WCP sites for GIC uses (such as recreation centre) (R45);

WCP – Triangular Area

(xxvii) the MIC did not have vehicular access to Queen’s Road East and had been relying on the triangular area within the WCP site for vehicular access from Kennedy Road since late 1957. The MIC would have no vehicular access in case the WCP site was sold for private development (R9);

Representers’ proposals

(q) The representers’ proposals were summarised below:

BHR

(i) to maintain the original BHR when the sites were zoned “G/IC” or to reduce the BHR (R15 and R27);

Zoning/Use of the site

(ii) to retain the original “G/IC” zoning or existing uses or expand the existing facilities to optimize their services to the locals (R33, R38

R56, R59, R79, R81, R83, R196, R216 and R219);

- (iii) to preserve the existing buildings or use the LKESC and WCP sites as a historical and recreational spot for tourists (R62, R80, R82, R83 and R217);
- (iv) to use the LKESC and WCP sites for public rental/HOS/affordable housing/elderly housing (R43 to R44, R58, R91 to R153, R191, R194, R201 to R205 and R210 to R214);
- (v) to use the LKESC and WCP sites for various community, elderly, youth hotel, medical, educational, cultural, leisure or open space facilities (R34, R36, R37, R40, R41, R54, R56, R60, R69 to R78, R84 to R87, R91, R97, R107, R108, R190, R214, R215, and R220);

Frontage, building gaps and setback

- (vi) to impose restriction on the maximum width of the proposed development along Kennedy Road and the setback requirement of the proposed development facing Brilliant Court. To impose minimum building gap between buildings at the LKESC and WCP sites within the “R(E)” zone (R27);

Technical assessment

- (vii) to require the submission of technical assessments including visual, air ventilation and sunlight impacts, as well as to conduct public consultation at the planning application stage (R27);
- (viii) to conduct detailed traffic study preventing congestion at Queen’s Road East and a social impact study (R28);

Consultation

- (ix) to extend the consultation period for half to one year and consult the public before rezoning (R88, R89, R111, R195, R218, and

R221 to R223);

Junction Improvement

- (x) the WCP and LKESC sites should be retained for widening of the road junction to solve the traffic problem if required (R26);

WCP – Triangular Area

- (xi) the boundary of “R(E)” zone should be revised to excise the triangular area covering the vehicular access to the MIC site and zoned it as “G/IC” or alternatively shown as ‘Road’ (R9)

Responses to Grounds of Representations and Representers’ Proposals

Supportive Representations

- (r) the support from R1 to R12 for the relaxed BHRs and/or the rezoning was noted;
- (s) for R2’s proposal to relax the BHR for the Salvation Army’s site, PlanD had been liaising with the Salvation Army on their redevelopment proposal since 2011. The Salvation Army had yet to come up with a proposal which was acceptable to all the concerned bureaux/departments. In addition, the Salvation Army’s site was not the subject of the current amendments to the OZP;
- (t) there was no detailed information on the Salvation Army’s redevelopment proposal in its submission except its intention to develop a youth hostel with a BH of 130mPD. Commissioner for Transport (C for T) advised that technical impact assessment should be carried out. Chief Town Planner/Urban Design & Landscape, PlanD advised that the proposed BH of 130mPD had significantly exceeded the prevailing BHs of below 45mPD of the G/IC cluster in the vicinity. The visual assessment submitted had yet to demonstrate that the proposal would have no adverse visual impacts on the local context. Besides, there

were provisions in the Ordinance and established channels for amending the BHRs of “G/IC” sites. Hence, R2’s proposal was not supported.

Adverse Representations

Adverse Representations on Relaxed BHRs for the MIC site

- (u) the Government’s responses to the grounds and proposals of the adverse representations were summarised as follows:

Planning Intention/Development Intensity

- (i) in imposing BHR for “G/IC” sites, the existing heights of the GIC facilities would be maintained in order to retain the dual functions of these sites in providing land for government, institution and community uses, and serving as spatial and visual relief in the urban core. In case a redevelopment proposal was received, subject to the support of relevant bureaux/departments, PlanD would recommend to the Board a suitable BHR to facilitate the redevelopment proposal. This was a practical approach towards increasing community demand for GIC facilities/services while land resources were limited;
- (ii) the redevelopment of the MIC site to a complex of religious and ancillary facilities was in line with the planning intention of the “G/IC” zone;
- (iii) as compared with the building plans, with a PR of 13.9 and a BH of 122mPD, approved by the Building Authority in 2009, the latest redevelopment proposal of the MIC site, which had a smaller PR of 13.86 and a reduced BH of 109.68mPD, had several improvements including provision of a covered open space, a 3m setback along Queen’s Road East, and two loading/unloading bays for small coaches;

- (iv) the increased development intensity and BH was necessary to accommodate the expanding functional requirements of the MIC, a high headroom of 7.5m for the covered open space at ground level and a setback of 3m from lot boundary fronting Queen's Road East;
- (v) the redevelopment proposal had the policy support of Home Affairs Bureau. As the proposal would not have any significant adverse impact, there was no objection from the relevant Government departments;

Visual

- (vi) the MIC site was located adjacent to a residential neighbourhood at Kennedy Street which was zoned "R(A)" and subject to a BHR of 100mPD. The BHR of 110mPD for the MIC site was considered not incompatible with these residential developments upon their redevelopment in future;
- (vii) when the BHRs were imposed on the Mid-Levels East OZP, preservation of public view from Bowen Road was one of the major considerations. To preserve the visual openness, it was prudent to ensure that any new development in the foreground of Bowen Road would not be out of scale. By virtue of the close proximity of the "R(B)2" sites at Kennedy Road to Bowen Road, the Board had specifically imposed a maximum BH of 90mPD to preserve the view from Bowen Road along the visual corridor of Wan Chai Gap. Based on the photomontage for the vantage point at Bowen Road, the proposed redevelopment would not cause adverse visual impact on the public view from Bowen Road along the visual corridor of Wan Chai Gap;
- (viii) in the highly developed context of Hong Kong, it was not practical to protect private views without stifling development opportunity and balancing other relevant considerations. In the interest of the

public, it was far more important to protect public views, particularly those easily accessible and popular to the public or tourists. A visual appraisal was carried out accordingly. From the local vantage point at Hong Kong Jockey Club Garden in Ruttonjee Hospital, the redevelopment proposal would have some visual impact, which was comparable to that of the adjacent “R(A)” zone. However, its impact on the public views from Bowen Road would be negligible;

Air Ventilation

- (ix) the MIC site did not fall within any existing air paths under the AVA by Expert Evaluation undertaken for the Wan Chai district. It was inevitable that the relaxed BHR for expanding functional requirements of the church would weaken its function as spatial relief. The provision of a covered open space at ground level with a high headroom of 7.5m and a setback of 3m from the lot boundary along Queen’s Road East as proposed in redevelopment would enhance permeability and air ventilation at pedestrian level. Hence, the impact of the redevelopment proposal on the air flow at pedestrian level would be minimal;

Traffic

- (x) from a district perspective, C for T advised that improvement works had been carried out at the junction of Queen’s Road East and Wanchai Road, while others were to be carried out in the near future at the junctions of Queen’s Road East and Kennedy Road as well as Queen’s Road East and Spring Garden Lane. These would benefit both vehicular and pedestrian traffic for the area;
- (xi) given the MIC site was well served by public transport, no car parking facilities would be provided except two loading/unloading bays. C for T was satisfied with the acceptability of the traffic impact generated by the redevelopment proposal and no separate Traffic Impact Assessment (TIA) submission was required.

- (xii) the setback of 3m from the lot boundary of the MIC site along Queen's Road East would improve the pedestrian environment of the area.

Environment

- (xiii) Director of Environmental Protection had no comment on the air quality of the area given the proposed redevelopment would be a church complex.

Heritage

- (xiv) Commissioner for Heritage, Development Bureau (CH, DevB), and Executive Secretary/Antiquities and Monuments of Leisure and Cultural Services Department (Ex. Secy./A&M, LCSD) advised that the MIC was not a graded historic building;

Representers' Proposals

- (xv) taking into account that the relaxed BHR was to meet the functional requirements of the church, the redevelopment proposal would not have significant adverse impacts on traffic, visual and air ventilation, and the reduction in BHR would frustrate the redevelopment, R12 and R15's proposals were not supported;
- (xvi) regarding R26's proposal to use the MIC site for widening of road junction, District Lands Officer/Hong Kong East advised that consent from the landowner was required, and C for T also advised that junction improvement at Queen's Road East and Kennedy Road would be carried out to cater for future traffic demand. In view of insufficient justifications, R26's proposal was not supported;

Adverse Representation on the requirement for a covered open space at street level and minimum setback requirement for the MIC site

- (v) the Government's responses to the grounds and proposals of the adverse representations were summarised as follows:
- (i) according to the redevelopment proposal submitted by the Methodist Church to the Board for consideration on 6.7.2012, there would be a covered open space of not less than 360m² at LG/F (with a high headroom of 7.5m) and a setback of 3m from the lot boundary fronting Queen's Road East. The purpose of the open space was to allow better natural ventilation and light penetration at street level and to facilitate pedestrian movement. The setback of 3m was to improve the pedestrian environment along Queen's Road East. In considering the zoning amendments, these design elements were considered by the Board as part and partial of the redevelopment proposal and as design merits for justifying the BHR relaxation. As the lease of the MIC site did not require the provision of the open space and setback, the imposition of such requirements on the OZP was required to ensure that these design merits would be materialized when the MIC site was redeveloped;
 - (ii) to maintain the functions of facilitating air ventilation at street level and for pedestrian movement, the frontage of the open space should not be obstructed by gates/partitions other than the supporting column of the building unless under special circumstances. However, noting the Methodist Church's concern on security problem, the use of appropriate type of gates might be acceptable outside the reasonable hours for public access, as long as the gates would not block air flow;
 - (iii) it was not the requirement under the OZP that the Methodist Church should dedicate the open space at ground level to the government as land for public passage. The OZP only required the covered open space to be accessible to the public;
 - (iv) a 3m setback was also required for the adjoining LKESC site and

its lot boundary would be revised upon disposal in future;

Representer's Proposals

- (v) as the lease of the MIC site did not require the provision of the open space and setback, the imposition of these requirements on the OZP was required to ensure that the redevelopment proposal, including these design merits, would be materialized when the MIC site as redeveloped. Hence, R9's proposal to delete such requirement from the Notes and ES of the OZP was not supported.
- (vi) the future boundary of the LKESC site would be aligned with the boundary of the "G/IC" zone for the MIC site, which in effect would require a setback of the development of about 3m. Hence, R9's proposal was not necessary.

Adverse Representations on Rezoning of the LKESC and WCP sites from "G/IC" to "R(E)"

- (w) the Government's responses to the grounds and proposals of the adverse representations were summarised as follows:

Housing Policy

- (i) apart from long-term measures, the Government would also take a number of strong measures to increase housing land supply in the short to medium-term including the rezoning of "G/IC" sites (covering the WPC and LKESC sites) for housing development;
- (ii) on the site specific level, the LKESC and WCP sites were suitable for residential use as they were located immediate next to a predominantly residential neighbourhood. Director of Housing advised that various factors such as the limitation of site constraints and cost-effectiveness of the proposed public housing development had to be considered if the two sites were proposed for public

housing development. Whether the two sites should be for public housing or rehousing of the tenants affected by the urban renewal projects instead of private housing was a policy issue rather than a land use issue;

Planning Intention/Development intensity

- (iii) given that the existing facilities at LKESC and WCP sites would be relocated and no alternative GIC use had been identified, the sites could be made available for alternative uses. With the rezoning of these sites from “G/IC” to “R(E)”, the existing character of this small “G/IC” cluster would also be changed;
- (iv) according to the Notes of the OZP, the planning intention of the “R(E)” zone was primarily to encourage the redevelopment of this area for residential use on application to the Board. Hence, the proposed residential development was in line with the planning intention of the “R(E)” zone;
- (v) while there were many high rise buildings in Wan Chai, the LKESC and WCP sites were subject to a maximum domestic PR of 6.5 and non-domestic PR of 1, which was comparable to the low end of PR (i.e. 8) for “R(A)” zone under the Building (Planning) Regulations. Relevant departments had no objection to the planned development intensity of the two sites;

Visual

- (vi) the LKESC and WCP sites were located immediately next to a residential neighbourhood which was subject to a BHR of 100mPD. The BHR of 100mPD for the LKESC and WCP sites was therefore considered not incompatible with these developments when they were redeveloped in future;
- (vii) regarding the view corridor from Wan Chai Gap and the visual impact of the proposed development, PlanD’s responses in

paragraphs 17(u)(vii) and (viii) above were relevant;

Air Ventilation

- (viii) according to the AVA by Expert Evaluation undertaken for the Wan Chai district, the LKESC and WCP sites did not fall within or abut any existing air path. Hence, the impact of the proposed residential development on the air path would be minimal. In addition, any residential development in future would require planning permission from the Board under the “R(E)” zone. The air ventilation issue associated with the detailed design of the proposed development in particular its impact on the adjacent developments including Brilliant Court could be duly addressed at the planning application stage;

Traffic

- (ix) C for T considered that the traffic impact of the proposed development would be acceptable with no provision of car parking space in the future development. In addition, the planned road improvement works at various junctions along Queen’s Road East would benefit both the vehicular and pedestrian traffic in the area. To minimise the traffic burden to the junction of Queen’s Road East and Kennedy Road, the LKESC and WCP sites were subject to a maximum domestic PR of 6.5 and a maximum non-domestic PR of 1, which was comparable to the low end of PR (i.e. 8) that could be achieved for “R(A)” sites under the B(P)R. Moreover, any residential development in future would require planning permission from the Board under the “R(E)” zone. Any traffic issue could be further addressed at the planning application stage;

Environment

- (x) DEP had no comment on the proposal from environmental point of view. The “R(E)” zoning would facilitate appropriate planning control over the development scale, design and layout of the development, taking into account of various environmental, traffic

and other infrastructural constraints. All the concerns on environmental issues associated with the detailed design of the proposed residential development could be duly addressed at the planning application stage;

Heritage

- (xi) as advised by CH, DevB and Ex. Secy./A&M, LCSD, the existing buildings and structures of LKESC and WCP were not graded historic buildings;

Community/Medical Services

- (xii) the services provided by the LKESC were territory-wide, not exclusively for residents in Wan Chai. The existing clinics would also be relocated to other government-owned premises within Wan Chai. No community/medical services in Wan Chai district would be affected. In addition, no alternative G/IC requirement had been identified for the two sites;
- (xiii) based on the planned population and the provision of existing and planned GIC facilities, there was no deficit in the provision of the major G/C facilities in Wan Chai District.

Consultation

- (xiv) amendments to the OZP were exhibited for public inspection for a period of 2 months in accordance with the provisions of the Ordinance. The exhibition process itself was a form of public consultation to seek representations and comments on the draft OZP. During the exhibition period, PlanD also provided briefings on the OZP amendments to Wan Chai District Council. The two-month statutory exhibition period was considered adequate for consultation with the public, while maintaining the efficiency of the process.

Wan Chai Polyclinic – Triangular Area

- (xv) the triangular area was part of the WCP site allocated to Director of Health. DLO/HKE advised that there was no explicit right under the land allocation conditions of the WCP site nor the lease of the MIC site on any right of vehicular access from Kennedy Road. Upon redevelopment, the MIC site would be accessible via Queen's Road East.

- (xvi) Buildings Department also advised that the triangular area was the subject of the Appeal Case No. 4-2010 relating to the determination of site classification for the general building plans submission. The decision of the Appeal Tribunal (Building) on this appeal case was not yet available. Even if the Methodist Church won the appeal, only provision of a right of way would have to be made in the future lease of the WCP site upon disposal;

- (xvii) the boundary between "R(E)" and "G/IC" on the OZP basically followed the current boundary between the government land allocation for the WCP site and the lot of the MIC site.

Representers' Proposals

BHR

- (xviii) the BHR of 100mPD for the LKESC and WCP sites was considered not incompatible with that of the surrounding residential developments. To maintain the original BHR when these sites were zoned "G/IC" or to reduce the relaxed BHR would frustrate the planning intention of the "R(E)" zone. R15 and R27's proposals were not supported;

Zoning/Uses of the Site

- (xix) in view of the current Government's overall housing policy and no medical or educational services in Wan Chai district would be affected, it was considered not appropriate to retain the original "G/IC" zoning for the LKESC and WCP sites or their existing

uses. The proposals made by R33, R38, R56, R59, R81, R83, R196, R216 and R219 were not supported;

- (xx) AMO confirmed that the concerned buildings were not graded historic buildings. As there was insufficient planning justification, the proposals of either preserving the LKESC and WCP or using the two sites as a historical and recreational spot made by R62, R82, R83 and R217 were not supported;
- (xxi) whether the LKESC and WCP sites should be for public housing/HOS/affordable housing/rehousing for urban renewal projects/elderly housing instead of private housing was a policy issue rather than a land use issue. Hence, the proposals made by R43 to R44, R58, R91 to R153, R191, R194, R201 to R205 and R210 to R214 were not supported;
- (xxii) Secretary for Food and Health considered that the existing provision of medical services was adequate and the sites were too small for a hospital. Secretary for Education advised that the LKESC site was much below the standard site area for primary and secondary schools as specified in the Hong Kong Planning Standard and Guidelines. As there was no deficit in the provision of major G/IC facilities in Wan Chai District and taking into account the Government's overall housing policy and the fact that there was no detailed information on these proposals in the representations, the land use proposals made by R34, R36, R37, R40, R41, R54, R56, R60, R69 to R78, R84 to R87, R91, R97, R107, R108, R190, R214, R215, and R220, notably for community, elderly, youth hotel, medical, educational, cultural, leisure or open space facilities, were not supported;

Frontage, building gaps, setback and technical assessments

- (xxiii) regarding R27 and R28's proposals of imposing restrictions on frontage width along Kennedy Road, setback facing Brilliant

Court, building gaps requirement between buildings at the LKESC and WCP sites as well as requirements for various technical assessments such as traffic, visual, air ventilation, sunlight and social impact, it should be noted that the proposed residential development at the LKESC and WCP sites would require planning permission from the Board. All these detailed design issues in relation to their neighbouring development, not restricted to Brilliant Court, should be carefully addressed and balanced at the planning application stage;

Consultation

(xxiv) amendments to the OZP were exhibited for public inspection for a period of 2 months in accordance with the provisions of the Ordinance. The exhibition process itself is a form of public consultation to seek representations and comments on the draft OZP. The proposals of consulting the public before rezoning and extending the consultation period for half to one year made by R88, R89, R111, R195, R218, R221 and R222 were not in line with the provision of the Ordinance and hence not supported;

Junction Improvement

(xxv) C for T advised that there would be junction improvement at Queen's Road East and Kennedy Road to cater for the future traffic demand. R26's proposal to use the LKESC and WCP sites for widening of road junction was not supported;

WCP - Triangular Area

(xxvi) it should be noted that the concerned area was part of the WCP site allocated to Director of Health. There was no explicit right under the allocation conditions to allow right of way for the MIC site. While the decision of the Building Appeal Tribunal was not yet available, it would not affect in any event the land ownership of the triangular area. Hence, R9's proposal of either deleting the triangular area from the "R(E)" zone or rezone it as

“G/IC” or shown as ‘Road’ was not supported;

Grounds of Comments and Commenter’s Proposals

- (x) C2 opposed to all representations which supported the revision of the BHR for the “G/IC” sites;
- (y) the main grounds of objection were that the “G/IC” zone was reserved as breathing space and visual relief in the densely built-up environment according to the Master Schedule of Notes (MSN) and all the proposed amendments to the OZP would intensify the already congested traffic in Wan Chai and its adjacent areas. Moreover, the relaxation of BHRs would set a bad precedent to similar development in future and violate the MSN;
- (z) C2 urged PlanD to release the full list of the review of “G/IC” sites completed in July 2012 in which 36 sites would be converted for residential use;

Responses to Grounds of Comments and Commenter’s Proposal

- (aa) the Board had thoroughly considered all relevant factors in amending the BHRs, including the planning intention of the “G/IC” and “R(E)” zone, the expanding functional requirements for the church to serve the community, surrounding land uses, compatibility with the surrounding developments as well as visual, air ventilation and traffic considerations etc. The relaxed BHR had struck a balance between the increasing community need for G/IC facilities/services and limited land resources in the urban area. As each case would be considered by the Board on its own merits, it would not set a bad precedent for similar developments in other “G/IC” sites nor violate the MSN;
- (bb) the review of other “G/IC” sites, as mentioned by C2, was not the subject of the representation.

