

**Minutes of 1031st Meeting of the  
Town Planning Board held on 22.3.2013**

**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 Edwin H.W. Chan

Ms. Bonnie J.Y. Chan

Professor K.C. Chau

Mr. H.W. Cheung

Dr. Wilton W.T. Fok

Mr. Ivan C.S. Fu

Professor P.P. Ho

Ms. Janice W.M. Lai

Mr. Dominic K.K. Lam

Dr. C.P. Lau

Mr. Patrick H.T. 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. Laurence L.J. Li

Mr. Roger K.H. Luk

Mr. Stephen H.B. Yau

Dr. W.K. Yau

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

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

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

Director of Planning  
Mr. K.K. Ling

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

Secretary

**Absent with Apologies**

Mr. Rock C.N. Chen

Mr. Sunny L.K. Ho

Mr. Lincoln L.H. Huang

Professor Eddie C.M. Hui

Miss Anita W.T. Ma

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

**In Attendance**

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

Chief Town Planner/Town Planning Board  
Miss H.Y. Chu (a.m.)  
Mr. Edward W.M. Lo (p.m.)

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

**Agenda Item 1**

[Open meeting]

**Confirmation of Minutes of the 1030th at Meeting held on 8.3.2013**

[The meeting was conducted in Cantonese.]

1. The minutes of the 1030th meeting held on 8.3.2013 were confirmed without amendments.

**Agenda Item 2**

**Matters Arising**

[Open meeting]

[The meeting was conducted in Cantonese.]

(i) **New Town Planning Appeal Received**

Town Planning Appeal No. 1 of 2013

Temporary Open Storage of New and Second-hand Vehicles for Sale

(Including Medium Goods Vehicle, Container Tractor and Private Car) with  
Ancillary Office and Storerooms for a Period of 3 Years

in “Village Type Development” Zone,

Lot 465 S.B RP (Part) in D.D. 103 and Adjoining Government Land,

Ko Po Tsuen, Kam Tin, Yuen Long, New Territories

(Application No. A/YL-KTN/388)

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2. The Secretary reported that an appeal was received by the Appeal Board Panel (Town Planning) on 4.3.2013 against the decision of the Town Planning Board (the Board) to reject on review the Application No. A/YL-KTN/388 for temporary open storage of new and second-hand vehicles for sale (including medium goods vehicle, container tractor and private car) with ancillary office and storerooms for a period of three years in the “Village Type Development” (“V”) zone on the Kam Tin North Outline Zoning Plan. The application was rejected by the Board on 4.1.2013 for the following reasons:

- (a) the development was not in line with the planning intention of the “V” zone which was intended for development of Small Houses by indigenous villagers. The development was not compatible with the surrounding land uses which were predominated by existing and proposed residential dwellings/Small Houses. No strong planning justification had been given in the submission to justify 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 there was no exceptional circumstance that warranted sympathetic consideration, and that there were adverse departmental comments and local objections against the development;
- (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 other similar uses to proliferate into this part of the “V” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

3. The Secretary said that the hearing date of the appeal was yet to be fixed. The Secretariat would act on behalf of the TPB in dealing with the appeal in the usual manner

(ii) Abandonment of Town Planning Appeal

Town Planning Appeal No. 5 of 2012

Temporary Storage of Metal and Wood for a Period of 3 Years

in “Green Belt” zone, Lot 2432 RP (Part) in D.D. 130 and

Adjoining Government Land,

Shun Tat Street, Tuen Mun, New Territories

(Application No. A/TM-LTY Y/211)

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4. The Secretary reported that the subject appeal was lodged on 16.3.2012 by the Appellant to the Appeal Board Panel (Town Planning) (ABP) against the Town Planning Board’s decision to reject on review the Application No. A/TM-LTY Y/211 for temporary storage of metal and wood for a period of three years. The appeal site was zoned “Green Belt” on the approved Lam Tei and Yick Yuen OZP No. S/TM-LTY Y/6. The appeal was scheduled to be heard on 17.6.2013. On 4.3.2013, the appeal was abandoned by the Appellant on his own accord. The abandonment was confirmed by the ABP on 7.3.2013 in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations.

Town Planning Appeal No. 6 of 2012

Proposed Temporary Car Exhibition Area and Office

for a Period of 1 Year in “Village Type Development” zone,

Lot 1996 S.B RP (Part) in D.D. 130,

Tuen Mun, New Territories

(Application No. A/TM-LTY Y/219)

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5. The Secretary reported that the subject appeal was lodged on 3.4.2012 by the Appellant to the Appeal Board Panel (Town Planning) (ABP) against the Town Planning Board’s decision to reject on review the Application No. A/TM-LTY Y/219 for temporary car exhibition area and office for a period of one year. The appeal site was zoned “Village Type Development” on the approved Lam Tei and Yick Yuen OZP No. S/TM-LTY Y/6. The appeal was scheduled to be heard on 26.8.2013. On 4.3.2013, the appeal was abandoned by the Appellant on his own accord. The abandonment was confirmed by the ABP on 7.3.2013 in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations.

Town Planning Appeal No. 4 of 2012  
Proposed House (New Territories Exempted House (NTEH) – Small House)  
in “Green Belt” zone  
Government Land in D.D. 15, Shan Liu Village, Tai Po  
(Application No. A/NE-TK/329)

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6. The Secretary reported that subject appeal was lodged by the Appellant to the Appeal Board Panel (Town Planning) (ABP) on 15.3.2012 against the decision of the Town Planning Board to reject on review the Application No. A/NE-TK/329 for a proposed house (New Territories Exempted House - Small House). The appeal site was zoned “Green Belt” zone on the Ting Kok Outline Zoning Plan. On 6.3.2013, the appeal was abandoned by the Appellant on his own accord. On 7.3.2013, the ABP formally confirmed that the appeal was abandoned in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations.

Town Planning Appeal No. 1 of 2008  
Proposed Rebuilding of a 2-Storey House  
in “Green Belt” and “Residential (Group C)1” zones,  
1 Fung Sau Road,  
Lot 246 and Extension in D.D. 252,  
Tso Wo Hang, Sai Kung  
(Application No. A/SK-TMT/8)

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7. The Secretary reported that the appeal was lodged by the Appellant to the Appeal Board Panel (Town Planning) (ABP) on 20.3.2008 against the decision of the Town Planning Board to reject on review the Application No. A/SK-TMT/8 for rebuilding of a 2-storey house. The appeal site was zoned “Green Belt” and “Residential (Group C)1” on the Tai Mong Tsai and Tsam Chuk Wan Outline Zoning Plan. On 19.2.2013, the appeal was abandoned by the Appellant on his own accord. On 7.3.2013, the ABP formally confirmed that the appeal was abandoned in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations.

(iii) Appeal Statistics

8. The Secretary said that as at 22.3.2013, 18 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	:	167
Yet to be Heard	:	18
<u>Decision</u>	:	<u>1</u>
Total	:	343

[Professor S.C. Wong and Mr. Dominic K.K. Lam arrived to join the meeting at this point.]

(iv) Approval of Draft Outline Zoning Plan (OZP)/Development Permission Area (DPA) Plan

9. The Secretary reported that, on 12.3.2013, the Chief Executive in Council approved the following draft OZP and DPA Plan under section 9(1)(a) of the Town Planning Ordinance :

- (a) Tuen Mun OZP (to be renumbered as S/TM/31); and
- (b) Po Toi Islands DPA Plan (to be renumbered as DPA/I-PTI/2).

10. The Secretary said that the approval of the above plans would be notified in the Gazette on 22.3.2013.



**Hong Kong District**

**Agenda Item 3**

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comments to  
the Draft Sai Ying Pun and Sheung Wan Outline Zoning Plan No. S/H3/28  
(TPB Papers No. 9304 and 9305)

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[The hearing was conducted in Cantonese.]