PlanD's Views

- (cc) the supports of R1(part), R2(part), R3 to R8, R9(part), R10(part), R11(part) and R12(part) were noted;
- (dd) the remaining part of Representation R2 was not supported for the reason given in paragraph 7.2 of the Paper; and
- (ee) PlanD did not support Representations R9(part), R10(part), R11(part), R12(part), R13(part), R15(part), R16(part), R17(part), R18(part), R19(part), R20(part), R21(part), R22(part), R23(part) and R25 to R233 and no amendment should be made to the draft OZP to meet these representations for the reasons given in paragraphs 7.3 and 7.4 of the Paper.

18. The Chairman then invited the representers, commenter and their representatives to elaborate on their representations.

R2 – The Salvation Army

19. With the aid of a Powerpoint presentation, Mr. Daniel Hui made the following main points:

- (a) the Salvation Army was an International Christian church and charitable organisation serving Hong Kong for more than 80 years. There was about 160 social services units/centres/schools/camps providing a wide range of services to different groups;
- (b) the two existing blocks within the Salvation Army site in Wan Chai provided a variety of educational and social services for different age groups;
- (c) in response to the Policy Address 2011, the Salvation Army planned to

redevelop the Wan Chai site into a youth hostel providing about 600 units to assist the Government to meet the housing need of the youngster. Besides, upon redevelopment of the Wan Chai site, the services currently provided by the existing community centre and family stores would be enhanced to meet the modern needs of the community and to further promote the environmental concept of recycling;

- (d) given its location within a GIC cluster and being easily accessible by various mode of public transport, the existing site in Wan Chai was considered an appropriate location for a youth hostel and such use was in line with the planning intention of the “G/IC” site;
- (e) as previously presented in the representation hearing for the Wan Chai OZP No. S/H5/26 in 2011, the Salvation Army proposed to surrender part of the site at ground level to enable the provision of a through road to link Salvation Army Street with Wood Road, which would improve the traffic circulation in the area. Transport Department (TD) considered that there was merit in providing the through road. Moreover, it also proposed to provide a barrier-free pedestrian access at the podium level of the new building to enhance the pedestrian connection between the level of the Tung Wah Centenary Square Garden at Queen’s Road East and Salvation Army Street/Wood Road;
- (f) as shown on the relevant photomontages prepared by PlanD for the representation hearing of the Wan Chai OZP No. S/H5/26, the proposed new building was not visible from the major vantage points of the Hong Kong Cultural Centre, the West Kowloon Cultural District and the Peak. Besides, the visual assessment carried out had also demonstrated that the proposed new building would not have adverse visual impact on the surrounding area from the viewpoints of Wan Chai Park, Morrison Hill Road and Wanchai Road;
- (g) according to the AVA Expert Evaluation report, the Salvation Army site was not located along any major air paths. Hence, the proposed

development would not adversely affect the air flow of the area. Moreover, the provision of a sky garden within the proposed new building would help to improve the air ventilation in the vicinity;

- (h) to conclude, the proposed redevelopment into a youth hostel was complementary to the Government's housing policy through the provision of quality accommodation for the youth. Moreover, the expansion in the services provided by the existing community centre and family stores would bring great benefits to the community. Besides, the proposed redevelopment would not cause adverse traffic, visual and air ventilation impacts to the surrounding areas. Favourable consideration should be given to the redevelopment proposal such that the Salvation Army could continue to help others in need.

R9 - the Methodist Church

- 20. With the aid of a visualiser, Mr. Au Fun Kuen made the following main points:

History of imposition of BHR

- (a) in formulating the BHRs for the Wan Chai OZP No. S/H5/26 which was gazetted on 24.9.2010, the Board had adopted the principles that the proposed BHRs should not affect the development rights of the commercial or residential sites. However, the BHRs proposed for all "G/IC" sites which only reflected their existing BHs had in effect frozen the development right of all the GIC site owners;
- (b) he did not object the imposition of BHRs on the OZP, but was aggrieved by the discriminatory treatment in imposing BHRs for those GIC sites;

Discriminatory treatment of GIC sites

- (c) the planning objective of reserving the GIC sites as breathing space and visual relief should only be applicable to the new towns at the planning

stage and should not be applicable to the existing built-up area like Wan Chai, where the “G/IC” zoning was mainly to reflect the existing GIC uses such as church, school and other community facilities;

- (d) the “G/IC” zoning covered a wide variety of sites providing different types of uses involving a variety of organisations. Not all GIC sites were owned by the Government or provided to the subvented/charitable organisations for free. Taking the Chinese Methodist Church in Wan Chai and the Church of Christ in China Wan Chai Church as examples, some GIC sites were private land purchased from the market or granted by the government upon the payment of full premium;

BHRs imposed on MIC, LKESC and WCP

- (e) it should be noted that the original BHRs for the MIC, LKESC and WCP sites were 4 storeys, 8 storeys and 3 storeys respectively while the residential sites in the vicinity, the Hopewell Centre Phase 2 and the waterfront sites had BHRs of 100mPD, 210mPD and 130mPD. The rationale for imposing a much lower BHRs for the three GIC sites at that time was to retain the function of these sites as breathing space and visual relief for the neighbourhood;
- (f) the relaxed BHR for the MIC site to 110mPD and the rezoning of the LKESC and WCP sites with relaxed BH to 100mPD, as subsequently agreed by the Board, showed that the original justification for freezing the BH of these GIC sites was no longer valid;

Redevelopment of the MIC site

- (g) there was no restriction on plot ratio, site coverage or BH for the MIC site under the lease;
- (h) the existing MIC site was occupied by a 3-storey building with one basement level. A set of building plan for redevelopment of the site to

a BH of 122mPD was approved by the Building Authority on 26.8.2009 prior to the imposition of BHR on the site. The proposed new building would only have a small portion of the area to re-provision the premises for worship, with the remaining area for the support or provision of charitable and social services. The cost of the redevelopment would be financed by the church through its own resources and donations and no government funding was required;

- (i) the church was willing to settle the JR previously lodged against the Board on the imposition of the BHR of 4 storeys for the MIC site. With a view to avoiding litigation, the church submitted to PlanD a revised redevelopment proposal with a revised BH of 110mPD, and the provision of a covered open space at ground floor, a 3m setback at Queen's Road East, and two loading bays for small coaches. The revised proposal was agreed by the Board and the OZP was amended to reflect the revised BHR of 110mPD and the requirement of covered open space and setback;

The revised BHR and other restrictions

- (j) the church had no in-principle objection to the revised BHR of 110mPD and other restrictions on the provision of a 3m setback from Queen's Road East and a covered open space. Its primary objection was against the wording of '*... with open-sided frontage along Queen's Road East and Kennedy Road ...*' as stated in the Notes and Explanatory Statement (ES) of the OZP, and '*The open space shall be accessible to the public ...*' in the ES;

Purpose of Covered Open Space

- (k) the provision of a covered open space was proposed by the church and its primary function was to provide a friendly and welcoming environment to users and visitors of the new building, circulation buffer and venue for church and community activities such as exhibitions,

community fairs, concerts and feast for elderly, etc.. The church had no intention to dedicate the covered open space for public passage and the public would only have access by permission. PlanD therefore had a misunderstanding in assuming that the primary function of the covered open space was to facilitate air ventilation and for pedestrian movement. The site did not fall within existing air paths of the area according to the result of the AVA and the provision of 3m setback from Queen's Road East would be able to facilitate pedestrian movement;

Concerns of the church over security and abuse in use of covered open space

- (l) the church did not have the resources to prevent the abuse in the use of covered open space such as vandalism and loitering, squatting similar to the "Occupy Central" action previously happened at the ground floor of Hong Kong and Shanghai Banking and Corporation (HSBC) in Central, and political activities like demonstrations and election campaigns. The church would therefore like to construct gates to prevent unauthorised access and storm shutters to prevent flooding of the basement;
- (m) the meaning of 'open-sided frontage' as stated in the Notes and ES of the OZP was not clearly defined and the wording as stated in paragraph 4.4.5(b) of the Paper with regard to the provision of gates/partitions for the covered open space was vague. There was grave concern that the wording would create problems in the building plan approval process if supporting columns or structures for building services or gates and storm shutters were proposed at the covered open space in the building plan submission. Moreover, the wording of the ES which read '*shall be accessible to the public*' would create an unreasonable and unjustifiable expectation of the public that they had a right to use the space;

Problems with objectionable words

- (n) apart from delaying the building plan approval process, the church was

concerned that these objectionable wording would severely restrict the design flexibility of the new building, lead to difficulties in management and security issues and would prevent the proper use of the covered open space for church and community activities;

Legal objection to objectionable wording

- (o) the Board's power to impose micro-management restrictions on the OZP was being challenged by the REDA in the JR cases which had recently been heard by the High Court and the judgment was yet to be available. Notwithstanding this, the Board in any event did not have the power to require the owner to make his private land accessible to the public. It was therefore inappropriate to impose in the ES of the OZP the requirement that the covered open space should be accessible to the public. Although the ES did not form part of the OZP, the judgment from the Privy Council on the Nam Sang Wai case in 1996 ruled that the ES was a material consideration to be taken into account in the understanding of the OZP. The Building Authority might reject the building plans on ground of contravening the ES of the OZP;

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

- (p) PlanD mentioned in paragraph 4.4.5(e) of the Paper that the provision of open-sided frontage along Queen's Road East and the requirement of allowing the covered open space to be accessible by the public was imposed in the Notes and ES of the OZP to ensure that the design merits would be materialised given such requirements were not stipulated in the lease. PlanD also stated that the relaxed BHR for the site was justified by such design merits. It was wrong to assume that the primary objective of providing a covered open space was to improve air ventilation and pedestrian movement. The Board had no power to require the private land to be made accessible to the public and had admitted that it was not a requirement for the Church to dedicate the space for public passage. However, the imposition of such requirement

in the ES indirectly impose an obligation on the church to give the public right of passage through the covered open space within the site;

The Church was not a developer

- (q) the church was a Christian body providing charitable and social services to the community and the proposed new building would better serve the community. The church was restricted under the lease to religious and charitable purposes of the Church and no sale, disposal and letting-out of the site was allowed. Potential abuse of using the site for commercial purposes would be very low;
- (r) the church was not a developer/commercial enterprise which aimed at profit-making. The new building would be developed without Government funding and financed entirely from the church's own resources. The provision of a covered open space was a voluntary act made by the church aiming to better serve the community. It was not a result of the bargaining in exchange for a higher BHR;
- (s) unlike the public open space at the ground level of HSBC headquarters in Central, the proposed covered open space would be accountable for GFA calculation and the church had no intention to dedicate the area for public passage in order to be granted the bonus plot ratio. In the event that bonus plot ratio was granted for dedication of land for public passage, the additional GFA would not be utilised under the existing BHR of 110mPD;

[Mr. Eric Hui arrived to join the meeting at this point.]

The proposal of the church

- (t) the church proposed to delete the objectionable wording in the Notes and ES of the OZP as set out in paragraph 20(j) above. Alternatively, the wording of Remarks (4) of the Notes and paragraph 8.6.6 of the ES of

the OZP should be amended to read ‘... with open-sided frontage (*supporting columns and structures for building services and gates and storm shutters always permitted*) along Queen’s Road East ...’ to clearly define the permissible design of the open-sided frontage and provide more certainty in the building plan approval process. Moreover, the wording in paragraph 8.8.6 of the ES regarding the public accessibility of the open space should also be amended to read ‘The open space ~~shall~~ *may at the discretion of the owner* be made accessible to the public...’. This was in line with PlanD’s stance that it was not a requirement under the OZP that the church should dedicate the open space to the Government for public passage;

3m setback for LKESC

- (u) the church was concerned that the lot boundary of the adjoining LKESC site might not be appropriately revised by LandsD at the land disposal stage to reflect the requirement 3m setback from Queen’s Road East if such requirement was not imposed on the OZP;

Rezoning of the driveway of WCP to ‘road’

- (v) a major portion of the existing triangular area within the WCP site formed part of Kennedy Road in the past and had continued to its function as road even though it was now within the allocation boundary of the WCP site. The church had been using this triangular area for vehicular access, parking, and loading/unloading area for church activities since late 1957. It was unreasonable to include this triangular area into the future residential development on the WCP site. This triangular area should be excluded from the future sale site and rezoned as “G/IC” or area shown as ‘Road’.

21. Mr. Simon Fok made the following main points:

- (a) he was a Christian and an experienced architect, and had been the project

manager in a number of property companies;

- (b) while the church could proceed with the redevelopment project based on the set of approved building plans with a BH of 122mPD, the church had liaised closely with PlanD with a view to working out a mutually acceptable redevelopment proposal. This negotiation process carried out in the past few years had not only resulted in an increase in the construction cost of the project but had also delayed the implementation of the redevelopment proposal;
- (c) the existing wording regarding ‘open-sided frontage’ of the covered open space as stated in the Notes and ES of the OZP was rather vague. He was concerned that the Building Authority would have difficulties in assessing whether the provision of certain essential structures and facilities such as staircases, supporting columns and E&M facilities, etc. within the covered open space on ground floor would be in line with the requirement of providing a covered open space with an open-sided frontage, as stipulated in the Notes and ES of the OZP. The Building Authority would have to rely on the church to provide sufficient justifications to demonstrate that the building plan submission was in compliance with the OZP requirements. This would create unnecessary obstacles for the church and might further delay the approval of the building plan;
- (d) the church was eager to speed up the redevelopment proposal on the site in order to provide more community services to serve the people in need. He considered that the church’s proposal to revise the vague wording in the Notes and ES of the OZP would create more certainty and would facilitate the approval of the future building plan submitted by the church.

22. Rev. Canon Dr. Howard Mellor made the following main points:

- (a) he was the senior pastor of the MIC;

- (b) the Methodist Church in the world was not just a church but also a charitable organisation with a vision and hope to serve the members and the community. The MIC had been located at the present site for about 120 years. The work of the church included the holding of seven services for 1,200 Christian worshippers in four different sites;
- (c) one of the objectives for developing a proposed new building on the site was to bring all congregations, except the one in Sha Tin, together in one place. While the church would like to fully utilise the covered open space for various church activities to further enhance its sense of hospitality and accessibility to the public, there was also an essential need to ensure the security of the church. The existing wording in the Notes and ES of the OZP would prevent the church from achieving such objectives.

23. Mr Gene Buttrill made the following main points:

- (a) MIC was an international congregations with members from all over the world. The proposed new building with additional office space for the MIC would enable the church to have better coordination with the local Methodist Church;
- (b) the church intended to use the covered open space for multi-purposes including pedestrian access during day time, a place for socialising, a gathering ground for the Filipino members during weekends, and a space for community activities such as feast for the elderly, music concert, and exhibition, etc;
- (c) there was grave concern on the loitering at the covered open space by the youth at midnight, unauthorised vehicular access to the site posing potential threat of terrorist attack, and the frequent loading/unloading activities by the coaches upon the completion of the Mega hotel project at Kennedy Road. It was therefore necessary for the church to devise

practical means to tackle these security problems by erecting gates and controlling public accessibility to the ground floor area. The proposed amendments to the wording of the Notes and ES of the OZP, as suggested by the church, was therefore necessary to reflect correctly the agreement between the Board and the church.

R13 – Kennedy Road Protection Group

R18 – Mr Roger Emmerton

24. Ms. Mary Mulvihill made the following main points:

- (a) the MIC and the CCCWC sites were the subject of two JR applications against the Board's decision to impose BHRs on these sites. In August 2011, the Court ordered an interim stay of the submission of the draft Wan Chai OZP to CE in C. The hearing dates of the JRs for these two sites were yet to be fixed. The JR lodged by the REDA which comprised objections against the Wan Chai OZP had been heard in this week and the judgment was awaiting;
- (b) the Board should clarify whether the revision to the original BHRs for the sites was a tactic to bypass the judicial process which would help to define the role of the GIC sites in providing ventilation and breathing space as set out in the Town Planning Board Guidelines No. 16. The redevelopment proposal of the MIC and CCCWC which did not comply with the TPB Guidelines should not be supported prior to the decisions of the two JR applications;
- (c) given the low percentage of Protestant population in Hong Kong (less than 5%), the church did not have strong justifications to provide extensive services. Social services should be provided by the Government instead of relying on religious bodies;
- (d) referring to Plan H-2 of the Paper which showed that Queen's Road East would benefit from the valley wind from Wan Chai Gap Road and the

downhill thermal wind coming from the mountains, she did not agree with R9's argument that the planned high-rise development at the MIC site would not have adverse impacts on air ventilation;

- (e) referring to Plans H-3e and H-3f of the Paper, the proposed redevelopment at the MIC site would cause adverse visual impact when viewed from the Jockey Club Garden and would affect the verdant environment currently enjoyed by its visitors;

271 Queen's Road East

- (f) it was not appropriate to develop a 25-storey building on a road intersection. Lower buildings used to be developed at the junction of busy streets in Hong Kong in order to maintain an open streetscape and enhance visibility;
- (g) it was noted that a number of proposed facilities in the new building would be of commercial nature and operated on self-financing basis. The Wesley Hotel, which should more appropriately be used as a youth hostel, would operate as a commercial hotel upon its reopening;
- (h) residential accommodation for members of the religious group and the headquarters of the Methodist Church should not be provided in the proposed new building. Sufficient office floor space in the Methodist House at 36 Hennessey Road would be available upon the expiry of the church's leasing of 13 storeys to the New World Development Co. Ltd. for office use;
- (i) the church should consider using the covered open space for on-site parking and loading/unloading facilities instead of using the triangular area of the adjoining WCP site;
- (j) the church's objection to the provision of public open space on the ground of affecting its property right had clearly demonstrated the mindset of the

church to operate as a commercial operator. Government departments should be mindful that the church did not have the absolute right for redevelopment and the redevelopment proposal should be supported by strong justifications;

99 Kennedy Road and 268 Queen's Road East

- (k) according to the TPB Guidelines No. 16, any proposed rezoning of GIC site should not adversely affect the provision of GIC facilities in the district on a long-term basis. The rezoning of the sites at 99 Kennedy Road and 268 Queen's Road East for residential use would deprive the growing community of Wan Chai of the needed GIC facilities;

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

- (l) according to the 2011 Census, there would be a significant increase in the number of elderly people in the district in the next 20 years. The sites which were located in the vicinity of Wan Chai Park and Ruttonjee Hospital were an ideal location to provide the required social and community services for the elderly population;
- (m) she did not agree with PlanD's assessment that there was no deficit in the provision of major GIC facilities in Wan Chai District. Referring to Appendix I - Open Space and GIC Assessment of the Metroplan Recommended Strategy shown on the visualiser, there would be a severe deficit of social centres for the elderly, local open space, and one clinic/health centre in Wan Chai in 2016. Besides, it was noted that Wan Chai had the lowest proportion of vacant GIC facilities in the territory but the number of residential and working population was increasing due to various redevelopment projects in this district. Rezoning of these sites for residential use was undesirable;
- (n) redevelopment of these GIC sites into high-rise residential developments would result in undesirable wall effect and further aggravate the traffic

congestion and environmental pollutions. The adverse traffic impacts generated from the redevelopment proposal should be carefully considered by TD at the early stage. Both these sites and the adjoining MIC site should therefore be retained as low-rise GIC facilities to serve the local community and to meet the territorial demand if required;

- (o) should rezoning of these sites for residential development be proceeded with, it was important to ensure that public open space would be provided at the ground level to alleviate the severe shortage of sitting-out area in the district. The Government should retain the sites for elderly housing or youth hostel in order to address the housing problem;

Conclusion

- (p) the quality of life of local residents should be a major consideration and there was a need for some low-rise and human-scale buildings to serve as spatial relief in the congested environment of the built-up area. Sustainability should not be overridden by the current housing policy.

R21 – Mr. Mok Shek Kwong

25. Mr. Mok Shek Kwong made the following main points:

- (a) he was the owner of a flat at Wing Fook Court at 68 Kennedy Road;

271 Queen's Road East

- (b) the Board's decision to relax the BHR of the site to meet the expansion need of the church was not a balanced decision as the aspirations of local residents to have sufficient open space and improved air ventilation in the area were ignored;

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

- (c) the church did not provide sufficient justifications for the redevelopment project and no information was provided to demonstrate that the services provided would not be operated on a commercial basis;
- (d) as shown on Drawing H-1h of the Paper, the external finishes of the proposed new building at the site would be mostly covered by curtain wall. The glare reflected from the proposed new building would pose safety to drivers driving along Kennedy Road to Queen's Road East;

77 Spring Garden Lane

- (e) as shown on Plan H-3f of the TPB Paper No. 9287, the wall effect created by the high-rise building at this site upon redevelopment and the nearby Mega Hotel development at Hopewell Centre Phase 2 would be very substantial, resulting in adverse visual and air ventilation impacts on the surrounding area and negative psychological effect on the local residents. Information on the visual impact and air ventilation assessments carried out for the site should be provided for the consideration of the public;
- (f) he was concerned about the fire safety of the proposed new development on the site which was situated on the sloping platform at the end of a narrow, steep road and surrounded by Hopewell Centre, Wu Chung Building and Phoenix Court. D of FS should provide more information to justify his no objection to the redevelopment proposal from fire safety perspective;

99 Kennedy Road and 269 Queen's Road East

- (g) the Board should provide the rationale for rezoning these two sites for residential developments and whether the aspirations of local residents had been taken into account;
- (h) he hoped that the Board would reconsider whether it was appropriate to revise the BHR for the above sites taking into consideration his views and other local comments as presented.

26. The meeting was adjourned for a short break of five minutes.

[Ms. Janice W.M. Lai left the meeting at this point.]

R54 – H15 Concern Group

27. Ms. Veronica Luk said that the H15 Concern Group was formed by the local residents and tenants affected by the URA redevelopment project at Lee Tung Street, and persons from different sectors. Their core interests were related to urban renewal, town planning and grass-root housing in Wan Chai district. The subject of the representation was related to the rezoning of the LKESC and WCP sites.

28. Mr. Yip Yiu Yeung made the following main points:

- (a) H15 Concern Group strongly objected to the rezoning of the LKESC and WPC sites for private residential developments which would not help to stabilise the escalating property prices in Hong Kong;
- (b) the sites should be used for public housing development to meet the housing need of low income groups. The average waiting time for a public housing unit was about five years and the waiting time for singletons would take more than 10 years. Hence, there was a pressing need to build more public rental housing (PRH) to meet the great demand;
- (c) according to the respective data from the Hong Kong Housing Authority and the Hong Kong Council for Social Service, the number of PRH units in Hong Kong Island was about 60,000 while the number of poor population in the Hong Kong Island was about 150,000 persons. As a result, more than 80,000 people in the Hong Kong Island were still on the waiting list for PRH. The sites should therefore be reserved for public housing development which would meet the housing need for the local income groups and at the same time was in line with the housing

policy as advocated the Chief Executive (CE) in the Policy Address 2013;

- (d) based on the data from the Centaline Property Agency, the average price for the Brilliant Court, a residential development adjacent to the two sites, was as high as \$13,500/ft² (as at mid January 2013). Given the prime location, it was very likely that the future private residential developments on these sites would be expensive and unaffordable to the general public;
- (e) as there was no public housing development in the Wan Chai district, the sites should be used for PRH in order to meet the needs of the low income groups currently residing in other old and dilapidated buildings in Wan Chai;
- (f) the provision of more luxury private housing in Wan Chai would adversely affect the original balanced social structure by displacing the grass-root residents who had been living in Wan Chai for decades. Such displacement would destroy the social network and affect the harmony of the community as a whole;
- (g) the provision of public housing in Wan Chai would enable the younger generation to take care of their elderly parents after marriage, thus causing less burden on social welfare services. Moreover, the proposed public housing development would provide the much needed housing supply for the elderly population in the district to improve their living conditions given that they would be reluctant to move to another district due to their difficulty to adapt to a new environment.

29. Ms. Yu Wing Sze made the following main points:

- (a) with the aid of a plan showing the geographical distribution of public housing estates in Hong Kong Island, she said that there was no subsidized public housing in the Wan Chai district;

- (b) to reserve the sites for private residential developments would lead to increase provision of luxury housing in the district, and Wan Chai would gradually become a high class residential area;
- (c) the escalating property prices as revealed by the sale of the Brilliant Court as mentioned in paragraph 28(d) above was completely beyond the affordability of the working population. The lack of subsidised housing or affordable private housing in Wan Chai would force the younger generation to move to another districts, therefore leaving their parents unattended and creating many social problems;
- (d) while Hong Kong pursued the principle of free market economy, the escalating property prices in Wan Chai had destroyed the family ties, which was undesirable. To address this problem, it was important to provide more subsidised housing or private housing at reasonable price in Wan Chai and the sites would provide a solution space in this aspect.

30. Mr. Ching Ka Ho made the following main points:

- (a) based on the four criteria of walled building as set out by Green Sense, the BHR of 100mPD for the LKESC and WCP sites would result in the development of walled buildings on the sites;
- (b) the walled buildings would have adverse impact on air ventilation which would accelerate the heat island effect resulting in substantial temperature difference and increase the probability of outbreak of Dengue Fever and Malaria, as reported in a newspaper article. Moreover, another newspaper also reported that based on a study on roadside air quality conducted in 2010, the air quality along Hennessy Road in Wan Chai was the worst amongst the eight air pollution black spots in Hong Kong;
- (c) as revealed in the statistics on maximum annual pollutant concentrations

and objectives 2001 prepared by EPD, the non-compliance of annual Air Quality Objectives value for some busy areas like Central, Causeway Bay and Mong Kok was rather high. Being located between Central and Causeway Bay districts, it was envisaged that the air quality for Wan Chai would be further worsen to an unacceptable level if more high-rise, walled buildings were constructed in the district;

- (d) as shown on Plan H-3e of the Paper, while PlanD had agreed that the proposed developments at the sites would create some visual impacts when viewed from the Jockey Club Garden, no mitigation measure was proposed to minimise the adverse visual impact. Moreover, the high-rise developments on the sites would block the view of the adjacent Brilliant Court and would create some psychological impacts on the nearby residents;
- (e) it would be worthwhile for the Government to consider imposing certain restrictions on the design and layout of the proposed development to alleviate the adverse air ventilation impact. Alternative options of reducing the BHR for the sites or retaining the low-rise GIC facilities on the sites would also help in this aspect;
- (f) more greenery and open space should be provided to help mitigate the heat island effect.

31. Ms. Cheung Sze Ki made the following main points:

- (a) PlanD opined that whether to use the sites for public or private housing development was a matter of housing policy outside the purview of the Board. The Board should deliberate on land use planning matter;
- (b) it was noted from Annex II of the Paper that there was a shortage of 1.32 ha of local open space in Wan Chai. Consideration should be given to use the sites for public open space to better serve the local needs ;

- (c) the use of the sites for public open space was a preferred land use proposal as it would bring more benefits to the local community and would not generate adverse traffic, visual, and air ventilation impacts on the area.

32. Ms. Chak Yuk Ying made the following main points:

- (a) public housing was required for the reprovisioning of the tenants affected by urban renewal projects. Local rehousing was essential to maintain the social network and was particularly important for the elderly people who found it difficult to adapt to a new environment;
- (b) in anticipation of the increasing number of urban renewal or redevelopment projects in Wan Chai, the sites should be used for public housing development.

33. Mr. Tsui Yick Yiu made the following main points:

- (a) he was an affected tenant of the urban renewal project in Lee Tung Street. He had applied for PRH for more than three years, even with the support of a number of medical certificates;
- (b) he had been relocated to Oi Tung Estate in the Eastern District. However, he used to go back to Wan Chai to meet and greet his old friends every day;
- (c) he strongly supported the proposal of the H15 Concern Group to use the sites for public housing which would normally be provided with the necessary social welfare facilities for the elderly;
- (d) he strongly objected to have private residential developments on the sites as it would only benefit the developers and would affect the social harmony.

34. Ms. Yuen Ka Po, Rainbow summarised the main points made by other representatives as follows:

- (a) according to the Policy Address 2013, the objectives for housing supply were to help grassroots families to secure public housing to meet their basic housing need, and to assist the public to find suitable housing according to their affordability and own circumstances. However, there was a lack of subsidised housing in Wan Chai to meet the basic housing need of the low-income groups and the high property price of private housing in the district was unaffordable to the general public. The current situation in Wan Chai was contradictory to the objectives of housing policy advocated by the CE;
- (b) subsidised housing was required in Wan Chai to provide accommodation to those tenants affected by the urban renewal projects. Local rehousing was important to maintain the existing social network and to foster social harmony. Moreover, the provision of subsidised housing in Wan Chai would enable the younger generation to live closer to their parents within the same district to maintain the important family ties;
- (c) the BHR of 100mPD for the sites would result in wall effect and would bring adverse visual, air ventilation and environment impacts to the area;
- (d) given that there was a shortage of local open space in the district, the sites should be retained for public open space to meet the local need;
- (e) private housing development could not meet the aspirations of the locals who desired to have more subsidised or affordable housing and more public open space in the district. The sites should therefore be reserved for the subsidised housing or public open space.

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

R101 – Mr. Wong Yick Ming

35. Mr. Wong Yick Ming made the following main points:

- (a) he was a local resident who had been living at Queen's Road East near LKESC since 1968 and he objected to the sale of the LKESC and WCP sites for private residential development upon their rezoning to "R(E)";
- (b) many elderly people in Wan Chai lived in the old and dilapidated tenement buildings along Kennedy Street and Queen's Road East, and their living conditions were very poor;
- (c) the Government had not introduced any measures to tackle the problem of rising property price, i.e. hot money inflows and low interest rate. While the CE had tried to increase housing land supply by rezoning GIC sites for residential uses, redevelopment of those old tenement buildings in Wan Chai would be a source of housing supply in the urban area;
- (d) in 2011, the URA had introduced the 'Flat-for-Flat' scheme which provided those domestic owner-occupiers affected by the URA's redevelopment project in the Kai Tak area with an alternative option to cash compensation. The same scheme should also be applied to those future urban renewal projects in Wan Chai. The LKESC and WCP sites were therefore valuable public assets in the district which could be used by the URA to carry out the 'Flat-for-Flat' scheme by providing small sized, quality residential units for those affected tenants;
- (e) he believed that the living environment of those elderly population in the district would be greatly improved if the sites were used for 'Flat-for-Flat' scheme of the urban renewal projects.

R92 – Ms. Zhang Li

R147 – Mr. Wong Wai Pan, Felix

36. Mr. Wong Wai Pan, Felix made the following main points:

- (a) he and Ms. Zhang were members of 爭取基層生活保障聯盟. They objected to the rezoning of the LKESC and WCP from “G/IC” to “R(E)” for residential development;
- (b) he assumed that the sites would be used for private housing as PlanD did not clearly specify the housing type as in the case of the temporary golf driving range in Cheung Sha Wan. The rezoning of these sites for private residential development was in contrary to CE’s commitment to resolve the housing problem. Moreover, it could not help to resolve the severe problems of sub-divided flats, high rent and high land value in the district;
- (c) he learned from the website of Midland Realty that the average price of saleable floor area for private residential developments in Wan Chai was more than \$20,000/ft² which was totally unaffordable to the general public;
- (d) according to the 2011 Census, there was a substantial grassroots population in Wan Chai who lived in old tenement buildings. The problem of sub-divided units was also serious in Wan Chai;
- (e) in the past years, the supply of new high-rise, luxury private residential developments had been increased in Wan Chai, such as One Wanchai, the Zenith and J Residence. However, the number of old tenement buildings had remained unchanged, if not decreased, and there was no provision of subsidised or affordable housing in the district. It was anticipated that such situation of unbalanced housing mix in Wan Chai would continue in future which would further aggravate the problem of sub-divided units in Wan Chai. The increased number of sub-divided flats might also affect the structural safety of the old buildings as evidenced in the incident of the building collapse in Ma Tau Wai;

- (f) the Government should take a balanced approach in encouraging development on one hand and to provide subsidised housing or affordable housing to meet the basic housing need of the grassroots population in Wan Chai.

37. Ms. Zhang Li made the following main points:

- (a) she was a new immigrant who had previously lived in Wan Chai for about 10 years;
- (b) during her stay in Wan Chai, she lived in sub-divided units and bedspace. Each flat was normally resided by six to eight families. She had to move to a new unit every one or two years due to the increase in rent. As she could no longer afford the high rent in Wan Chai, she decided to move to another district;
- (c) despite the poor and congested living environment, one of her neighbour who was about 80 years old still wanted to stay in Wan Chai as she had been living in the district for a very long time and could not adapt to the new environment of another district.

38. Mr. Wong Wai Pan, Felix continued to make the following main points:

- (a) to ensure that the basic housing need of the grassroots population in Wan Chai was to be met, the Board should consider specifying in the OZP that the two “R(E)” sites would be developed into public housing ;
- (b) he considered that the public, in particular the local grassroots residents, should be duly consulted and consensus be reached before the decision was made by the Board to rezone the two sites into “R(E)”. The two-month consultation period after the gazettal of the proposed amendments of the OZP was inadequate and the public participation process in the plan making process should be enhanced;

- (c) the receipt of 233 representations on OZP amendments by the Board, with the majority of the representations objecting to the rezoning of the two sites for private residential use, had demonstrated that the decision was not well-accepted and did not meet the aspirations of local residents in Wan Chai;
- (d) he did not agree to the comments of D of Housing, as stated in paragraph 4.4.6(c) of the Paper, that cost-effectiveness was a factor to be considered if the two sites were proposed for public housing development. Quoting the development of Ma Hang Estate in Stanley and Wah Fu Estate in the Southern District as example, he considered that public housing development should also be built on the two sites notwithstanding the very high land value in Wan Chai;
- (e) while the Board would consider the appropriate land use of the sites taking into account the results of various technical assessments on traffic, environment, visual, air ventilation aspects, etc, the concerns and aspirations of the local residents as presented in this hearing should be duly considered;
- (f) he would continue to object to the rezoning if the OZP was not amended to clearly specify that the two “R(E)” sites would be used for public housing development.

[Ms. Christina M. Lee and Mr. Sunny L.K. Ho left the meeting at this point.]

R94 – Mr. Wong Chun Yin

39. Ms. Cheung Wai Chun made the following main points:

- (a) she supported the use of LKESC and WCP sites for public housing or Home Ownership Scheme (HOS) to meet the basic housing need of the low income groups;

- (b) the target production of public housing and HOS flats in the coming five years as stated in the Policy Address 2013 was not sufficient to meet the great demand of the grassroots community for subsidised housing. The Government should reserve more land for public housing development;
- (c) the property price of private housing in Hong Kong was unaffordable to the wage earners;
- (d) she also gave some suggestions to relax the eligibility for applying HOS and PRH in order to better meet the housing need of the grassroots community;
- (e) she considered that the LKESC and WCP sites should be used for public housing development and strongly objected to sell the sites for luxury private housing.

R118 – Ms. Lo Sze Wan

40. Mr. Gabriel Tam made the following main points:

- (a) given that the Government had stated clearly its intention to use the temporary golf driving range in Cheung Sha Wan for public housing development, he raised a query on why the Government would not clearly designate the LKESC and WCP sites for public housing development;
- (b) with an increased supply of luxury residential developments in Wan Chai, the supply of basic housing units had correspondingly decreased. Hence, the problem of sub-divided units at unreasonably high rent was becoming more severe in Wan Chai;
- (c) according to the International Convention on Human Rights which was applicable to Hong Kong, citizens had a right to housing. The provision of public housing on the two sites would help to address the

basic housing need of local residents;

(d) the development of public housing development on the two sites could have the following three advantages:

(i) to relieve the acute shortage of public housing in Hong Kong Island;

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

(ii) to bring innovation and change to the prevailing public housing policy by developing single public housing blocks;

(iii) to reduce social conflict and foster harmony among different sectors of the society.

R133 – 關注基層住屋聯席

(Ms. Chan Hoi Chi)

41. Ms. Chan Hoi Chi, the representer's representative, made the following main points:

(a) she was concerned about the rezoning of the LKESC and WCP sites for private residential use;

(b) the two sites were considered as a kind of public assets of the community at large. The increase in the supply of private housing in Wan Chai would continue to boost the speculative activities in the booming property market while the basic housing need of the community would remain unresolved;

(c) according to her information, the "R(E)" sites in the territory had never been designated for public housing development. Moreover, the vacancy rate of private housing unit within areas zoned "R(E)" (i.e. 10.2%) was much higher than the overall vacancy rate of 5% in the

territory;

- (d) while there were more than 210,000 people on the waiting list for PRH, no public housing would be developed on Hong Kong Island in the coming five years;
- (e) Wan Chai was among a few districts in Hong Kong Island which did not have any public housing development. Hence, there was a need to better utilise the valuable resources of the two sites to serve the public housing need of the local residents. Besides, the public housing development with provision of public open space would also help to address the district shortfall to a certain extent;
- (f) to enable a fruitful discussion on the topic, the Government was urged to give a clear indication on the type of housing to be developed on the two sites and to give more information on whether associated public open space and social/community facilities would be provided on these sites;
- (g) the Board had an important role to safeguard the optimal development mix of public and private housing development. To use the LKESC and WCP sites for public housing was in the public interest and would best meet the basic housing need of the local community.

R213 – Mr. Wong Kwok Wing

42. Mr. Wong Kwok Wing made the following main points:

- (a) he was a representative of the 全港劏房大聯盟 and he objected to the rezoning of the LKESC and WCP sites from “G/IC” to “R(E)”;
- (b) the two sites which were public resources should not be developed into luxury private housing;
- (c) the two sites were the brownfield sites which could be used to address

the imminent need to provide more public housing for the community. The Board should designate the sites for public housing development in the relevant documents including the lease to ensure that such provision would be materialised;

- (d) the development of public housing in Wan Chai could help alleviate the shortage in social welfare facilities for the elderly and deficit in local open space. Moreover, the public housing development would have less traffic impact on the area;
- (e) the development of public housing on the two sites was in line with the housing policy of the CE and the Board should clearly designate the use of these two sites for public housing development.

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

43. Ms. Wong Wan Yin made the following main points:

- (a) it was important to ensure that the two sites, upon rezoning, would still be able to serve the local community. To develop public housing on these sites could meet the housing or other social needs of the local residents;
- (b) a clear indication on whether the sites would be used for public housing development was required. The Board, in consultation with concerned government departments, should work out the specific future use of the sites and the public should be further consulted on the development proposal.

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44. With the aid of some plans, Mr. Paul Zimmerman made the following main points:

Principle for G/IC sites

- (a) the relaxation of BHR for the “G/IC” sites under the current OZP would defeat the original intention of using these sites as visual relief and breathing space in the congested environment as specified in the Master Schedule of Notes;
- (b) the development of the three “G/IC” sites at the junction of Kennedy Road and Queen’s Road East into high-rise developments would create wall effect at this location;
- (c) the Board should not be misled by the ownership of the “G/IC” site as the MIC was operating as a property developer which aimed at maximising financial income;
- (d) the Board should not be misled by the policy support given by relevant policy bureaux with regard to the redevelopment proposals of the churches which did not require any government funding;
- (e) it was a policy decision for the Board to consider whether there were any merits in the redevelopment proposals which warranted a breach of the principles of using GIC sites as breathing space and visual relief;
- (f) he was worried that the relaxation of BHRs to cater for redevelopment proposals of the churches would open the floodgate for similar requests from other non-government organisations;

Traffic Impact

- (g) noting that the existing frequent loading/unloading activities along the left lane of Kennedy Road had already caused traffic congestion near Hopewell Centre, the redevelopment of the “G/IC” sites at the junction of Kennedy Road and Queen’s Road East would further aggravate the existing traffic congestion. TD should clarify why the traffic impact of

the proposed redevelopment was acceptable;

Pedestrian Impact

- (h) according to the survey conducted by Census and Statistics Department in 2003, 80% of the respondents preferred walking at the street level;
- (i) TD's comment that the pedestrian environment would be enhanced by the road improvement works at various junctions along Queen's Road East was misleading. With the implementation of road improvement works, the existing at-grade pedestrian crossing facilities would be deleted and the pedestrians would have to use grade-segregated pedestrian facilities to cross the road;

Proposals

- (j) in view of the above, he was concerned that the previous decision of the Board on revising the BHRs for the "G/IC" sites was made on the basis of some misleading information;
- (k) should the Board decide not to amend its previous decision on the relaxed BHR, the Board should ensure that the proposed public open space at the ground level of the MIC site would allow 24-hour pedestrian access;
- (l) to mitigate the adverse traffic impacts of the redevelopments at the junction of Kennedy Road and Queen's Road East, he suggested that loading/unloading activities of the "G/IC" sites should be carried out at Hing Wan Street and Kennedy Street. Moreover, to ensure the pedestrian connectivity to the MIC site, he further suggested that the Board should impose certain conditions requiring the concerned developers to allow the visitors of the MIC sites to pass through their "R(E)" sites for accessing the MIC site;

- (m) the traffic at the junction of Kennedy Road and Queen's Road East should be kept clear at all time to prevent the traffic from over-spilling to other adjacent areas.

45. As the presentation from the representative of PlanD, the representers and their representatives and the commenter's representative had been completed, the Chairman invited questions from Members.

46. By referring to the presentation of R9 with regard to the need to impose setback requirement for the adjoining LKESC site, the Chairman drew Members' attention to Plan H-3a of the Paper which showed that both the MIC and LKESC sites would need to be setback from Queen's Road East.

[Mr. H. W. Cheung left the meeting at this point.]