Group 1 (R1 to R20 and C1 to C6)

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

Mr. Clarence W.C. Leung                      his mother owned a flat at Sai Ying  
Pun

Mr. Roger K.H. Luk                              was the council member of St. Paul's  
College located in the area

Professor P.P. Ho                                his spouse owned a flat each at Third  
Street and Kui Yan Lane

Professor S.C. Wong                            ) worked at the University of Hong

Dr. Wilton W.T. Fok                            ) Kong which was located in the area

Mr. H.F. Leung                                 )

Mr. F.C. Chan                                  )

12. As the properties of Mr. Clarence W.C. Leung's mother and Professor P.P. Ho's spouse were some distance away from the representation sites, Members agreed that the interests of Mr. Leung and Professor Ho were remote and that they should be allowed to stay in the meeting for the item. Members also agreed that the interests of Mr. Roger K.H. Luk, Professor S.C. Wong, Dr. Wilton W.T. Fok, Mr. H.F. Leung and Mr. F.C. Chan were remote and they should also be allowed to stay at the meeting for the item.

13. The Secretary said that a letter from the Central & Western Concern Group (C&WCG) (R15) dated 20.3.2012 was received. The C&WCG requested to obtain a copy of the “Study on Redevelopment along Stepped Streets” and to invite a representative from the Civil Engineering and Development Department (CEDD) to the hearing to give advice and information related to the stepped streets and the Mid-levels Moratorium Area. The letter was tabled at the meeting for Members’ consideration.

14. The Chairman said that sufficient notices had been given to invite the other representers and commenters to attend the hearing, but they had either indicated not to attend the hearing or made no reply. As sufficient notices had been given to the representers and commenters, Members agreed to proceed with the hearing in their absence.

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

Ms. Ginger Kiang	District Planning Officer/Hong Kong (DPO/HK), PlanD
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Ms. April Kun	Senior Town Planner/Hong Kong (STP/HK), PlanD
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R1 (Yeung Tsz Kit)

Mr. Yeung Tsz Kit	Representer
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R2 (Norman P. Ho)

Mr. Norman P. Ho	Representer
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R4 (Lau Wing Chi, Gigi)

Ms. Lau Wing Chi, Gigi	Representer
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R15 (Central & Western Concern Group) (C&WCG)

Mr. John Batten	Representer’s Representative
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R16 (Melanie Moore)

Ms. Melanie Moore                                  Representer

R17 (Mary Mulvihill)

Ms. Mary Mulvihill                                Representer

C1 (Katty Law)

Ms. Katty Law                                        Commenter

Ms. Louisa Sherman                                Commenter's Representative

C3 (Siu Ka Yi, Chan Hok Fung, Ip Kwok Him, Cheung Kwok Kwan and Lo Yee Hang, Central and Western District Council (C&WDC) Members)

Ms. Siu Ka Yi                                        Commenter's Representative

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

17.            With the aid of a Powerpoint presentation, Ms. April Kun, STP/HK, made the following main points as detailed in the Paper:

- (a) on 12.10.2012, the draft Sai Ying Pun and Sheung Wan Outline Zoning Plan (OZP) No. S/H3/28, incorporating amendments mainly to show the terraces and the stepped streets including U Lam Terrace, Rozario Street and Ladder Street as 'Road' on the draft OZP and to incorporate a completed development (Island Crest) previously covered by the approved Land Development Corporation (LDC) First Street/Second Street Development Scheme Plan No. S/H3/LDC5/2 and zoned it as "Residential (Group A) 22" on the draft OZP, was exhibited for public inspection under s.5 of the Town Planning Ordinance (the Ordinance). 21 representations and 12 comments were received;

- (b) R1 to R20 and C1 to C6 under Group 1 of the representations and comments were related to the amendment to show the terraces and the stepped streets as “Road” on the draft OZP;