47. In response to a Member's questions regarding the Building (Appeal) Tribunal case relating to the triangular area of the WCP (paragraph 4.4.6(p) of the Paper), the environmental impacts of the redevelopment of the "GIC" sites (paragraph 4.4(m) of the Paper), and the traffic arrangement for the three "G/IC" sites, Ms. Ginger Kiang, DPO/HK, said that the appeal was related to the disagreement over the classification of the MIC site for plot ratio calculation under the Buildings Ordinance (BO). The MIC argued that since the triangular area of the WCP site had been serving as a road leading to the MIC, the MIC site should be a Class B site abutting two streets instead of a Class A site as determined by the Building Authority. The maximum permitted plot ratio under BO for a Class B site would be higher than or equal to that of a Class A site. As regards the environmental impacts, DEP advised that the proposed new building on the MIC site would not cause adverse environmental impacts to the surrounding area given that the church was not a polluting use. As for the traffic arrangement, the vehicular access to the MIC site would be from Queen's Road East upon its redevelopment while that of the future developments on the LKESC and WCP sites would be through Kennedy Street.

48. Noting that the plot ratio of the proposed redevelopment of the MIC site was about 13, the same Member asked whether the outcome of the appeal concerning the triangular area would have any bearing on the maximum permissible plot ratio of the

proposed redevelopment which might affect the implementation of the redevelopment proposal. Ms. Ginger Kiang said that the triangular area was originally part of Kennedy Road. After the realignment of Kennedy Road, the triangular area became part of the WCP site and was allocated to the Director of Health though the church still used it as an access to the MIC site. As the proposed church building was a non-domestic building, the permitted maximum plot ratio under the BO for the BHR stipulated on the site would be the same irrespective of the site classification.

49. Another Member enquired about the discrepancies in the information about the provision of certain GIC facilities in Wan Chai as presented by PlanD and the representers (R13 and R18). This Member also pointed out that TD, in assessing the traffic impacts of the proposed redevelopment, should not merely based on the traffic generation and the location of ingress/egress of the individual sites. This Member asked whether TD had considered the cumulative traffic impact generated by the proposed redevelopment of the three sites on a wider area.

50. Ms. Ginger Kiang said that the table on the provision of major GIC facilities in Wan Chai prepared by PlanD was based on the existing and planned population of the district with reference to the standard requirement of these GIC facilities as set out in the Hong Kong Planning Standards and Guidelines (HKPSG). For those facilities which had specific standard under the HKPSG, such as integrated children and youth services centre and integrated family services centre, there was sufficient provision in Wan Chai. As for other social welfare facilities which did not have a set standard in the HKPSG, concerned departments would be consulted on the specific requirement of the GIC facilities under their respective purview. Prior to the rezoning of the LKESC and WCP sites, a departmental consultation was carried out to ensure that the sites were no longer required for alternative GIC uses. While there was no set standard for the elderly facilities such as residential care home for the elderly and social centre for the elderly, DSW had been duly consulted and raised no objection to the rezoning proposals of the LKESC and WCP sites. The information presented by R13 and R18 was extracted from the Stage II Study on Review of Metroplan and the Related Kowloon Density Study Review which was completed by PlanD's consultant in 2003. The GIC table currently presented by PlanD contained the updated information.

51. As regards the traffic impacts generated by the redevelopment of the three sites, Ms. Ginger Kiang said that TD advised that these redevelopment projects would not have adverse traffic impacts on the surrounding areas. There would be no parking facilities upon redevelopment and the MIC site would only have two loading/unloading bays for mini coaches. TD had also advised that the proposed road improvement works at the junction of Queen's Road East and Kennedy Road and the junction of Queen's Road East and Spring Garden Lane would benefit the traffic flow within the area and TD did not require a TIA to be conducted.

52. In response to the Chairman's query on the deficit of local open space in Wan Chai as pointed out by R13 and R18, Ms. Ginger Kiang said that given Wan Chai was an old and built-up area, it was difficult to identify any new sites for local open space. However, the deficit of 1.32 ha of local open space in Wan Chai was compensated by the surplus provision of 3.38 ha of district open space. The overall provision of open space in Wan Chai was therefore sufficient.

53. A Member raised a query on why TD did not require the carrying out of a detailed TIA by the church. The same Member remarked that TD should assess the cumulative traffic impact of these redevelopment proposals by conducting a comprehensive TIA for the whole district as well as the adjacent areas. This Member did not understand why the redevelopment proposals would not generate adverse traffic impacts on the surrounding area. In response, Ms. Ginger Kiang said that TD's comments on the redevelopment proposals of the three specific sites should have been made in the context of the traffic situation for the district as a whole.

54. The Chairman asked whether MIC would have difficulty in obtaining building plan approval if the wording of the Notes and ES of the OZP regarding the covered open space with open-sided frontage and accessible to the public was not amended as proposed by R9.

55. By referring to Drawings H-1b and H-1c of the Paper, Ms. Ginger Kiang pointed out that according to the redevelopment proposal submitted by R9 to the Board for consideration in 2012, there would be a covered open space of not less than 360m² at the ground level. The purpose of the covered open space was to allow better natural

ventilation and to facilitate pedestrian movement. Such design elements were considered as part and partial of the redevelopment proposal and the design merits were also taken into account by the Board in considering the BHR relaxation for the MIC site. To clearly reflect the intention of the covered open space, specific wording requiring the covered open space to be provided with open-sided frontage and be accessible to the public were incorporated into the ES. She continued to say that in the vetting of building plan submission, PlanD would consider whether the covered open space would be not less than 360m², and whether its design was reasonable to meet the requirement of open-sided frontage. Apart from the supporting columns of the building, security gates of appropriate design which would not block air flow would also be permitted. Moreover, the covered open space should also be open for public access at reasonable hours.

56. Noting that R9 had no intention to dedicate the covered open space for public use, a Member asked whether R9 should still be allowed a higher BHR on the MIC sites as previously agreed by the Board based on such planning merits. The Chairman said that this concern could be further considered at the deliberation session.

57. Mr. Paul Zimmerman (C2) commented that the covered open space of the MIC site did not provide sufficient manoeuvring space for loading/unloading vehicles. While TD considered that the proposed redevelopment at the MIC site would not have adverse traffic impact upon the completion of the road improvement works, he considered that the adverse traffic impact generated by proposed redevelopment of the MIC site would be severe and could not be mitigated given its sensitive location at the junction of two busy roads. Moreover, he urged the Board to require the covered open space be open 24 hour for public access.

58. Ms. Ginger Kiang pointed out that the provision of two loading/unloading bays for mini coaches within the MIC site was to meet TD's requirement and there would be sufficient manoeuvring space within the site.

59. As Members had no further questions, and the representative of the representers had nothing to add, the Chairman said that the hearing procedures had been completed and the Board would deliberate on the representations in the absence of the representers and would inform them of the Board's decision in due course. The

Chairman thanked the representative of the representers and the representatives of PlanD for attending the meeting. They all left the meeting at this point.

60. The meeting was adjourned for lunch break at 2:05 p.m.

[Mr. Eric Hui left the meeting at this point.]

61. The meeting was resumed at 2:35 p.m.

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

Mr. Thomas Chow	Chairman
Mr. Stanley Y.F. Wong	Vice-Chairman
Mr. Timothy K.W. Ma	
Mr. F.C. Chan	
Professor K.C. Chau	
Mr. Rock C.N. Chen	
Mr. Ivan C.S. Fu	
Mr. Lincoln L.H. Huang	
Mr. Dominic K.K. Lam	
Dr. C.P. Lau	
Ms. Julia M.K. Lau	
Mr. H.F. Leung	
Mr. Clarence W.C. Leung	
Mr. Roger K.H. Luk	
Ms. Anita W.T. Ma	
Dr. W. K. Yau	
Deputy Director of Environmental Protection	
Mr. C.W. Tse	
Director of Planning	
Mr. K.K. Ling	

Agenda Item 3 (continued)

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comments related to the Draft Wan Chai Outline Zoning Plan No. S/H5/27

(TPB Papers No. 9286, 9287 and 9288)

[The meeting was conducted in English and Cantonese.]

Hearing for Group 1 (Representations R1 to R13, R15 to R23 and R25 to R233 and Comment C2)

Deliberation Session

63. The Chairman invited Members to consider the representations, taking into consideration all the written submissions and the oral presentations at the meeting.

Supportive representations

64. Members noted the supportive views of representations R1 to R12. As regards R2's proposal to relax the BHR for the Salvation Army site, noting that PlanD was liaising with R2 on its redevelopment proposal, and the Salvation Army site was not the subject of amendment item, Members agreed that R2's proposal should not be supported.

Adverse representations

Adverse Representations on Relaxed BHR for the MIC site

65. With regard to the adverse representations on relaxed BHR for the MIC site, Members noted the following responses of PlanD:

- (a) the relaxed BHR was necessary to accommodate the expanding functional requirements of the MIC site to provide church and social services to serve

the community. The redevelopment proposal was in line with the planning intention of the “G/IC” zone;

- (b) as compared with the approved building plans for the MIC site, the latest redevelopment proposal had proposed a lower plot ratio and a reduced BH. Several improvements, namely the provision of covered open space to be opened to the public, a 3m setback along Queen’s Road East, and the provision of two loading/unloading bays for small coaches, were proposed in the latest redevelopment proposal;
- (c) the BHR of the MIC site at 110mPD was considered not incompatible with the BHR of 100mPD for other residential developments in the vicinity. Photomontages prepared by PlanD showed that the relaxed BHR on the MIC site would not have significant visual impact to the surrounding area;
- (d) the proposed redevelopment with a covered open space at street level would enhance the air ventilation;
- (e) the frequency of using the loading/unloading facilities within the site would be low and the 3m setback along Queen’s Road East would enhance pedestrian circulation. TD considered that the traffic impact of the proposed redevelopment was acceptable;
- (f) the proposed redevelopment proposal which was a church and social service development would not have adverse environmental impact on the surrounding area;
- (g) the existing building on the MIC site was not a historic or graded building;
and
- (h) HAB had given policy support to MIC’s redevelopment proposal, and concerned departments had no adverse comment on the redevelopment proposal.

Covered open space at the MIC site

66. The Chairman said that the requirement to provide a covered open space for the MIC site was based on the previous redevelopment proposal submitted by the Methodist Church to the Board. The purpose of the covered open space was to allow better natural ventilation and light penetration at street level and to facilitate pedestrian movement. He asked Members to consider whether it was necessary to amend the wording on the Notes and ES of the OZP as proposed by R9 in paragraph 20(t) above.

67. A Member said that in considering the relaxation of BHR for the MIC site, the Board had taken into account the planning merits of the redevelopment proposal including the voluntary provision of the covered open space to facilitate air ventilation at the street level and to improve pedestrian flow. Should the Board agree to the proposed amendment to the wording of the Notes and ES, the open-sided design of the open space might be affected and the original planning merits of enhancing air ventilation for the area might not be achieved.

68. Another Member opined that the amended wording which allowed the provision of structures, other than the essential ones such as supporting columns and storm shutters, and the opening of the covered open space at the discretion of the church would change the function of the open space in facilitating air ventilation and affect its accessibility by the public. This Member therefore did not support R9's proposed amendment.

69. As regards R9's argument that the provision of gates to the covered open space was required for security reasons, a Member opined that while the use of gates might be acceptable outside the reasonable hours for public access, the church should also propose its own management measures to prevent abuse of use of the covered open space.

70. The Chairman remarked that the incidents similar to "Occupy Central" campaign should be rare for a church development.

71. Noting R9's argument that the Board did not have the power to require private land to be made accessible to the public, a Member was concerned that such requirement

as currently stated in the ES might be subject to legal challenge.

72. As requested by the Chairman, the Secretary briefed Members about the background of relaxation of BHR for the MIC site as follows:

- (a) the MIC site was previously subject to a BHR of four storeys on the draft Wan Chai OZP No. S/H5/26 which was so imposed in order to reflect the existing building height and to maintain the function of the GIC sites as visual relief and breathing space within the congested built-up area;
- (b) at the representation hearing of the previous OZP on 26.4.2011, the Methodist Church stated that a set of building plans with a PR of 13.9 and a BH of 122mPD had already been approved by the Building Authority on 26.8.2009 prior to the imposition of the BHR on the OZP. It proposed to either delete the BHR for the MIC site or revise it to 122mPD or 130mPD. Moreover, the Methodist Church also indicated its intention to redevelop the MIC site in order to expand services to meet the needs of the church and community;
- (c) while noting such an intention, the Board decided not to uphold the representation but requested PlanD to follow up with the Methodist Church on the redevelopment proposal. Should the redevelopment proposal obtain policy support from the relevant Government bureau and be acceptable to concerned government departments, PlanD would recommend to the Board to amend the BHRs of the site as appropriate so as to strike a balance between the functional requirements of the GIC site and its function as visual relief / breathing space of the area. This was the normal practice adopted by the Board in dealing with the redevelopment proposal on various "G/IC" sites;
- (d) the Methodist Church subsequently applied for a JR against the Board's decision not to meet the representation and one of the arguments of the JR was the Board's discriminatory treatment of GIC sites. The hearing date of the JR was yet to be fixed;

- (e) since the representation hearing, PlanD had liaised with the Methodist Church on the redevelopment proposal. According to the latest redevelopment proposal submitted by the Methodist Church, the proposed church complex had a building height of 109.68mPD at a plot ratio of 13.6. Moreover, the MIC had voluntarily proposed a planning gain by providing a covered open space at street level to allow better natural ventilation and to improve pedestrian flow. As the redevelopment proposal would have no adverse environmental, traffic, visual and air ventilation impacts, the relevant concerned departments had no adverse comments on the proposals and HAB had given policy support to the redevelopment proposal, a BHR of 110mPD was recommended by PlanD and agreed by MPC on 6.7.2012. The MPC, in considering the relaxation of BHR for the MIC site, was based on the scheme submitted by the church and had taken into account the planning gain provided to be achieved by the covered open space in terms of improvement in air ventilation and pedestrian flow.

73. The Secretary stated that while the relaxation of BHR for the MIC site to facilitate the redevelopment proposal of the church was carried out in parallel with the JR case, the two matters were handled separately. The Board had no intention to avoid the legal proceedings by relaxing BHR for the MIC site and there was no settlement for the JR case.

74. The Secretary pointed out that in considering R9's proposal to revise the wording of the Notes and ES, Members had to consider whether the planning gain to be brought about by the covered open space was an integral part of the scheme considered by the MPC and should therefore be properly controlled through the Notes and ES of the OZP. Moreover, Members should also consider whether the current wording in the Notes and ES relating to the covered open space would hinder the approval of the building plans to be submitted by the church. As regards the requirement of public accessibility to the covered open space as stated in the ES, Members should also consider whether the current wording in the ES would carry the connotation that the covered open space would have to be opened 24 hours and if so, whether such requirement was reasonable.

75. The Chairman considered that it was appropriate for the Board to impose certain requirements on the design of open-sided frontage and the opening of the covered open space provided that such requirements were reasonable and for a specific planning purpose. Moreover, the current requirements were only to reflect the proposals of the church operator as previously submitted to the Board. Members agreed.

76. The Secretary briefed Members that in the recent JR case lodged by the REDA, the Board was challenged on its authority to perform micro-management by imposing detailed development restrictions on specific sites. REDA argued that the Board could only exercise power to impose broad land use zonings under the Town Planning Ordinance (the Ordinance). While the Court had yet to hand down the judgment on the JR case, it was the Board's case that if the Board was not allowed to impose site-specific development restrictions, the Board would not be able to perform its function to promote the health, safety, convenience and general welfare of the community as specified in the Ordinance. She continued to say that since the court judgment was not yet available, it was not possible for the Board to take that into account in making its determination on the representations, nor was it appropriate for the Board to halt its plan-making function pending the judgment.

77. A Member said the Board might consider specifying the opening hours of the covered open space to avoid future disputes.

78. In response, the Secretary remarked that the imposition of specific opening hours for the covered open space would be more rigid which might pose constraints on some certain church activities.

79. The Chairman also said that while the Board had required the covered open space to be made accessible to the public, its actual use by the church would still be subject to the principle of 'reasonableness'.

80. A Member said that the current wording of the ES would allow more flexibility for the church operator as there were many different means to make the covered open space accessible to the public. This Member considered that the existing wording

should not be changed.

81. The Vice-chairman said that in considering the appropriate BHR for the MIC site, the Board had taken into account the planning merits of the covered open space with a headroom of 7.5m at street level and therefore agreed to slightly relax the BHR for the site to 110mPD as compared with other residential developments in the vicinity which followed the height band of 100mPD. In this circumstance, it was important to ensure that the original planning merits would be realised. He considered that the existing wording was appropriate and had allowed sufficient flexibility for the church operator to suit its own operational need.

82. Another Member shared the view of the Vice-chairman and considered that the provision of the covered open space was part and partial of the whole proposed development scheme. Moreover, this Member opined that the representer was over-worried as it was unlikely that building plan approval process would be hindered by the existing wording in the Notes and ES of the OZP regarding the open-sided frontage and the opening of the covered open space as all structures had to have supporting columns. Besides, the stance of PlanD and the Board on these issues were well documented.

83. The Secretary also said that R9 should be assured by the clear explanation of PlanD on the meaning of 'open-sided frontage' and 'public accessibility' as stated in the Paper. Moreover, the discussion of the Board over these issues would also be recorded in the minutes. All these documents were legally acceptable documents readily available. They should be able to clear the doubts raised by the representer insofar as the building plan approval process was concerned.

84. In view of the above discussion, Members agreed that R9's proposal to delete or amend the wording in the Notes and ES of the OZP as proposed in paragraph 20(t) above should not be supported.

3m setback from Queen's Road East

85. The Chairman said that the requirement of 3m setback from Queen's Road East would also be applicable to the LKESC site. Hence, R9's proposal to impose the

setback requirement for the LKESC site was not supported. Members agreed.

Triangular Area of the WCP Site

86. In response to the Chairman's enquiry, the Secretary said that although this triangular area was currently used by the MIC site for vehicular access and loading/unloading activities, this area formed part of the allocation boundary of the WCP site. The decision of the ongoing Building Appeal Tribunal would not affect in any event the land ownership of the triangular area. Members generally agreed that there was no strong reason to support R9's proposal to rezone this area as "G/IC" or area shown as 'Road'.

LKESC and WCP sites

87. With regard to the adverse representations on the rezoning of the LKESC and WCP sites for residential development and the revised BHR, Members noted the following responses of PlanD:

- (a) the planning intention of "R(E)" was to redevelop the site for residential development including both private and public residential development. Whether the sites should be used for public or private housing was a policy issue which was outside the purview of the Board;
- (b) as the existing facilities at the two sites would be relocated and no alternative GIC uses had been identified, the sites could be made available for alternative uses. Being located immediately next to a predominantly residential neighbourhood, the sites were considered suitable for residential use;
- (c) the provision of major GIC facilities was sufficient in Wan Chai. Although there was deficit in local open space, the overall provision of public open space in the district was sufficient;
- (d) the BHRs of the sites were not incompatible with the adjacent residential

developments upon their redevelopment. No significant visual impact was anticipated;

- (e) as there would be no provision of car parking facilities on the two sites and road improvement works would be carried out by TD, the proposed rezoning of the two sites for residential developments would not have adverse traffic impacts on the area;
- (f) the concerns on environmental issues associated with the proposed residential development including air ventilation could be duly addressed at the planning application stage;
- (g) the existing building and structures on the two sites were not grade historic buildings; and
- (h) the exhibition of the OZP which would be subject to representations and comments by the public was a form of public consultation.

Undesirable precedent

88. In response to Mr. Paul Zimmerman (C2)'s comments that the current decision of the Board to relax the BHR for those GIC sites would set an undesirable precedent for other similar applications from other "G/IC" sites, hence, affecting the function of the "G/IC" sites to serve as visual relief and breathing space for the area, the Secretary said that while the intention to maintain the GIC sites as visual relief or breathing space would inevitably be adversely affected upon the relaxation of the BHRs for various "G/IC" sites and the rezoning of the LKESC and WCP sites under the current OZP, the Board had taken a balanced decision after considering all relevant planning considerations. The approval of the relaxed BHR for the concerned "G/IC" sites under the current OZP did not necessarily mean that all redevelopment proposals submitted by other "G/IC" site owners in future which required a higher BHR would be supported by the Board. Each case would be considered on its individual merits.

89. The Chairman also said that planning was an ongoing process to meet the

changing circumstances. For the subject case, the rezoning of the two “G/IC” sites for residential use had taken into account a host of planning considerations including the fact that the sites were no longer required for GIC uses upon relocation of the existing GIC facilities, there was an imminent housing need in the territory, the sites were located in a residential neighbourhood, and the proposed residential development was compatible with the adjoining land uses and would not have significant traffic, environmental, visual, air ventilation impacts on the surroundings as demonstrated by various technical assessments.

90. A Member supplemented that the rezoning of the LKESC and WCP sites would not affect the other function of the “G/IC” sites in providing social and community facilities. The redevelopment project at the St. James Settlement site in Kennedy Road would also provide the needed social welfare facilities for the community.

91. A Member said that as the Government had relied more and more on the church or other charitable organisations to provide social services for the community on self-financed basis, it was likely that more GIC operators would request for higher BH to facilitate their redevelopment. The Board would assess each case based on its individual merits.

92. A Member noted that the current rezoning of and relaxation of BHR for “G/IC” sites had been duly considered by the Board having taken into account all relevant planning considerations. This Member suggested that in considering future rezoning of GIC sites, it would be necessary to assess the need to retain the GIC site as breathing space and visual relief having regard to the development in the surrounding area, and the new social welfare or community services to be provided by the proposed new development with respect to the overall distribution of such services in the concerned district.

93. A Member said that the relevant policy bureaux should be reminded that they should, like in the current case, critically examine whether there was a genuine need for the kind of social or community facilities to be provided by the GIC site owners before giving policy support to the redevelopment proposal.

Traffic Impact

94. A Member asked whether in considering redevelopment proposals for other “G/IC” sites in future, the project proponent should conduct a more comprehensive TIA to assess the cumulative impacts of his own proposal as well as other redevelopment projects on the district as a whole.

95. The Secretary said that TD had carried out an assessment on the overall traffic conditions of a district at a strategic level, and from time to time would carry out district traffic review to assess comprehensively the traffic flow, the capacity of road network and public transport facilities of the district taking into account the latest developments. It might not be reasonable to request every individual GIC site owner to carry out a comprehensive TIA to assess the cumulative traffic impacts of his own proposal and other redevelopment projects on the entire district. In assessing whether the project proponent or developer should be required to carry out a TIA for a proposed development, TD would carry out its own assessment and would so require as appropriate. For the rezoning of the two sites in question for residential use, TD had carried out an assessment and considered that the traffic impact was acceptable and no TIA was required.

Others

96. A Member said that while the HKPSG had been used across the board as a general guideline in assessing the demand for various GIC facilities, the unique circumstances and requirement for each district should also be taken into account in assessing whether there was sufficient provision of the needed facilities to serve the local population.

97. The Chairman said that in the process of considering rezoning of the “G/IC” sites for alternative use, concerned departments would be duly consulted by PlanD on the need to use the GIC sites for specific GIC facilities under their purview.

98. In response to R13 and R18’s claim that amendments to the Wan Chai OZP were inappropriate given that there was a Court Order regarding an interim stay of the OZP, the Secretary said that the Court Order was only concerned with an interim stay of submission of the OZP to the Chief Executive in Council for approval. The amendments to the Wan Chai OZP would not be affected by the Court Order.

99. After further deliberation, Members agreed that the supportive views of representations R1(part), R2(part), R3 to R8, R9(part), R10(part), R11(part) and R12(part) should be noted and the Plan should not be amended to meet the remaining part of R2. Members also agreed not to uphold the adverse representations of R9(part), R10(part), R11(part), R12(part), R13(part), R15(part), R16(part), R17(part), R18(part), R19(part), R20(part), R21(part), R22(part), R23(part), and R25 to R223. Members then went through the reasons for not upholding the representations and not to amend the draft OZP to meet the representations as detailed in paragraphs 7.2 to 7.4 of the Paper and considered that they were appropriate.

Representations R1(part), R2(part), R3 – R8, R9(part), R10(part), R11(part) and R12(part)

100. After further deliberation, the Board noted that supportive views of representations R1(part), R2(part), R3 – R8, R9(part), R10(part), R11(part) and R12(part). The Board also decided not to uphold the remaining part of Representation R2 and not to amend the OZP to meet the proposal made by the representation for the following reason:

there was a lack of specific proposal for the concerned “G/IC” site. Should there be specific proposal, it would be assessed on individual merits. There were provisions in the Town Planning Ordinance and established channels for the Board to consider amendments to the BHRs of “G/IC” sites when there were concrete development/redevelopment proposals.

Representations R9(part), R10(part), R11(part), R12(part), R13(part), R15(part), R16(part), R17(part), R18(part), R19(part), R20(part), R21(part), R22(part), R23(part), and R25 to R223

101. After further deliberation, the Board decided not to uphold the representations of R9(part), R10(part), R11(part), R12(part), R13(part), R15(part), R16(part), R17(part), R18(part), R19(part), R20(part), R21(part), R22(part), R23(part), and R25 to R223 and not to amend the OZP to meet the representations for the following reasons:

Adverse representations relating to the MIC site

- (a) in amending the BHR for the representation site, the Board had thoroughly considered the redevelopment scheme of the Methodist Church and relevant factors, including the planning intention of the “G/IC” zone, the expanding functional requirements of the church to serve the community, surrounding land uses, compatibility with the surrounding developments as well as visual, air ventilation and traffic considerations;
- (b) the BHR of the representation site was not incompatible with the surrounding developments and would not have any significant visual impact (R12, R13, R16 to R18, R20, R21, R25 and R28);
- (c) the proposed redevelopment would not have adverse traffic impact on the surrounding area including the junction of Queen’s Road East and Kennedy Road (R11 to R13, R15 and R20);
- (d) the incorporation of a covered open space at street level and a setback of 3m from lot boundary along Queen’s Road East at the representation site would facilitate the air ventilation at street level for the area (R25 and R28);
- (e) the existing building at the representation site was not a graded historic building. There was insufficient planning justification for the preservation of the existing building at the representation site (R26);
- (f) the relaxed BHR was to facilitate the redevelopment of the representation site. Reduction in BHR would frustrate the redevelopment proposal (R12 and R15);
- (g) there was insufficient justification for using the representation site for the widening of the road junction at Kennedy Road and Queen’s Road East (R26);

- (h) the proposal to delete “with open-sided frontage along Queen’s Road East and Kennedy Road” in the Notes of the OZP as well as in the ES and “The open space shall be accessible to the public” in the ES of the OZP would frustrate the intention for facilitating the air ventilation at pedestrian level of the area (R9);
- (i) a 3m setback for the adjoining site at 269 Queen’s Road East would be effected through realigning its lot boundary upon disposal with the “G/IC” zoning boundary of the MIC site along Queen’s Road East (R9);

Adverse representations relating to the LKESC and WCP sites

- (j) in rezoning the representation sites from “G/IC” to “R(E)” with revision of BHR, the Board had thoroughly considered all relevant factors including the planning intention of the “R(E)” zone, site constraints, the surrounding land uses, compatibility with the surrounding developments as well as visual, air ventilation and traffic considerations;
- (k) the BHR of the representation sites was not incompatible with the surrounding developments and would not have any significant visual impact (R13, R16 to R21, R25, R27, R51, R60, R61, R131 R190, R192 and R193);
- (l) the proposed development with a maximum total PR of 7.5 (i.e. 6.5 for domestic and 1 for non-domestic) would not have adverse traffic impact on its nearby road network. (R13, R15, R20, R22, R23, R25, R26, R28 and R33 to R40);
- (m) any residential development at the representation sites required planning permission from the Board. Various concerns on traffic, visual, air ventilation and environmental impacts in association with the detailed design of the proposed residential development on the surrounding area could be duly addressed at the planning application

stage through the requirement of various relevant technical impact assessments (R13, R15 to R23, R25 to R28, R30 to R40, R51, R60, R61, R131, R55, R190, R192 and R193);

- (n) the development at the representation sites would not affect the provision of medical and educational services in Wan Chai district (R25, R29, R35, R38, R48 to R50, R58, R61 and R219);
- (o) reduction of the BHR or keeping the original BHR would frustrate the planning intention to encourage redevelopment at the representation sites (i.e. LKESC and WPC sites) for residential use (R15 and R27);
- (p) there was no planning justification for retaining the “G/IC” zone or the existing use of the representation sites (R33, R38, R56, R59, R81, R83, R196, R216 and R219);
- (q) the existing buildings on the representation sites were not graded historic buildings. There was insufficient planning justification for the preservation of existing buildings/structures at the representation sites (R25, R26, R31, R44, R55, R62, R80, R82, R83 and R217);
- (r) “R(E)” zoning allowed public and private housing. The type of housing to be developed at the representation sites was a matter of Government policy (R26, R43 to R44, R47, R52 to R54, R58, R63 to R66, R69, R91 to R153, R191, R194, R197, R201 to R208 and R210 to R214);
- (s) the provision of the existing and planned major “G/IC” facilities in Wan Chai district was adequate to meet the requirements under Hong Kong Planning Standards and Guidelines. The representation sites were not required for GIC use. In view that the sites were located immediately next to a residential neighbourhood, the representation sites were considered suitable for residential development (R34, R36,

R37, R40, R41, R46, R54, R56, R60, R62, R69 to R79, R83 to R87, R90, R91, R97, R107, R108, R190, R214, R215 and R220);

- (t) the two-month statutory exhibition period and the provision for representations and comments form part of the public consultation process. It was in accordance with the provision under the Town Planning Ordinance (R26, R45, R88, R89, R111, R132, R133, R195, R218 and R221 to R223);
- (u) there was insufficient justification for using the representation sites for the widening of the road junction at Kennedy Road and Queen's Road East (R26); and
- (v) there was no planning justification to rezone the triangular area under dispute at the representation site (i.e. the WPC site) to "G/IC" or alternatively show the area as 'Road' (R9).

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

Hearing for Group 2 (Representations R1 to R2, R10 to R13 and R15 to R24 and Comments C1 to C2)

(TPB Paper No. 9287)

Presentation and Question Session

102. As reasonable notice had been given to the representers and commenters to invite them to attend the meeting, Members agreed to proceed with the hearing in the absence of the other representers and commenters who had indicated that they would not attend or made no reply to the invitation to the hearing.

103. The following representatives of the Planning Department (PlanD), representer and representatives of representers were invited to the meeting at this point:

Planning Department (PlanD)

- Ms. Ginger Kiang - District Planning Officer/Hong Kong (DPO/HK), PlanD
- Mr. Louis Kau - Senior Town Planner/Hong Kong, (STP/HK), PlanD

R13 – Kennedy Road Protection Group

R18 – Mr. Roger Emmerton

- Ms. Mary Mulvihill] Representers' representative

R15 – Lee Pik Yee (Wan Chai District Councillor)

- Ms. Lee Pik Yee] Representer
- Ms. Lee Yuen Ting] Representers' Representative

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

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

105. With the aid of a Powerpoint presentation, Mr. Louis Kau, STP/HK, made the following main points as detailed in the Paper:

- (a) on 3.8.2012, the draft Wan Chai Outline Zoning Plan (OZP) No. S/H5/27, incorporating various amendments, was exhibited for public inspection under s.7 of the Town Planning Ordinance (the Ordinance). A total of 223 representations and two comments were received;

The Representations

- (b) the 16 representations (R1, R2, R10 to R13 and R15 to R24) in Group 2 were related to the revision of BHR on the Church of Christ in China (CCCWC) site at 77 Spring Garden Lane. While R1, R2 and R10

supported the relaxed BHR of the CCCWC site, the remaining 13 representations (R11 to R13 and R15 to R24) opposed to the relaxed BHR of the CCCWC site. It should be noted that R2 (The Hong Kong Salvation Army) supported the relaxed BHRs of the “G/IC” sites only if the same consideration would be given to all “G/IC” sites on the OZP in relation to the imposition of BHRs (considered under Group 1);

- (c) two comments were received. One (C1) supported the relaxed BHR for the CCCWC site while the other (C2) opposed all representations supporting the relaxation of the BHRs;

Grounds of Representations and Representers’ Proposals

Supportive Representations for Relaxed BHR for “G/IC” Site

- (d) R1, R2 and R10 supported the relaxed BHR of the CCCWC site;
- (e) R2 indicated that equal treatment on the relaxation of BHR should be applied on all “G/IC” sites including the Salvation Army’s site at Salvation Army Street. The redevelopment proposal at the Salvation Army’s site would not generate adverse impact on visual and air ventilation;
- (f) R2 proposed to review and relax the BHR imposed on the Salvation Army’s site;

Adverse Representations for Relaxed BHR for “G/IC” Site

- (g) R11 to R13 and R15 to R24 opposed the relaxed BHR for the CCCWC site. The major grounds were:
 - (i) traditionally, “G/IC” zones had been redeveloped with a low building height (BH) and low development intensity in order to give the necessary ‘breathing space’ in the crowded and congested city. The OZP specifically stated that “G/IC” zone was to provide visual

and spatial relief to the high density environment of the Wan Chai area. The redevelopment proposal of the CCCWC site was excessive (R13, R17 and R18);

- (ii) the CCCWC site was in an essentially residential neighbourhood but a density of a commercial development (a PR of 12) was proposed. The redevelopment proposal was a commercial office building. The local residential environment which was restricted to a maximum PR of 8 should be respected (R17 and R18);
- (iii) it was not understood why the church needed to have a tall development. The church should not only care for its members but also for the nearby residents (R16);
- (iv) the CCCWC site was a buffer area between the green hilly area and the urban area (R12);
- (v) the height of the existing building at the CCCWC site was only 5 storeys. The redevelopment proposal with a BH of 25 storeys would have adverse visual impact on the nearby areas. The BH of the buildings in Wan Chai should be restricted to preserve the skylines (R15, R20 and R21);
- (vi) the sunlight and air ventilation for the nearby residential developments including Phoenix Court had already been blocked by the tall buildings of Wu Chung House and Hopewell Centre. The redevelopment proposal would further worsen the problem on sunlight penetration and also worsen air ventilation/air freshness condition (R12, R15, R21 and R24);
- (vii) the CCCWC site was not suitable for the proposed "G/IC" uses as there was no road access (R11 and R12). Together with the Hopewell Centre Phase II development and St. James redevelopment which would be completed in the next few years, the redevelopment

proposal would have adverse impacts on the pedestrian and vehicular traffic (R12, R15, R20 and R22);

(viii) fire-fighting vehicles could not directly access the site and thus it would be dangerous in case of fire (R11 and R15);

(ix) the existing church was a historical building and witnessed the development of Wan Chai (R23);

(x) R11 proposed that the existing plot ratio of the CCCWC site should be maintained;

Responses to the Representations and Representers' Proposals

Supportive Representations

(h) the support of R1, R2 and R10 for the relaxed BHRs was noted;

Adverse Representations

Planning Intention/Development Intensity

(i) generally speaking, "G/IC" sites served dual purposes. It provided land for government, institution and community (GIC) uses. Owing to the generally low-rise nature, many "G/IC" sites also provided spatial and visual relief in the urban core. In imposing BHR for "G/IC" sites, the existing heights of the GIC facilities would be maintained in order to retain the dual functions of these sites. If a redevelopment proposal was received, relevant bureaux would be consulted on whether policy support should be given for the expansion of services and the functional requirements of the services. Any proposed redevelopment might inevitably be at the expense of the function of the "G/IC" site for visual and spatial relief. Relevant departments would also be consulted to ensure that no major adverse impacts, e.g. visual, air ventilation and traffic impacts would be generated and mitigation measures would be provided as

necessary. Subject to the support of relevant bureaux/departments, a suitable BHR to facilitate the redevelopment proposal would be recommended for the Board's consideration. This was a practical approach towards increasing community demand for GIC facilities/services while land resources were limited;

- (j) as explained by TCCC, the redevelopment proposal of the CCCWC site would provide kindergarten/nursery, social welfare facilities such as elderly centre, and religious and ancillary facilities. The redevelopment proposal was in line with the planning intention of the "G/IC" zone;
- (k) the increase in development intensity and BH was necessary to accommodate the expanding functional requirements of the church to serve the community. The facilities included in the redevelopment proposal had obtained the respective policy support of the Home Affairs Bureau (HAB), Education Bureau (EDB) and Labour and Welfare Bureau (LWB). As the redevelopment proposal with a PR of 12 and a BH of 110mPD would not have any significant adverse impact, there was no objection to the proposal from the relevant government departments;

Visual Impact

- (l) the CCCWC site was adjacent to Hopewell Centre with a BH of 220mPD, Wu Chung House with a BH of 140mPD and Phoenix Court with a BHR of 120mPD. The BHR of 110mPD of the CCCWC site was considered not incompatible with these developments. Besides, a setback requirement of 2m from the lot boundary along Spring Garden Lane had been imposed on the CCCWC site to minimize its visual impact and to maintain the view corridor along Spring Garden Lane towards Kennedy Road and hill slopes at the back. Based on the visual appraisal, the visual impact of the relaxed BHR from most of the public viewing points (i.e. planned landscaped area at the junction of Spring Garden Lane and Cross Street, and the existing landscaped deck at Wu Chung House) was insignificant. From all local vantage points except the Spring Garden

Lane Sitting-out Area, the proposed redevelopment would be largely/completely screened off by the existing developments. From Bowen Road and Wan Chai Gap, the proposed development would not affect the view of the harbour or the skyline of Wan Chai;

Air Ventilation and Sunlight

- (m) according to the Air Ventilation Assessment (AVA) by Expert Evaluation (EE) undertaken for the Wan Chai district, a setback of 1m from the lot boundary fronting Spring Garden Lane to the north of Queen's Road East had been imposed on the OZP in order to improve pedestrian level air ventilation. With the relaxation of the BHR to meet the expanding functional requirements, the other function of the CCCWC site as a spatial relief would inevitably be weakened. However, a setback of 2m from the lot boundary of the CCCWC site fronting Spring Garden Lane was provided, which would help facilitate air ventilation along Spring Garden Lane;
- (n) as for the blockage of sunlight, the redevelopment proposal would have to comply with the natural light requirements under the Buildings Ordinance at the building plan submission stage;

Traffic

- (o) a TIA had been conducted by the TCCC to demonstrate that the redevelopment proposal would not have any adverse traffic impact. The C for T advised that according to the detailed assessment, the redevelopment would not induce significant traffic impact onto the road network and the additional footbridge would be capable to accommodate the forecast pedestrian volume. C for T also advised that the road improvement works at the junctions of Queen's Road East and Kennedy Road as well as Queen's Road East and Spring Garden Lane, which had been taken into account in the TIA to cater for the future development, were planned for completion in the near future;

Fire Fighting

- (p) the access to the CCCWC site would be via Spring Garden Lane. The Director of Fire Services had no objection to the redevelopment proposal. In any event, the fire-fighting requirement would have to be satisfactorily complied with at the building plan submission stage;

Heritage

- (q) as advised by Commissioner for Heritage of Development Bureau and Executive Secretary/Antiquities and Monuments of Leisure and Cultural Services Department, the existing buildings and structures on the CCCWC site were not graded historic buildings;

Representer's Proposal

- (r) taking into account that the relaxed BHR was to facilitate the redevelopment of the CCCWC site to meet the expanding functional requirements of the church to serve the community, the proposal would not result in significant adverse impact on traffic, visual and air ventilation, R11's proposal of maintaining the existing PR of the CCCWC site was not supported;

The Comments

- (s) C1 provided the following responses to those representations not supporting the relaxed BHR:
 - (i) the existing church and the kindergarten/nursery premises built in 1950s became obsolete by current standards. The redevelopment would provide religious and community uses to serve the increasing population in Wan Chai. It was both illegal and unfair to discriminate the rights of the church as the CCCWC site was

unrestricted in use and building intensity under the lease;

- (ii) the CCCWC site was easily accessible by public transport along Queen's Road East and within walking distance from the MTR Station. No adverse traffic impact was envisaged as the peak demand of the church and community services would be different from the usual peak hours of the residential and commercial uses of the surrounding developments. The proposed redevelopment would enhance the safety and pedestrian environment through a new pedestrian footbridge to Spring Garden Lane adjoining Hopewell Centre serving the users of the church and the residents in the neighbourhood such as Phoenix Court and Wing Wai Court. A TIA had been submitted to demonstrate that the redevelopment proposal would not have any adverse traffic impact;
- (iii) the site was located between Hopewell Centre (220mPD) and Phoenix Court (120mPD) and its maximum BHR of 110mPD was compatible with the surrounding developments and height profile of the area. The setback of 2m along site boundary abutting Spring Garden Lane had taken into account the visual, sunlight and air ventilation considerations for the neighbourhood area. The proposed redevelopment was hardly visible from the public view points since it was largely screened off by the existing higher developments in the vicinity which included Hopewell Centre and Wu Chung House. The visual impact assessment and AVA concluded that the proposed redevelopment would not pose adverse visual and air ventilation impacts to the local community;
- (iv) there was no standard provision of emergency vehicular access (EVA) to the CCCWC site. Adequate EVA would be provided in the proposed redevelopment to enhance the fire safety at the CCCWC site and the surrounding area;
- (t) C2 opposed all representations which supported the revision of stipulated

BHR for the GIC buildings. The main ground of objection was that “G/IC” zone was reserved as breathing space and act as a visual relief in the densely built-up environment and all the proposed amendments to the OZP would intensify the already congested traffic in Wan Chai and its adjacent area like Causeway Bay, Happy Valley and Admiralty;

- (u) C2 opined that the relaxation of BHRs would set a bad precedent to similar development in future and would violate the Master Schedule of Notes (MSN);
- (v) C2 urged PlanD to release the full list of the review of “G/IC” sites completed in July 2012 in which 36 sites would be converted for residential use;

Responses to Comments

- (w) comments of C1 were noted;
- (x) regarding C2’s comments, the Board had thoroughly considered the redevelopment proposal of the CCCWC site and relevant factors in amending the BHR, including the planning intention of the “G/IC” zone, the expanding functional requirements of the church to serve the community, surrounding land uses, compatibility with the surrounding developments as well as visual, air ventilation and traffic considerations. The relaxed BHR had struck a balance between increasing community need for GIC facilities/services and limited land resources in the urban core. As each case would be considered by the Board on its own merits, it would not set a bad precedent for similar developments in other “G/IC” sites nor violate the MSN;

PlanD’s Views

- (y) the supports of R1(part), R2(part) and R10(part) and the comments made by C1 were noted; and

- (z) PlanD did not support Representations R11(part), R12(part), R13(part), R15(part), R16(part), R17(part), R18(part), R19(part), R20(part), R21(part), R22(part), R23(part) and R24 and no amendment should be made to the draft OZP to meet these representations for the reasons given in paragraph 7.2 of the TPB Paper.