#### The Representations and Comments

- (c) R1 to R17 submitted by the C&WCG (R15) and members of the public supported the amendment related to the terraces and the stepped streets. The representers also proposed to show all ‘ladder streets/terraces/lanes’, including Pound Lane and Tai On Terrace, as ‘Road’ on the draft OZP and/or to rezone them “Other Specified Uses” annotated “Heritage Street” (“OU(Heritage Street)”) with clauses to prohibit the construction of escalators, artificial walkways or bridge structures. Some of the representers raised adverse comments on the Government’s proposed Pound Lane Escalator project;
- (d) R18 submitted by a member of the public opposed all the amendments to the OZP including the amendments to the Notes;
- (e) R19 and R20 submitted by a member of the public and the Green Sense respectively provided comments on the amendment related to the showing of the terraces and streets to “Road”;
- (f) C1 and C4 to C6 submitted by members of the public supported R1 to R20 and R15 respectively for the preservation of “heritage streets”. C2 and C3 submitted by a member of the public and five C&WDC members respectively opposed the suggestion of R13 to R17 and R19 to R20 to prohibit escalators on these streets and they supported the Pound Lane Escalator project;
- (g) C3 also attached 422 letters, of which 417 were standard letters of two types, indicating support to the Pound Lane Escalator project;

Grounds of Representations and Representers' Proposals

*Supporting Representations Asking for Further Amendments*

- (h) R1 to R17 supported the amendment to show the strip of land fronting U Lam Terrace, the Rozario Street and the Ladder Street as 'Road';
- (i) R1 to R4 and R13 to R16 proposed to extend the amendment to show all 'ladder streets/heritage streets/terraces/lanes' as "Road". R1 to R4 and R13 also proposed to stipulate building height (BH) restrictions as well as building and heritage protection for Pound Lane and Tai On Terrace. R3 and R5 to R12 proposed to show Pound Lane and Tai On Terrace as 'Road' because, similar to U Lam Terrace and Ladder Street, Pound Lane and Tai On Terrace were also recognised and well-preserved terrace areas enclosed in tranquil residential areas with streetscapes and low to medium-rise residential developments possessing human scale and creating a different urban form in contrast with the high-rise mixed developments in the vicinity, which were worthy of protection to prevent them being built over in future;
- (j) R13 to R17 alleged that the Tai Ping Shan area was a low-rise area with a number of historic temples and other heritage/graded buildings and a rich cultural history. It was a site of historical importance. The area should remain as a low-rise area with the original street layout kept intact;
- (k) the suggestions to build a hill-side escalator and other street infrastructure in the area would seriously compromise the heritage and ambience of the area;
- (l) the airflow studies related to the Mid-levels West OZP had previously identified the Tai Ping Shan area as an important airflow corridor for residents living in the higher reaches of the Mid-levels area;
- (m) the representers proposed to rezone U Lam Terrace, Ladder Street, Pound Lane, Rozario Street, Upper Station Street, Wa Ning Lane, Rutter Street, Po

Yan Street, Sai Street, Tai Ping Shan Street, Water Lane, Tung Street and Square Street “OU(Heritage Street)”; and to incorporate clauses in the Notes of the OZP to specifically exclude the construction of escalators, artificial walkways or bridge structures that would compromise the heritage of these streets. It was believed that the proposed further amendments would help preserve the heritage and special ambience of the area (R13 to R17) as well as ensure that good airflow corridor be maintained for the Mid-levels area (R15);

*Representations Asking for Further Amendments*

- (n) R19 and R20 shared the views of R13 to R17 that the Tai Ping Shan area should remain as a low-rise area with the original street layout kept intact and they opposed the Pound Lane Escalator project;
- (o) the representers proposed to rezone the streets “OU(Heritage Street)” with clauses in the Notes of the OZP prohibiting the construction of escalators, artificial walkways or bridge structures (R19) or clauses in the Remarks prohibiting any works that would sacrifice the historical value of the streets, including but not limiting to lifts, elevators, artificial walkways or footbridge (R20);