106. The Chairman then invited the representers and the representers' representatives to elaborate on their representations.

R15 – Lee Pik Yee

107. Ms. Lee Pik Yee made the follow main points:

- (a) the services provided by the CCCWC in the past years were much appreciated by the residents of Wan Chai;
- (b) it was explained by the TCCC that the redevelopment proposal would provide facilities and services to serve the increasing population in Wan Chai as well as a wider district. However, as shown in the redevelopment scheme of CCCWC at Drawing H-1v, only about 8 floors were intended for school and community services and the remaining floors were for the church uses. It could not be regarded as providing services for a wider district;
- (c) the existing CCCWC, which was only 3 to 5 storeys in height, provided a gap for air ventilation and sunlight penetration for Phoenix Court located adjacent to it. The redevelopment up to 25 storeys would affect the open view, air ventilation and sunlight penetration of Phoenix Court. This would affect the living condition of local residents;
- (d) there was already an existing footbridge at Spring Garden Lane which provided access for residents in the area. The reconstruction of the footbridge would only improve access to the church. However, there was

no information on the arrangement of the reconstruction work and whether access of the residents in the area would be affected; and

- (e) the Board in considering the redevelopment proposal should take into account the potential impact of the redevelopment on the traffic condition and living condition of the area. Consideration should be given to reduce the height of the proposed redevelopment or to allow redevelopment to its existing height.

108. Ms. Lee Pik Yee and Ms. Lee Yuen Ting (R15) left the meeting at this point.

R13 - Kennedy Road Protection Group

R18 – Mr. Roger Emmerton

109. Ms. Mary Mulvihill made the following main points:

- (a) it was noted that the CCCWC site was the subject of a judicial review (JR) application against the Board's decision filed by TCCC and the Court had ordered an interim stay of the submission of the draft OZP to the CE in C pending the hearing of the JR. It was considered that the hearing of the subject representation should not be held pending the hearing of the JR. It was also hoped that the Court could help clarify the points of argument, in particular on the function of the "G/IC" sites and the appropriate BHR for "G/IC" zone;
- (b) there was no justification for a 25-storey building to cater for the religious need of a small church. There was also no information on the size of the congregation of the church to support the expansion of the church. Most of the floor spaces in the redevelopment proposal were intended for promoting the activities of the church itself. The number of Christians in the district did not justify the scale of the proposed redevelopment;
- (c) the community services proposed in the redevelopment proposal should be provided by the Government, but not through a religious institution;

- (d) the church would not provide the services directly to those in need, but to sublet their spaces to other organizations to hold activities. The church would then get the income from subletting the spaces. The income was tax free and would be used for the church's own purposes such as overseas missions;
- (e) the types of activities such as dancing classes and piano lessons to be provided could be accommodated in commercial developments elsewhere;
- (f) while the TCCC considered that the Board should not impose more stringent BHR on "G/IC" site, it should be noted that the planning intention of the "G/IC" site was to provide breathing space and visual and spatial relief to the high density environment;
- (g) the site at present provided visual relief from green backdrop in the densely built-up Wan Chai area. The proposed redevelopment would create adverse visual impact to the area and block this remaining green backdrop from Spring Garden Lane and the sitting out area at Wu Chung House;
- (h) it was noted that elderly services would be provided in the redevelopment. However, the site was not convenient for elderly as it had to be accessed via the footbridge;
- (i) the comments of relevant departments on the technical assessments that the proposed development would have no impact were not acceptable; and
- (j) the Government had not monitored the uses of the "G/IC" sites. The Wesley, which was supposed to be a hostel, had been operated as a hotel for more than 20 years.

110. As Members had no further questions, and the representative of the representers had nothing to add, the Chairman said that the hearing procedures had been completed and the Board would deliberate on the representations in the absence of the

representers and would inform them of the Board's decision in due course. The Chairman thanked the representative of the representers and the representatives of PlanD for attending the meeting. They all left the meeting at this point.

Deliberation Session

111. A Member said that while it was noted that there was policy support for the proposed redevelopment, there were still concerns on whether the height of the development was excessive and whether the floorspace provided would be rented out for office use.

112. As requested by the Chairman, the Secretary said that the subject site was located on a platform and the proposed development would be about 70 to 80m in height from ground level. In considering the redevelopment proposal, relevant government departments/bureaux had carefully scrutinized the proposed uses in details and decided that policy support would be granted to the proposed redevelopment. Although the BHs of the adjacent developments were at 120mPD, it was not necessary that the subject site should be allowed to redevelop up to similar building height of these adjacent developments. In this connection, relevant assessments had been undertaken which concluded that the proposed redevelopment with a plot ratio of 12 and a BH of 110mPD would not have any significant adverse impact on the surrounding area. Besides, a setback requirement of 2m from the lot boundary along Spring Garden Lane had been imposed on the site to minimize its visual impact and to maintain the view corridor along Spring Garden Lane towards Kennedy Road and hill slopes at the back. While the proposed redevelopment of the subject site from 5 storeys to 25 storeys would inevitably create adverse impact to the surrounding area, Members might consider whether the impact was significant and not acceptable, taking into account the proposed provision of community services in the redevelopment. Regarding the concerns on the future uses of the redevelopment, as the site was zoned "G/IC", any commercial uses would contravene the provision of the OZP.

113. A Member noted that the proposed redevelopment had maximized the redevelopment potential up to the BH of existing developments in the surrounding area. Together with the proposal of the Salvation Army site, there would be about 50,000m²

gross floor area for similar facilities within a small district. This Member had concern on whether such provision was excessive.

114. The Chairman said that the relevant policy bureaux, such as the HAB, had a very stringent and careful control on the provision of services under their policy ambit. For the present case, Members should take into full account HAB's position although Members' decision would not be bound by it.

115. A Member considered that the Board should consider carefully each application for redevelopment of "G/IC" site for more intensive development, such as the subject case which involved redevelopment of an existing 5-storey church building to a 25-storey building with the provision of different types of facilities. While the relevant policy bureaux would assess the redevelopment proposal from policy angle, the project proponent should provide full justifications to the Board for its consideration on planning grounds. The Board should consider whether the redevelopment proposal was excessive.

116. In response, the Secretary said that the relevant submissions in support of the redevelopment proposal were attached to the paper considered by the MPC for the amendment to the Wan Chai OZP to revise the BHR for the subject site, among others.

117. A Member said that the Board should have its own considerations on the redevelopment proposal from planning perspective, taking into account the planning intention of the "G/IC" zone. This Member noted that the proposed redevelopment and the BHR had been considered by the MPC. However, whether there was compelling reason to justify the redevelopment up to 25 storeys should be discussed. This Member raised question on the benchmark of proposing a BH of 25 storeys and whether the relevant bureaux had assessed the uses in the redevelopment proposal based on the assumption that 25 storeys would be allowed to accommodate the proposed uses.

118. Another Member said that while the relevant policy bureaux should be responsible to consider the provision of community and religious services, Members would need to consider whether the uses in the proposed redevelopment were all in line with the planning intention of the "G/IC" zone.

119. The Secretary said that the redevelopment proposal of CCCWC was derived after several meetings between TCCC and PlanD. The proposal had been considered taking into account all planning considerations, including compatibility with surrounding uses, potential adverse visual, air ventilation and sunlight impacts and traffic impacts. On the other hand, each of the proposed use within the redevelopment scheme had been considered by relevant departments/bureaux in terms of the requirement of such uses in the district. Proposed uses which were not acceptable by the relevant bureaux had been deleted from the redevelopment proposal.

120. Noting that there were other redevelopment proposals of “G/IC” sites in the area, a Member said that the Board should carefully consider whether the floor areas of the uses in each redevelopment proposal were justified.

121. The Vice-chairman said that the relevant policy bureaux should have assessed the proposed uses within the redevelopment in terms of the provision of such services in the district and the whole territory. While the Board should take into full account the assessment and advice of the relevant departments and bureaux, it should also consider the proposal from planning point of view, including whether the redevelopment was compatible with the surrounding uses and the potential adverse impact brought to the area. As the area was congested, the Vice-chairman was concerned if the proposed redevelopment of 25 storeys in height would create adverse visual impact to the area.

122. A Member noted that the services proposed in the redevelopment scheme such as the elderly centre were not provided in the church at present. This Member considered that the provision of social and community services as well as religious facilities should be assessed on an overall basis or in a comprehensive manner.

123. In response, the Chairman said that the relevant policy bureaux should be responsible to monitor the provision of social and community services. The Board should take note of the advice of the relevant bureaux who had given policy support for the proposed services in the subject redevelopment. As commented by the Vice-chairman, the Board should consider whether the proposed redevelopment was compatible with the surrounding areas. Noting that the BH of the adjacent developments was 120mPD, the proposed redevelopment of 110mPD was considered not incompatible with these adjacent

developments.

124. Referring to Plan H-3c and H-3d of the Paper, a Member raised concern that the proposed redevelopment might create adverse visual impact to the area.

125. A Member said that the site was subject to difficult site constraints which posed difficulties on the design of the redevelopment scheme. This Member opined that whether the social and community services to be provided were considered as planning gains should be a relevant consideration for the proposed redevelopment.

126. A Member said that a church or an organization, in applying for a development proposal, would include the types of facilities or services which might be in need within the district or would be supported by the Government. The relevant bureau might give policy support if the services were justified. Whether the types of facilities and services would be actually provided would depend on other factors such as resources available of the church or organization.

127. The Secretary displayed an extract of the MPC Paper (paragraph 5.6) on the proposed amendments to the Wan Chai OZP which stated that the HAB had offered in-principle policy support for the proposed places of worship and ancillary religious facilities and had no adverse comments on the proposed facilities ancillary to the place of worship. The LWB had also given in-principle policy support for the elderly facilities and had no objection to the proposed social welfare facilities provided that they had no financial implications on the Government. The EDB had no objection in principle to the proposed kindergarten/nursery. The Chairman supplemented that the relevant bureaux would give policy support only if the proposal was supported by the bureaux. Otherwise, they would only indicate no objection to the services.

128. A Member said that while the Board would take into account the policy support given for a development proposal of "G/IC" site, the Board should consider the proposal based on all relevant planning considerations.

129. After further deliberation, Members agreed that the redevelopment proposal was in line with the planning intention of the "G/IC" zone and the Board had considered

the proposal in terms of its the functional requirements for expansion of services to serve the community, the surrounding land uses, compatibility with the surrounding developments as well as visual, air ventilation and traffic considerations. Members agreed that the supportive views of representations R1(part), R2(part) and R10(part) should be noted. Members also agreed not to uphold the adverse representations R11(part), R12(part), R13(part), R15(part), R16(part), R17(part), R18(part), R19(part), R20(part), R21(part), R22(part), R23(part) and R24. Members then went through the reasons for not upholding the representations and not to amend the draft OZP to meet the representations as detailed in paragraph 7.2 of the Paper and considered that they were appropriate.

Representations R1(part), R2(part) and R10(part)

130. After further deliberation, the Board noted the supportive views of representations R1(part), R2(part) and R10(part).

Representations R11(part), R12(part), R13(part), R15(part), R16(part), R17(part), R18(part), R19(part), R20(part), R21(part), R22(part), R23(part) and R24

131. After further deliberation, the Board decided not to uphold the representations of R11(part), R12(part), R13(part), R15(part), R16(part), R17(part), R18(part), R19(part), R20(part), R21(part), R22(part), R23(part) and R24 and not to amend the OZP to meet the representations for the following reasons:

- (a) in amending the building height restriction (BHR) for the representation site, the Board had thoroughly considered the proposed redevelopment scheme for the representation site and relevant factors, including the planning intention of the “G/IC” zone, the expanding functional requirements of the church to serve the community, surrounding land uses, compatibility with the surrounding developments as well as visual, air ventilation and traffic consideration;
- (b) the BHR of the representation site was not incompatible with the surrounding development and would not have significant visual impact (R12, R15, R20 and R21);

- (c) according to the Traffic Impact Assessment conducted for the proposed redevelopment at the representation site, the redevelopment would have no adverse traffic impact on the nearby road network (R11, R12, R15, R20 and R22);
- (d) there was already a requirement under the Notes of the Outline Zoning Plan for provision of a setback of 2m from the lot boundary of the CCCWC site fronting Spring Garden Lane to facilitate air ventilation (R15, R21 and R24);
- (e) the proponent had to satisfy the natural lighting and emergency vehicular access requirements at the building plan submission stage of the proposed redevelopment at the representation site. (R11, R12, R15 and R20);
- (f) the existing church building on the representation site was not a graded historic building. There was no planning justification for its preservation (R23); and
- (g) the BHR for the proposed redevelopment at the representation site was considered acceptable. To maintain the existing plot ratio of the representation site would frustrate the proposed redevelopment to serve the increasing community needs (R11).

Hearing for Group 3 (Representations R13 and R14)

(TPB Paper No. 9288)

132. The following Members had declared interests in this item:

- Mr. Laurence L.J. Li - co-owned with his spouse a flat near St. Francis Street
- Ms. Julia M.K. Lau - owned two flats at Star Street
- Mr. Rock C.N. Chen - his companies owned a flat at Star Street and some properties at Lockhart Road

- Mr. Stephen H.B. Yau - being a council member of the Hong Kong Council of Social Services which managed the Duke of Windsor Social Services Building, which was one of the representation sites under Amendment Item D of the draft Wan Chai Outline Zoning Plan (OZP) No. S/H5/27
- Ms. Bonnie J.Y. Chan - her parents owned a property opposite to Three Pacific Place along Queen's Road East
- Miss Winnie Wong - owned a flat at Kennedy Road
- Mr. K. K. Ling - owned some properties near Wan Chai Market

133. Members agreed that as the properties owned by Mr. Laurence L.J. Li and Ms. Julia M.K. Lau, and the property by Mr. Rock C.N. Chen's company were in close proximity to the Sau Wa Fong area which was the subject of representations, their interests were direct and they should be withdrawn from the meeting during the discussion of this item. Members noted that Ms. Julia M.K. Lau and Mr. Rock C.N. Chen had not arrived at the meeting and Mr. Laurence L.J. Li had left the meeting already.

134. Members considered that the properties owned by Miss Winnie Wong, Mr. K.K. Ling and the parents of Ms. Bonnie J.Y. Chan would not be affected by the subject representations, and agreed that they could stay in the meeting. Members noted that Mr. K.K. Ling had left the meeting temporarily, Miss Winnie Wong had left the meeting already, and Ms. Bonnie J.Y. Chan had tendered apology for not attending the meeting.

135. As the Group 3 representation hearing was only related to Amendment Item E of the draft Wan Chai OZP No. S/H5/27, Members considered that Mr. Stephen H.B. Yau's interest was indirect and agreed that he could stay in the meeting. Members noted that Mr. Stephen H.B. Yau had tendered apology for not attending the meeting.

Presentation and Question Session

136. The Chairman said that sufficient notice had been given to the representers to

invite them to attend the meeting. As sufficient notice had been given to the representers, Members agreed to proceed with the hearing of the representations in the absence of R14 who had made no reply to the invitation for the meeting.

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

Ms. Ginger Kiang - District Planning Officer/Hong Kong
(DPO/HK), PlanD

Mr. Louis Kau - Senior Town Planner/Hong Kong
(STP/HK), PlanD

R13 – Kennedy Road Protection Group

Ms. Mary Mulvihill - Representer's Representative

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

139. 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 3.8.2012, the draft Wan Chai OZP No. S/H5/27, incorporating various amendments, was exhibited for public inspection under section 7 of the Ordinance. Amendment Item E to the draft OZP was mainly to rezone the stepped streets and terraces in Sau Wa Fong area as well as St. Francis Street, St. Francis Yard and Kwong Ming Street from “Residential (Group A)” (“R(A)”), “Residential (Group C)” (“R(C)”), “Government, Institution or Community” (“G/IC”) and “Open Space” (“O”) to area shown as ‘Road’;

Representations

- (b) during the two-month exhibition period, a total of 223 representations were received. Among them, two representations, namely R13 and R14, were related to Amendment Item E. They were submitted by Kennedy Road Protection Group and Kong Tai Investments Limited (owner of a residential unit in Bo Fung Mansion at 1 to 4, St. Francis Yard) respectively. R13 supported whilst R14 opposed the amendment. On 26.10.2012, the representations were published for three weeks for public comments. No comments on these two representations in respect of Amendment Item E were received;

Review of Stepped Street Sites

- (c) having been briefed on the Court's judgment, on 20.3.2009, the Board considered it necessary to review all stepped street sites and to amend the Explanatory Statement (ES) of the relevant OZPs. For this purpose, PlanD had undertaken an assessment on all the stepped street sites on Hong Kong Island that had been zoned "R(C)":
- (i) to review if the planning intention and development restrictions for individual stepped street sites were appropriate;
 - (ii) to examine whether there should be other relevant planning considerations, apart from accessibility for servicing and fire fighting, when considering applications for redevelopment of the stepped street sites; and
 - (iii) to evaluate if the provision of relaxation/minor relaxation of development restrictions upon amalgamation of sites with direct vehicular access was appropriate;
- (d) on 23.3.2012, the Board considered the findings of the said assessment and agreed in principle to the main recommendations as follows:

- (i) the planning intention of the concerned “R(C)” zones covering the stepped street sites as stated in the Notes and ES of the relevant OZPs should be suitably revised to set out the latest planning considerations relevant to the redevelopment of these sites. These included the local character, terrace ambience, heritage value, visual, air and traffic considerations, where appropriate;
- (ii) the current development restrictions, i.e. maximum plot ratio (PR) of 5 and maximum building height (BH) of 12 storeys, should be maintained for all the stepped street sites;
- (iii) the provision of ‘relaxation’ clause for stepped street sites should be revised to a ‘minor relaxation’ clause. Each application would be considered by the Board based on individual merits; and
- (iv) to prevent the major stepped streets and terraces from being built over, the concerned areas would be excised from the “R(C)” zones and shown as ‘Road’ on the relevant OZPs;

The Representation Site

- (e) Sau Wa Fong area was an enclosed and tranquil residential area, located generally to the south of Queen’s Road East and to the west of Ship Street. Majority of the area zoned “R(C)” was occupied by buildings of 4 to 8 storeys with two developments up to 12 storeys. The streetscape and low to medium-rise residential neighbourhood in the area possessed a human scale and created a different urban form in contrast with the high-rise mixed developments to the north along Queen’s Road East. The generally low-rise character of the area also facilitated southerly downhill wind penetrating into Wan Chai;
- (f) in the immediate vicinity of these “R(C)” sites was predominantly a residential neighbourhood zoned “R(A)” on the OZP which was subject

to a maximum BH of 100mPD or the height of the existing building, whichever was the greater. The older buildings in Sun Street and Moon Street were mainly 3 to 6 storeys in height whilst some newer developments were up to 30 storeys in height. The planning intention of “R(A)” zone was primarily for high-density residential developments;

- (g) the “R(C)” sites at Sau Wa Fong area were inaccessible by vehicular traffic and were connected to Queen’s Road East via St. Francis Street and two stepped streets including Sik On Street and Ship Street. The only vehicular access to the area was via St. Francis Street which was a narrow one-way single lane access road;
- (h) given the special local character of “R(C)” sites at Sau Wa Fong, particularly its terrace ambience, the planning intention to maintain low to medium-rise character of the area, and to avoid the possible adverse visual, air ventilation and traffic impacts that might be generated from more intensive development on local character, it was recommended that the current development restrictions (i.e. maximum PR of 5 and maximum 12 storeys) be maintained for all the stepped street sites that were zoned “R(C)” in the area and to excise the stepped streets/terrace from the “R(C)” zone and show them as ‘Road’ on the OZP to prevent them from being built over;

Public Consultation

- (i) the proposed amendments to the OZP were presented to the Wan Chai District Council (WCDC) on 25.9.2012. Members of the WCDC had no specific comment on Amendment Item E to the OZP;

Grounds of Representations and Representers’ Proposals

Supporting Representation (R13)

- (j) the main grounds of R13 were summarised in paragraph 3.3.1 of the

Paper and highlighted below:

- (i) the stepped streets and terraces in Sau Wa Fong area were worthy of protection as an intrinsic part of “Old” Wan Chai’s character; and
 - (ii) the Ship Street and Hau Fung Lane area, which was the best preserved area of stepped streets in Wan Chai and Hong Kong Island, would be destroyed. No effort had been made to retain and incorporate this area into the public park to be provided in the Hopewell Centre II development scheme;
- (k) R13 proposed to extend the area shown as ‘Road’ to the west to include the adjoining area of Sun Street and Moon Street;

Adverse Representation (R14)

- (l) the main grounds of R14 were summarised in paragraph 3.3.2 of the Paper and highlighted below:

Deprivation of Development Rights

- (i) the rezoning to areas shown as ‘Road’ which included private lots would deprive private landowners of their development rights. Together with the BH restriction already imposed on the OZP, the rezoning would restrain design flexibility, limit development potential, and discourage redevelopment of old buildings and amalgamation of sites which might improve the environment and traffic of the district;
- (ii) the rezoning involved taking of private land without compensation and resumption. The ES of the OZP did not indicate that the private land rezoned to area shown as ‘Road’ was for public passage that might be considered by the Building

Authority for bonus gross floor area (GFA);

Inadequate Justifications

- (iii) the rezoning was unnecessary because control of development had already been governed by the Buildings Ordinance or land documents, e.g. in the form of right of way. In addition, 'Road' use was always permitted under the covering Notes of the OZP;
- (iv) the rezoning to prevent the major stepped streets and terraces from being built over was without adequate justifications, in particular for St. Francis Street and Kwong Ming Street which were not stepped streets and terraces, and were accessible by vehicular traffic; and

No Prior Public Consultation

- (v) there was no prior consultation with the public and the landowners as to the need of the rezoning and its implications;
- (m) R14 proposed to remove the rezoning of private lots to 'Road' area from the OZP; and if private land was taken for public purpose, to include a clause in the OZP allowing for the permitted PR to be exceeded for additional GFA as defined in the Building (Planning) Regulations (B(P)R);

PlanD's Responses to the Representations and the Representers' Proposals

- (n) the responses to the grounds of representations and representers' proposals were summarised in paragraph 4.4 of the Paper and highlighted below:

Supportive Representation (R13)

- (i) the supportive views of R13 were noted;

- (ii) Ship Street and Hau Fung Lane were not the subject of the review of stepped streets sites and did not form part of Sau Wa Fong terrace;
- (iii) Hau Fung Lane had been included in the Hopewell Centre II development while Ship Street would continue to provide a pedestrian link between Queen's Road East and Kennedy Road;
- (iv) the character of the Ship Street and Hau Fung Lane area was different from that of Sau Wa Fong terrace;

Representer's Proposal (R13)

- (v) R13's proposal was not supported for the following reasons:
 - the adjoining area of Sun Street and Moon Street was primarily a medium to high-rise commercial/residential area under "R(A)" zone subject to a BH restriction of 100mPD and no PR restriction. There was vehicular access to Moon Street. The character of this area was different from that of Sau Wa Fong terrace which was to be preserved; and
 - both Sun Street and Moon Street were Government land. There was no need to rezone Sun Street and Moon Street from "R(A)" to area shown as 'Road' to reflect their current use as road;

Adverse Representation (R14)

Deprivation of Development Rights

- (vi) by rezoning an area to 'Road', planning permission from the

Board would be required for uses other than the permitted uses. The 'Road' zoning of an area did not automatically preclude the area from being taken into account in the PR/site coverage (SC) calculations. In the case of Sau Wa Fong, whether the area shown as 'Road' could be taken into account in PR/SC calculation of the lot(s) concerned would depend on circumstances, such as whether the concerned area carried development right under lease and/or whether it was serving the parent building and other neighbouring buildings for the purpose of the Buildings Ordinance. These would need to be determined at the building plan submission stage;

- (vii) if the resultant PR of a proposed redevelopment in Sau Wa Fong exceeded the maximum PR of 5 for the "R(C)" sites on the OZP, the owner could apply to the Board for minor relaxation of the PR restriction;
- (viii) Bo Fung Mansion was zoned "R(A)" which was not subject to PR restriction on the OZP. No part of the lot(s) of Bo Fung Mansion was currently shown as 'Road' on the OZP; and
- (ix) to cater for design flexibility and bonus GFA to be granted by the Building Authority, there was provision for application for minor relaxation of the PR and BH restrictions under the OZP;

Inadequate Justifications

- (x) St. Francis Street was the only vehicular access to the Sau Wa Fong area;
- (xi) the rezoning of St. Francis Street, St. Francis Yard and Kwong Ming Street to area shown as 'Road' was to reflect their existing use as roads and to provide a clearer indication of vehicular accesses to the area from Queen's Road East;

No Prior Public Consultation

- (xii) it was an established practice that proposed amendments to OZP involving rezoning of private land should not be released to public prior to gazetting. The reason was that premature release of such information before exhibition of the amendment might prompt an acceleration of submission of building plans by developers to establish '*fait accompli*', hence defeating the purpose of rezoning; and
- (xiii) the exhibition of amendments to the OZP itself was a public consultation to seek representations and comments on the draft OZP; and

Representer's Proposal (R14)

- (xiv) R14's proposals were not supported for the following reasons:
 - to remove the rezoning of private lots to 'Road' from the OZP might result in built-over of these existing stepped streets/lanes and thus frustrate the aims of preserving the unique character of Sau Wa Fong;
 - under the OZP, there was provision for application for minor relaxation of the PR restriction for "R(C)" sites to cater for the bonus GFA to be granted by the Building Authority due to dedication of land for road or public use; and
 - for "R(A)" sites, since there was no PR restriction on the OZP, there was no need to incorporate the clause in the OZP to allow for the permitted PR under the B(P)R to be exceeded as proposed by the representer;

PlanD's Views

- (o) PlanD noted the support of Representation No. R13 but did not support the proposal of Representation No. R13 for the reasons given in paragraph 6.1 of the Paper; and
- (p) PlanD did not support Representation No. R14 and no amendment should be made to the OZP to meet the representation for the reasons given in paragraphs 6.2 of the Paper.

140. The Chairman then invited the representative of R13 to elaborate on the representation.

141. Ms. Mary Mulvihill, representative of R13, made the following main points:

- (a) the rezoning of the stepped streets and terraces to area shown as 'Road' was commended as the planning intention was to preserve the local character, heritage value and ventilation of the area;
- (b) the subject stepped street sites which were an intrinsic part of old Wan Chai were worthy of protection from large scale and intrusive developments. Preserving this part of Wan Chai was important because it was the only low-rise neighbourhood left in the district;
- (c) the past experience of destroying the stepped street features at Ship Street to facilitate redevelopment should not be repeated; and
- (d) similar to the character of SOHO, the Sun Street and Moon Street areas were very popular amongst the community and were deserved to be preserved. The 'Road' zoning should therefore be extended to Sun Street and Moon Street;

142. As the presentation from the representatives of the PlanD and R13's representative had been completed, the Chairman invited questions from Members.

143. A Member asked why the Sun Street and Moon Street area was not included into the rezoning exercise as it formed an integral part of the neighbourhood and pedestrian network of the area. Ms. Ginger Kiang replied that the subject zoning amendment was based on the findings and recommendations of a review of stepped street sites focusing on terraced developments zoned “R(C)” on the OZP. While the stepped streets and terraces in Sau Wa Fong were an important part of the residential clusters which should be preserved for its unique character and terrace ambience, Sun Street and Moon Street were mainly serving as passages for the adjoining medium to high-rise developments. The character of the Sun Street and Moon Street area was different from the area in Sau Wa Fong and hence they were not included in the review. Ms. Kiang said that since some part of the stepped streets and terraces in Sau Wa Fong were private lots, they should be rezoned to ‘Road’ to prevent them from being built over upon redevelopment of the private lots. As Sun Street and Moon Street were government land, their existing use as road would not be affected by any private redevelopment. There was therefore no imminent need to rezone Sun Street and Moon Street to area shown as ‘Road’ to reflect their current use.

144. A Member said that the rezoning of the stepped streets and terraces in Sau Wa Fong to area shown as ‘Road’ might facilitate redevelopment of the “R(C)” sites since under the B(P)R, higher development intensity would be permitted for developments along public streets. This Member asked whether such consideration had been taken into account in the review of stepped street sites. Ms. Ginger Kiang replied that the main objective of the review was to set out more clearly the planning intention to preserve the local character of the stepped streets and the terrace ambience. The development restrictions of the subject “R(C)” sites, i.e. a maximum PR of 5 and maximum BH of 12 storeys, had remained unchanged after the review.

145. As Members had no further question to raise, the Chairman said that the hearing procedures had been completed and the Board would deliberate on the representations in the absence of the representers’ representative. They would be informed of the Board’s decision in due course. The Chairman thanked the representatives of R13 and PlanD for attending the hearing. They all left the meeting at this point.

Deliberation Session

146. The Chairman invited Members to consider the representations taking into consideration the written submission of the representers, and the oral representation made by R13's representative.

147. Members generally agreed that there was a need to rezone the stepped streets and terraces in Sau Wa Fong to area shown as 'Road' in order to prevent them from being built over upon redevelopment of the private lots.

148. A Member said that without any detailed assessment, there were no strong justifications to support the extension of the 'Road' zoning to Sun Street and Moon Street at this stage. PlanD should consider conducting a separate assessment on the zoning of Sun Street and Moon Street. Another Member said that the area from Sau Wa Fong to Sun/Moon Street had a special character and more effort should be made on preserving the existing character of the area. The Secretary said that while Members agreed that there was no strong planning justification to rezone Sun Street and Moon Street at the present stage, PlanD should be asked to take into account Members' view in conducting further review of the zoning of the area.

149. After further deliberation, Members agreed to note the supportive views of Representation No. R13 on the OZP. Members also agreed not to uphold the opposing Representation No. R14 and that no amendment should be made to the OZP to meet the representations. Members then went through the reasons for not upholding the representation and not to amend the OZP to meet the representations as detailed in paragraphs 6.1 and 6.2 of the Paper and considered that they were appropriate.

Representation No. R13

150. After further deliberation, the Board noted the supportive views on OZP and decided not to amend the OZP to meet the proposals made by the representation for the following reasons:

- (a) the character of the adjoining area of Sun Street and Moon Street was different from the terraces/stepped streets at Sau Wa Fong; and
- (b) there was no need to rezone Sun Street and Moon Street from “Residential (Group A)” to area shown as ‘Road’ to reflect their current use as road.

Representation No. R14

151. After further deliberation, the Board decided not to uphold Representations No. R14 and not to amend the OZP to meet the proposals made by the representation for the following reasons:

- (a) the rezoning of the terraces and stepped streets in Sau Wa Fong was in line with the Board’s intention to preserve its unique character. It would also prevent the major stepped streets and terraces in the area from being built over;
- (b) the rezoning of St. Francis Street, St. Francis Yard and Kwong Ming Street was to reflect their current use as road;
- (c) to cater for site-specific circumstances and schemes with planning and design merits, there was provision for application for minor relaxation of the plot ratio and building height restrictions under the Outline Zoning Plan (OZP). Each application would be considered by the Board on its own merits; and
- (d) the two-month statutory exhibition period and provision for representations and comments formed part of the public consultation process. Any premature release of information before exhibition of the amendments to the OZP might prompt an acceleration of submission of building plans, thus nullifying the effectiveness of the rezoning.

[Mr. Dominic K.K. Lam and Mr. Clarence W.C. Leung left the meeting at this point.]

Tuen Mun and Yuen Long District

Agenda Item 4

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-KTN/392

Temporary Open Storage of Precast Concrete Unit for a Period of 3 Years in “Agriculture” zone, Lot 1207 (Part) in D.D. 109, Kam Tin, Yuen Long
(TPB Paper No. 9285)

[The meeting was conducted in Cantonese.]

[Mr. Rock C.N. Chen arrived to join the meeting at this point.]

Presentation and Question Session

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

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

153. The Chairman informed the meeting that the applicant indicated that he would not attend the hearing. He then invited DPO/TMYL to brief Members on the review application.

154. With the aid of a Powerpoint presentation, Mr. W.S. Lau, DPO/TMYL, presented the review application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for temporary open storage of precast concrete units for a period of 3 years at the site zoned “Agriculture” (“AGR”) on the approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/7 at the time of section 16 application and

currently in force;

- (b) the Rural and New Town Planning Committee (RNTPC) rejected the application on 19.10.2012 for the reasons that the proposed development was not in line with the planning intention of the “AGR” zone; the application did not comply with the Town Planning Board Guidelines No. 13E for “Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” (TPB PG-No. 13E); the applicant failed to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within this part of the “AGR” zone;
- (c) the applicant had not submitted any written representation in support of the review application;
- (d) the application site, with an area of about 1,205m², was currently used for open storage of construction materials and machinery without valid planning permission. The site was accessible from Kam Tin By-pass via Kong Tai Road. The surrounding areas were rural in character predominated by agricultural land with scattered residential structures/dwellings;
- (e) a previous application for temporary open storage of spare materials for maintenance and beautification of private housing and land for a period of 3 years was rejected by the Board on review on the ground that the development was not in line with the planning intention of the “AGR” zone, the development did not comply with TPB PG-No. 13E, the applicant failed to demonstrate that the development would have no adverse environmental, landscape and drainage impacts, and the approval of the application would set an undesirable precedent. There were 14 similar applications for various temporary open storage uses within the same “AGR” zone, including eight applications approved with

conditions by the RNTPC or the Board mainly on the considerations of complying with TPB PG-No. 13E. Another six applications were rejected by RNTPC or the Board mainly for the reasons that the proposed developments were not in line with the planning intention of the “AGR” zone; the developments did not comply with TPB PG-No. 13E; there was insufficient information to demonstrate that the developments would not have adverse traffic, drainage, landscape and/or environmental impacts; the approval of the applications would set an undesirable precedent; and/or there was no information in the submissions to demonstrate that a suitable site could not be identified in Kam Tin, Pat Heung or Shek Kong areas for the proposed developments;

- (f) departmental comments – the departmental comments were summarised in paragraph 4 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) maintained his view of not supporting the application as there were active farming activities in the vicinity and the site had high potential for agricultural rehabilitation. The Director of Environmental Protection (DEP) maintained her view of not supporting the application as there were residential structures located to the immediate east and in the vicinity of the application site, and environmental nuisance was expected. The Chief Highway Engineer/Works, Highways Department (CHE/Works, HyD) considered the proposed vehicular access to the site unacceptable as it would run across the construction site for the project of the upgrading of Tai Kong Po access road. The Chief Town Planner/Urban Design & Landscape (CTP/UD&L), PlanD maintained his objection to the application from the landscape point of view as the site was partly vegetated and partly paved in 2011, but was paved with no vegetation in 2012, the application was submitted to regularize the development which was incompatible with the surrounding landscape, and approval of the application would set an undesirable precedent resulting in urban sprawl and further degradation of landscape quality. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) considered that approval conditions requiring submission of a drainage proposal and

implementation and maintenance of the drainage facilities had to be imposed should the application be approved. Other government departments generally had no adverse comment on or no objection to the review application;

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

- (g) public comments – three public comments from the Pat Heung Rural Committee, Kadoorie Farm and Botanic Garden Corporation and Designing Hong Kong Limited were received during the statutory publication period of the review application. All three public comments objected to or expressed concerns on the application as the development was not in line with the planning intention and was incompatible with the “AGR” zoning. The development might involve suspected site formation/clearance works and was a blight on the environment which would cause pollution and health problem to the local residents; and
- (h) PlanD’s views – PlanD did not support the review application based on the planning considerations and assessments as set out in paragraph 6 of the Paper, which were summarised below:
 - (i) the development was not in line with the planning intention of the “AGR” zone which was to retain and safeguard good quality agricultural land for agricultural purpose and was intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis. DAFC did not support the application as there were active farming activities in the vicinity and the site had high potential for agricultural rehabilitation;
 - (ii) the application was a “Destroy First, Build Later” case against

which enforcement action had been taken by the Planning Authority. The open storage use was not compatible with the surrounding land uses which were rural in character predominated by agricultural land and scattered residential structures/dwellings;

- (iii) the application did not comply with TPB PG-No. 13E in that there was no previous approval for open storage use granted at the site and that existing and approved open storage use should be contained within the Category 3 areas and further proliferation of such use was not acceptable;
- (iv) the applicant failed to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas. DEP did not support the application as there were residential structures located to the immediate east and in the vicinity of the site, and environmental nuisance was expected. CTP/UD&L, PlanD objected to the application from landscape point of view as the application was submitted to regularize the development which was incompatible with the surrounding landscape and would result in further degradation of the landscape quality. CE/MN, DSD had requested the applicant to submit a drainage proposal as no submission had been made to demonstrate that the development would not generate adverse drainage impact;
- (v) the previous application (No. A/YL-KTN/375) and a similar application (No. A/YL-KTN/386) for temporary open storage of vehicles with ancillary office were rejected by RNTPC or the Board on review on 22.6.2012 and 6.7.2012 respectively. There was no major change in planning circumstances that warranted a departure from the RNTPC or the Board's previous decisions;
- (vi) similar applications within the same "AGR" zone approved with conditions by the RNTPC were located at the eastern portion of the zone about 700m to 1km away from the application site. Six out

of the eight approved similar applications fell within Category 2 areas under TPB PG-No. 13E where temporary planning permission could be granted subject to no adverse departmental comments and local objections or the concerns of the departments and local residents could be addressed by appropriate approval conditions. The other two similar planning applications (No. A/YL-KTN/343 and 363) were approved taking into account the unique background and circumstances that the original site of open storage of construction material would be resumed for the Express Rail Link project and that the applicant had spent efforts in identifying a suitable alternative site for continuous operation of his business. These applications should not be considered as precedents for other applications within the same Category 3 areas;

(vii) approval of the application would set an undesirable precedent for similar applications within this part of the “AGR” zone which would remain relatively rural in character. The cumulative effect of approving such applications would result in general degradation of the rural environment of the area; and

(viii) there were public comments objecting to or expressing concerns on the application.

155. As the presentation from the representative of the PlanD had been completed, the Chairman invited questions from Members.

156. As Members had no question, the Chairman thanked the representative of the PlanD for attending the meeting. Mr. W.S. Lau left the meeting at this point.

Deliberation Session

157. Members generally noted that the development was not in line with the planning intention of the “AGR” zone and did not comply with the TPB PG-No. 13E. There was no change in planning circumstances after rejection of the planning application

by RNTPC, and the applicant had not submitted any further information at the review stage to support a departure from the previous decision of the RNTPC.

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

- (a) the development was not in line with the planning intention of the “AGR” zone, which was to retain and safeguard good agricultural land for agricultural purposes. This zone was also intended to retain fallow arable land with good potential for rehabilitation. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the application did not comply with the TPB PG-No. 13E in that the development was not compatible with the surrounding land uses which were predominantly rural in character; there was no previous approval granted at the site and there were adverse comments from the relevant government departments and public objections against the application;
- (c) the applicant failed to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within this part of the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

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

Agenda Items 5 and 6

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/NE-KLH/444

Proposed Houses (New Territories Exempted Houses - Small Houses)

in “Agriculture” zone, Lot 858 s.A ss.1 in D.D. 9, Tai Wo, Tai Po

(TPB Paper No. 9289)

Review of Application No. A/NE-KLH/445

Proposed Houses (New Territories Exempted Houses - Small Houses)

in “Agriculture” zone, Lot 857RP in D.D. 9, Tai Wo, Tai Po

(TPB Paper No. 9289)

[The meeting was conducted in Cantonese.]

Presentation and Question Session

159. The Chairman suggested that since the sites of the two applications were located in close proximity and the nature of the two applications were similar, they would be considered collectively by the Board. Members agreed.

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

Ms. Jacinta Woo - District Planning Officer/Shu Tin, Tai Po
& North (DPO/STN), PlanD

161. The Chairman informed the meeting that both applicants indicated that they would not attend the hearing. He then invited Ms. Jacinta Woo, DPO/STN, to brief Members on the review applications.