*Adverse Representations*

- (p) R18 opposed the amendment to show the terraces and streets as “Road” on the OZP as it deprived residence rights for redevelopment;
- (q) R18 also opposed all amendments to the Notes of the OZP, i.e. the revision to the planning intention for the “Residential (Group C)” (“R(C)”) zone; replacement of the relaxation clause for the “R(C)”) zone with a minor relaxation clause; and revision to the exemption clause for gross floor area (GFA)/plot ratio (PR) calculation in relation to caretaker’s quarters for the “Residential (Group A)” (“R(A)”) and “R(C)”) zones;

The Comments

- (r) C1 supported the proposal of R1 to R20 to rezone the terraces and stepped streets to “OU(Heritage Street)” and to incorporate clauses to specifically prohibit the construction of escalators, artificial walkways or bridge structures that would compromise the heritage of these streets;
- (s) C4 to C6 supported R15’s proposal to preserve and rezone the terraces and stepped streets;
- (t) C2 and C3 opposed the suggestions of R13 to R17 and R18 to R19 to rezone the terraces and stepped streets and to prohibit the construction of escalators, artificial walkways or bridge structures. They supported the Pound Lane Escalator project and urged for early implementation of the project as:
  - it was important to the public in particular the elderly at the grass-roots level;
  - it helped to ease traffic congestion in the Mid-levels area, which was under progressive redevelopment;
  - Pound Lane was a suitable location for the development of the escalator as it would not affect the historic buildings in the area; and
  - the representers’ proposals neglected the needs of the elderly disabled;

Responses to Grounds of Representations and Representers’ Proposals

*Representations Asking for Further Amendments*

*Extension of Amendments to covered all Stepped Streets*

- (u) the support of R1 to R17 for the amendment was noted;

- (v) the amendment related to U Lam Terrace/Ladder Street Terrace was recommended by the “Review of the Stepped Street Sites on Hong Kong Island” in relation to “R(C)” zones in view of the terrace ambience attributed to the unique tranquil low to medium-rise character of the “R(C)” residential areas with pedestrian access via stepped street only. The stepped street linking with U Lam Terrace formed part of the terrace ambience and thus was shown as ‘Road’ to avoid built-over;
- (w) the ‘ladder streets’/‘heritage streets’/‘terraces’/‘lanes’ areas referred to by the representers fell within the “R(A)” and its sub-zones which were planned for high-rise residential developments. Some of these areas had already been redeveloped with tall buildings. Different from the tranquil environment of the “R(C)” areas, the ambience of these streets within the “R(A)” zone was partly attributed to the street activities of human scale in association with the existence of traditional stores, craft shops, small cafés, etc along these streets. The characteristics of these streets came from the street activities. The “R(A)” zone helped complement such activities as commercial uses were always permitted on the lowest three floors of a building;
- (x) the OZP was a small-scale plan and it might not be practical and necessary to illustrate all existing streets on the plan. As a general practice, only major roads and those roads and streets with unique function and character were shown on the OZP. The small streets/lanes in the Tai Ping Shan area referred to by the representers were no different from those streets and lanes within other broad “R(A)” zoning;
- (y) the streets and lanes referred to by the representers, except part of Wa Ning Lane, fell on government land. For Wa Ning Lane, though it fell within a private lot, the lane was designated as lane/steps on the approved building plans and was now serving as a pedestrian throughway. While the function of these streets as public passage would not be defeated as road was always permitted on land falling within the boundaries of the plan, there was no imminent need to show them on the OZP to reflect their



current use;

- (z) the Antiquities and Monuments Office (AMO) advised that except Ladder Street which had been accorded with a Grade 1 historic status by the Antiquities Advisory Board (AAB) since December 2009, all streets referred to by the representers had not been accorded with any historic status. Although AMO had planned to include Pound Lane for grading assessment under the new items list, the suggestion was only at very preliminary stage. As Pound Lane fell on government land, there was no imminent need to illustrate it on the plan, the zoning for Pound Lane could be reviewed upon completion of AMO's assessment exercise and the AAB's final decision on any historic grading for it in future;
- (aa) as for Ladder Street which was accorded with a Grade 1 historic status, it was already shown as 'Road' on the OZP. In any area shown as 'Road' on the OZP, all uses or developments except those otherwise specified (such as rain shelter, bus stop and other road facilities) required permission from the Board. The planning permission system provided sufficient control and there was no need to designate a preservation zoning for the streets;