162. With the aid of a Powerpoint presentation, Ms. Jacinta Woo presented the review applications and covered the following main points as detailed in the Paper:

- (a) the applicants sought planning permission for development of a proposed house (New Territories Exempted House (NTEH) - Small House) on each of the application sites zoned "Agriculture" ("AGR") on the approved Kau Lung Hang Outline Zoning Plan (OZP) No. S/NE-KLH/11 at the time of section 16 applications and currently in force;
- (b) the Rural and New Town Planning Committee (RNTPC) rejected the applications on 19.10.2012 for the reason that the proposed developments did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (Interim Criteria) in that the proposed Small Houses located within the water gathering ground (WGG) would not be able to be connected to the planned sewerage system in the area as there was no fixed programme for implementation of such system at this juncture;
- (c) the applicants had not submitted any written representation in support of the review applications;
- (d) the sites of Application No. A/NE-KLN/444 and A/NE-KLN/445, with an area of about 161.2m² and about 149.4m² respectively, were located entirely within the village 'environs' ('VE') of Yuen Leng, Kau Lung Hang San Wai, Kau Lung Hang Lo Wai and Tai Wo. The site of Application No. A/NE-KLH/444 was a piece of abandoned agricultural land, whilst the site of Application No. A/NE-KLH/445 was hard paved. Both sites were located within the upper indirect WGG;
- (e) there was no previous planning application for Small House development on the site of Application No. A/NE-KLH/444. There was one previous application (No. A/NE-KLH/275) submitted by a different applicant for NTEH/Small House development at the site of Application No. A/NE-KLH/445. The application was approved with conditions by the RNTPC on 21.9.2001 mainly on considerations that

the site fell within the 'VE' and there was a general shortage of land in meeting the Small House demand. There were 22 similar applications located in the same "AGR" zone since the first promulgation of the Interim Criteria in 2000, 15 of which were approved with conditions by the RNTPC mainly on considerations that the sites fell within the 'VE', there was a general shortage of land in meeting the Small House demand, and the proposed Small Houses could be connected to the planned sewerage system. Another seven applications were rejected by the RNTPC or the Board mainly for the reasons that the proposed developments were not in line with the planning intention of the "AGR" zone, and not complying with the Interim Criteria in that there was insufficient information in the submission to demonstrate that the proposed development located within WGG would not cause adverse impact on water quality in the area;

- (f) departmental comments – the departmental comments were summarised in paragraph 4 of the Paper. The Chief Engineer/Consultants Management, Drainage Services Department (CE/CM, DSD) advised that according to the latest proposed sewerage scheme under the North District Sewerage Stage 2 Phase 1 for Yuen Leng, public sewerage connection point would be provided in the vicinity of the sites. However, since the sewerage scheme for Yuen Leng was degazetted on 29.10.2010, there was no fixed programme for the public sewerage works at this juncture. The Director of Environmental Protection (DEP) and the Chief Engineer/Development(2), Water Supplies Department (CE/Development(2), WSD) maintained their previous views of not supporting the applications and raised concern that the sewage discharged from the proposed houses would have potential to cause water pollution in the WGG. Other government departments consulted generally had no adverse comment on or no objection to the review applications;
- (g) public comment – a public comment from Designing Hong Kong Limited was received during the statutory publication period of the

review applications. The public comment objected to the applications for the reasons that the proposed developments were not in line with the planning intention of “AGR” zone; approval of the applications would set an undesirable precedent for similar applications; and there was a lack of sustainable layout of infrastructure and development for the area;

- (h) PlanD’s views – PlanD did not support the review applications based on the planning considerations and assessments as set out in paragraph 6 of the Paper, which were summarised below:
 - (i) the proposed developments were not in line with the planning intention of the “AGR” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes;
 - (ii) although the proposed Small House footprints fell entirely within the ‘VE’ and there was a general shortage of land available (about 11.06 hectares or equivalent to about 442 Small House sites) in meeting the future Small House demand of Yuen Leng, Kau Lung Hang Lo Wai, Kau Lung Hang San Wai and Tai Wo Villages (about 15.58 hectares or equivalent to about 623 Small House sites), the proposed developments did not comply with the Interim Criteria in that the proposed Small Houses located within the WGG would not be able to be connected to the planned sewerage system in the area as there was no fixed programme for implementation of such system at this juncture;
 - (iii) the sites were located within the upper indirect WGG. CE/CM, DSD advised that according to the latest proposed sewerage scheme under North District Sewerage, Stage 2 Phase 1 for Yuen Leng, public sewerage connection point would be provided in the vicinity of the sites. However, since the sewerage scheme for

Yuen Leng was degazetted on 29.10.2010, there was no fixed programme for the public sewerage works at this juncture. Although there were sewerage connection proposals submitted by the applicants, DEP and CE/Development(2) of WSD maintained their previous views of not supporting the applications and raised concern that the sewage discharged from the proposed houses would have potential to cause water pollution in the WGG;

- (iv) as regards the previous Application No. A/NE-KLH/275 approved by the RNTPC at the site of Application No. A/NE-KLH/445, it was approved on 21.9.2001 before the Interim Criteria was revised on 23.8.2002 incorporating the criterion to require connection of proposed NTEH/Small House developments to the existing or planned sewerage system;
- (v) there was no change in the planning circumstances since the consideration of the subject applications by the RNTPC and no submission provided by the applicants in support of the review applications to warrant a departure from the previous decisions of the RNTPC; and
- (vi) a public comment against the applications was received.

163. As the presentation from the representative of PlanD had been completed, the Chairman invited questions from Members.

164. As Members had no question, the Chairman thanked the representative of the PlanD for attending the meeting. Ms. Jacinta Woo left the meeting at this point.

Deliberation Session

165. Members generally noted the proposed Small Houses were not in line with the planning intention of the “AGR” zone and did not comply with the ‘Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the

New Territories'. There was no change in planning circumstances after rejection of the planning applications by RNTPC, and the applicants had not submitted any further information at the review stage to support a departure from the previous decisions of the RNTPC.

166. After deliberation, the Board decided to reject the applications on review. Members then went through the reason for rejection as stated in paragraph 7.1 of the Paper and considered that it was appropriate. The reason was:

the proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the proposed Small House located within the water gathering ground would not be able to be connected to the planned sewerage system in the area as there was no fixed programme for implementation of such system at this juncture.

Agenda Item 7

[Open Meeting (Presentation and Question Session only)]

Review of Applications No. A/NE-TK/388

Proposed House (New Territories Exempted House – Small House) in “Agriculture” and “Green Belt” zones, Government Land in D.D. 15, Shan Liu Village, Tai Po (TPB Paper No. 9291)

[The meeting was conducted in Cantonese.]

Presentation and Question Session

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

Ms. Jacinta Woo - District Planning Officer/Sha Tin, Tai Po & North (DPO/STN), PlanD

168. The Chairman informed the meeting that the applicant indicated that he would not attend the hearing. He then invited Ms Jacinta Woo, DPO/STN, to brief Members on the review application.

169. With the aid of a Powerpoint presentation, Ms. Jacinto Woo presented the review application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for development of a proposed house (New Territories Exempted House (NTEH) - Small House) at the site partly zoned "Agriculture" ("AGR") and partly zoned "Green Belt" ("GB") on the approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/17 at the time of section 16 application and currently in force;
- (b) the Rural and New Town Planning Committee (RNTPC) rejected the application on 20.4.2012 for the reasons that the proposed development was not in line with the planning intention of the "GB" zoning for the area; the proposed development did not comply with the "Interim Criteria for Consideration of Application for NTEH/Small House in New Territories" (Interim Criteria); the applicant failed to demonstrate that the proposed development located within lower indirect water gathering ground (WGG) would not cause adverse impact on the water quality in the area, and approval of the application would set an undesirable precedent for other similar applications;
- (c) the justifications put forth by the applicant in support of the review application were summarised in paragraph 3 of the Paper and highlighted as follows:
 - (i) most of the areas within "V" zone were wrongly planned on slopes or within woodland. There was a lack of land available for Small House development;
 - (ii) the villagers' request to expand the "V" zone had persisted over a

decade. However, the proposals had been rejected by PlanD for many times because of the potential adverse impact on the water quality in the WGG. It was not until 2003 that PlanD agreed to consider the feasibility to expand the “V” zone subject to the availability of infrastructural facilities;

- (iii) the Drainage Services Department (DSD) had commenced the construction work for the public sewerage system in 2011 so as to resolve the water pollution problem caused by sewage and waste water generated from Small Houses on the WGG. Whilst the public sewerage system had been implemented, the villagers’ request for re-planning and extension of the “V” zone of Shan Liu had still been disregarded; and
- (iv) due to the various development constraints and problems, the applicant could only apply to build Small House within “GB” zone;
- (d) the application site, with an area of about 65.03m², was located in an area partly zoned “AGR” zone (about 25%) and partly zoned “GB” (about 75%). The site was vacant, covered with weeds and accessible by a local track leading to Shan Liu Road off Ting Kok Road. It was located outside the village ‘environs’ (‘VE’) of Shan Liu and was within the lower indirect WGG;
- (e) the application site was the subject of a previous planning application No. A/NE-TK/357 for NTEH/Small House development rejected by the RNTPC on 17.6.2011 for the reasons of not in line with the planning intention of “GB” zone; not complying with the Interim Criteria in that the proposed Small House fell outside both the “V” zone and the ‘VE’; insufficient information to demonstrate the proposed development would not cause adverse impact on water quality in the area; and setting of undesirable precedent. There were 55 similar applications located in areas entirely within “AGR” or “GB” zones, or straddling “GB” and “AGR” zones in the vicinity of the application site since the first

promulgation of the Interim Criteria in 2000, 17 of which were approved with conditions by the RNTPC mainly on considerations that the sites fell within 'VE', there was a shortage of land to meet the Small House demand, and the proposed Small Houses could be connected to the planned sewerage system in the area. Another 38 similar applications were rejected by the RNTPC or the Board mainly for the reasons of not complying with the Interim Criteria, insufficient information to demonstrate that the proposed development located within the WGG would not cause adverse impact on water quality in the area, adverse landscape impact, and setting of undesirable precedent;

- (f) departmental comments – the departmental comments were summarised in paragraph 6 of the Paper. The District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) did not support the application as the application site was located outside the “V” zone and ‘VE’ of Shan Liu. The Chief Engineer/Development(2), Water Supplies Department (CE/Development(2), WSD) maintained his objection to the application as the site was within the lower indirect WGG and the applicant failed to provide information to demonstrate that the proposed development would be able to be connected to the public sewerage system and would not cause adverse impact on the water quality in the area. The Director of Agriculture, Fisheries and Conservation (DAFC) maintained his view of not supporting the application from agricultural point of view as the site had high potential for agricultural rehabilitation. The Chief Town Planner/Urban Design & Landscape (CTP/UD&L), PlanD maintained objection to the application from landscape planning point of view and raised concern that approval of the application would set an undesirable precedent to other similar Small House applications in the area resulting in urban sprawl and further degradation of landscape quality. Other government departments generally had no adverse comment on or no objection to the review application;
- (g) public comment – a public comment from Kadoorie Farm & Botanic Garden Corporation was received during the statutory publication period

of the review application. The public comment objected to the application on the grounds that the proposed development was not in line with the planning intention of “AGR” and “GB” zones, suspected site formation work might have been conducted at the village, any “destroy first, build later” activities should not be tolerated, any effluent/runoff from the development would affect the water quality in the WGG, and approval of the application would set a precedent for similar applications resulting in cumulative impacts on the area;

- (h) PlanD’s views – PlanD did not support the review application based on the planning considerations and assessments as set out in paragraph 8 of the Paper and summarised below:
 - (i) the application site was located mainly within the “GB” zone. 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 the “GB” zone;
 - (ii) PlanD had undertaken a land use review and submitted a proposal to expand the “V” zone of Shan Liu to the RNTPC for consideration. On 7.12.2012, the RNTPC noted the findings of the review and agreed to the rezoning proposals. The application site was located outside the proposed “V” zone extension area;
 - (iii) although there was a general shortage of land available (about 0.41 hectares or equivalent to about 16 Small House sites) in meeting the future Small House demand of Shan Liu (about 7.38 hectares or equivalent to about 295 Small House sites), the proposed development did not comply with the Interim Criteria as the proposed NTEH/Small House was entirely outside the “V” zone and ‘VE’ of any recognized villages. In this regard, DLO/TP,

LandsD did not support the application;

- (iv) CE/Development(2), WSD maintained objection to the application as the site was within the lower indirect WGG and fell outside the “V” zone and ‘VE’ of Shan Liu. The applicant failed to provide information to demonstrate that the proposed development would be able to be connected to the public sewerage system and would not cause adverse impact on the water quality in the area;
- (v) DAFC did not support the application from agricultural point of view as the site had high potential for agricultural rehabilitation;
- (vi) CTP/UD&L, PlanD maintained objection to the application from landscape planning point of view and raised concern that approval of the application would set an undesirable precedent to other similar Small House applications in the area resulting in urban sprawl and further degradation of landscape quality;
- (vii) the site was the subject of a previous application No. A/NE-TK/357 for NTEH/Small House rejected by the RNTPC on 17.6.2011. There was no strong planning justification provided in the review application to warrant a departure from the RNTPC’s previous decision;
- (viii) there had been no material change in the planning circumstances since the consideration of the planning application by the RNTPC on 20.4.2012; and
- (ix) a public comment against the application was received. Regarding the commenter’s concern on site formation works in the village, the application site was adjacent to the works area for sewerage works under the project “Tolo Harbour Sewerage of Unsewered Areas Stage 1 Phase 2C” being constructed by DSD.

170. As the presentation from the representative of the PlanD had been completed, the Chairman invited questions from Members.

171. As Members had no question, the Chairman thanked the representative of the PlanD for attending the meeting. Ms. Jacinto Woo left the meeting at this point.

Deliberation Session

172. Members generally noted the proposed Small House was not in line with the planning intention of the “AGR” zone and did not comply with the ‘Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories’. There was no change in planning circumstances after rejection of the planning application by RNTPC, and no strong planning justifications had been submitted by the applicant at the review stage to support a departure from the previous decision of the RNTPC.

173. After deliberation, the Board decided to reject the application on review. Members then went through the reasons for rejection as stated in paragraph 9.1 of the Paper and considered that they were appropriate. The reasons were:

- (a) the proposed development was not in line with the planning intention of the “Green Belt” zoning for the area which was to define 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;
- (b) the proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories as the site was entirely outside the “Village Type Development” zone and the village ‘environs’ of any recognized villages;
- (c) the applicant failed to demonstrate that the proposed development

located within the lower indirect water gathering ground would not cause adverse impact on the water quality in the area; and

- (d) the approval of the application would set an undesirable precedent for other similar applications in the area.

Agenda Item 8

[Open Meeting]

Request for Deferral of Review of Application No. A/NE-TK/410

Proposed House (New Territories Exempted House – Small House) in “Agriculture” and “Green Belt” zones, Government Land in D.D. 15, Shan Liu Village, Tai Po (TPB Paper No. 9292)

[The meeting was conducted in Cantonese.]

174. The Secretary reported that this was the first request for deferral by the applicant for the review of application. On 5.2.2013, the applicant wrote to the Board and requested the Board to defer consideration of the application for a period of three months in order to allow time for preparation of supplementary information. The justifications for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications (TPB PG-No. 33). Normally, the applicant would be given two months for preparation of submission of further information.

175. After deliberation, the Board agreed to defer a decision on the review application for two months pending the submission of further information by the applicant. The Board also agreed that the review application should be submitted for its consideration within three months upon receipt of the further submission from the applicant. The applicant should be advised that the Board had allowed a period of two months for preparation of submission of further information and no further deferment would be granted unless under very special circumstances.

[Ms. Anita W.T. Ma left the meeting at this point.]

Agenda Item 9

[Confidential Item. Closed Meeting.]

176. This item was recorded under confidential cover.

Agenda Item 10

[Confidential Item. Closed Meeting.]

177. This item was recorded under confidential cover.

Agenda Item 11

[Open Meeting]

Draft Sai Ying Pun & Sheung Wan Outline Zoning Plan No. S/H3/28
Information Note and Hearing Arrangement for Consideration of Representations and
Comments
(TPB Paper No. 9294)

[The meeting was conducted in Cantonese.]

178. One of the Amendment Items to the draft Sai Ying Pun & Sheung Wan Outline Zoning Plan (OZP) No. S/H3/28 was related to an Urban Renewal Authority (URA) Scheme. The following Members had declared interests in this item:

- Mr. K. K. Ling - being a non-executive director of URA
as the Director of Planning
- Ms. Bernadette H.H. Linn - being a non-executive director of URA
as the Director of Lands

- | | | |
|-------------------------------------------------------------------------|---|------------------------------------------------------------------------------------------------------------|
| Mr. Eric Hui
as the Assistant Director of
Home Affairs Department | - | being a representative of the Director of Home Affairs who was a non-executive director of URA |
| Mr. H.W. Cheung | - | being a co-opted member of the Planning, Development and Conservation Committee of URA |
| Professor C.M. Hui | - | being a co-opted member of the Finance Committee of URA |
| Mr. Stephen H.B. Yau | - | being a member of the Wan Chai District Advisory Committee of URA |
| Professor P.P. Ho | - | spouse owned a flat at Third Street and a flat at Kui Yan Lane; and had current business dealings with URA |
| Mr. Patrick H.T. Lau | - | had current business dealings with URA |
| Mr. Maurice W.M. Lee | - | being a former non-executive director of URA (the term of office ended on 30.11.2008) |
| Mr. Clarence W.C. Leung | - | his mother owned a flat in Sai Ying Pun |
| Mr. Roger K.H. Luk | - | being a Council Member of St Paul's College |

179. As the item was procedural in nature and no deliberation was required, Members agreed that the above Members could stay at the meeting. Members noted that Mr. H.W. Cheung, Professor C.M. Hui, Mr. Maurice W.M. Lee, Mr. Clarence W.C. Leung and Mr. Eric Hui had left the meeting already, and Professor P.P. Ho, Mr. Patrick H.T. Lau, Mr. Stephen H.B. Yau and Ms. Bernadette H.H. Linn had tendered apology for not attending the meeting.

180. The Secretary briefly introduced the Paper. On 12.10.2012, the draft Sai Ying Pun & Sheung Wan OZP No. S/H3/28 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance. During the two-month exhibition period, a total of 21 representations were received. On 21.12.2012, the representations

were published for three weeks for public comments and 12 comments were received. As some of the representations were of similar nature and on similar grounds, 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 two groups, as follows:

- Group 1 - collective hearing of 20 representations (R1 to R20) and six comments (C1 to C6) in relation to the rezoning of the terraces and the stepped streets, i.e. Amendment Item A and Amendments (b) to (d) to the Notes of the Plan; and
- Group 2 - collective hearing of three representations (R17, R18 and R21) and 10 comments (C1 and C4 to C12) in relation to the building height and gross floor area restrictions of the “R(A)22” zone, i.e. Amendment Item B and Amendment (a) to the Notes of the Plan.

181. After deliberation, the Board agreed to the proposed hearing arrangement for the consideration of representations and comments as detailed in paragraph 2 of the Paper.

Agenda Item 12

[Open Meeting]

Draft Sha Tin Outline Zoning Plan No. S/ST/27

Information Note and Hearing Arrangement for Consideration of Representations and Comments

(TPB Paper No. 9295)

[The meeting was conducted in Cantonese.]

182. One of the Amendment Items to the draft Sha Tin Outline Zoning Plan (OZP) No. S/ST/27 was for proposed Public Rental Housing (PRH) and Home Ownership Scheme (HOS) developments in Fo Tan by the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA). The following Members

had declared interests in this item:

Mr. Stanley Y.F. Wong]	
Professor Edwin H.W. Chan]	
Ms. Julia M.K. Lau]	being a member of HKHA
Ms. Bernadette H.H. Linn]	
as the Director of Lands		
Mr. K.K. Ling	-	being a member of the Strategic Planning Committee and Building Committee of HKHA
as the Director of Planning		
Mr. Eric Hui	-	being a representative of the Director of Home Affairs who was a member of the Strategic Planning Committee and the Subsidised Housing Committee of HKHA
as the Assistant Director of Home Affairs Department		
Mr. H.F. Leung	-	had business dealings with HD
Professor K.C. Chau	-	owned a flat at Royal Ascot, Fo Tan
Professor C.M. Hui	-	owned a flat in Sha Tin
Mr. Clarence W.C. Leung	-	owned a flat in Fo Tan

183. As the item was procedural in nature and no deliberation was required, Members agreed that the above Members could stay at the meeting. Members noted that Professor C.M. Hui, Mr. Clarence W.C. Leung and Mr. Eric Hui had left the meeting already, and Professor Edwin H.W. Chan and Ms. Bernadette Linn had tendered apology for not attending the meeting.

184. The Secretary briefly introduced the Paper. On 26.10.2012, the draft Sha Tin OZP No. S/ST/27 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance. During the two-month exhibition period, a total of six representations were received. On 11.1.2013, the representations were published for three weeks for public comments and one comment was received. As the representations and comment were of similar nature and the proposed amendments had attracted wide public interest, it was recommended that they should be heard by the full Board

collectively in one group.

185. After deliberation, the Board agreed to the proposed hearing arrangement for the consideration of representations and comment as detailed in paragraph 2 of the Paper.

Any Other Business

[The meeting was conducted in Cantonese.]

186. There being no other business, the meeting closed at 5:35 p.m.