*Prohibition of Construction of Lifts, Escalators, Artificial Walkways or Bridge Structure at Ladder Streets*

- (bb) the Transport Department (TD) advised that the proposals to incorporate clauses in the Notes of the OZP to exclude/prohibit the construction of lifts, escalators, artificial walkways or bridge structures at the 'ladder/heritage' streets would limit future improvement of the walkway environment and traffic conditions in these areas. Roads in Mid-levels were built along hillsides with dense population, and most of them were narrow and substandard, causing inconvenience to road users. Lifts, escalators, artificial walkways, bridge structures or other pedestrian facilities could provide essential and alternative transport facilities for pedestrians in the area;

- (cc) the Highways Department (HyD) pointed out that the proposal would conflict with the proposed Pound Lane Escalator project (second Mid-levels escalator);
- (dd) there were commenters opposing the stipulation of such prohibiting clauses;
- (ee) the proposed Pound Lane Escalator project was not related to any amendment to the OZP. The implementation of the proposed Pound Lane Escalator project, if going ahead, would be processed under the Roads (Works, Use and Compensation) Ordinance and all public comments would be duly considered by the Administration according to the established procedures;

*Air Ventilation*

- (ff) PlanD had commissioned an Air Ventilation Assessment (AVA) study for the Sai Ying Pun and Sheung Wan area (in 2010). Taking into account the planned developments in the area and the major air space at Blake Garden and the adjoining low-rise government, institution or community (GIC) facilities, the study recommended designating non-building area on the “Government, Institution or Community” (“G/IC”) zone covering Tung Wah Hospital abutting Po Yan Street and imposing setback requirements at Po Yan Street and Tung Street to enhance the north-south air paths for better air ventilation in the area;

*Adverse Representation*

- (gg) the amendment areas, i.e. the strip of land fronting U Lam Terrace, the Rozario Street and the Ladder Street being shown as ‘Road’, comprised government land only. There would be no deprivation of development right;
- (hh) for the amendment to the Notes of the OZP to replace the “relaxation” clause under “R(C)” zone with a “minor relaxation” clause, it was to clearly

stipulate the extent of the flexibility be given for development. As for other amendments to the Notes including the revision of the planning intention of the “R(C)” zone, and the revision of the exemption clause for GFA/PR calculation in relation to caretaker’s quarters for the “R(A)” and “R(C)” zones (which was a technical amendment), they had no adverse impact on development right; and

#### PlanD’s Views

- (ii) the support of R1(part) to R17(part) should be noted and the representations of R18(part), R19 to R20 and the remaining parts of R1 to R17 should not be upheld for the reasons set out in paragraph 6.2 of the Paper.

18. The Chairman then invited the representers and commenters and their representatives to elaborate on their representations and comments.

#### R1 Yeung Tsz kit

Mr. Yeung Tsz Kit

19. Mr. Yeung Tsz Kit made the following main points:

- (a) he lived adjacent to Pound Lane and was the convener of the Pound Lane Concern Group;
- (b) it was argued that the proposed escalator at Pound Lane might serve the elderly and handicapped people. However, the construction of the escalator would improve accessibility and attract more pubs to move in the area. The existing buildings would also be demolished for more intensive developments. The elderly people who were at present living in the district would be forced to leave the area. Hence, the escalator would in no way serve the elderly people. In addition, an escalator was not a barrier-free facility. The elderly and handicapped people would not benefit from it. The escalator would only block the street;

[Miss Winnie Wong and Mr. Patrick H.T. Lau arrived to join the meeting at this point.]

- (c) instead of using the escalator, the elderly people should be encouraged to do more exercise by walking up the streets. This would help reduce expenditure on medical services for the elderly;
- (d) there were elderly people in every district. There was no justification as to why an escalator should be provided in this particular district. It should be noted that other than elderly people, the residents living in the district also comprised young people, people from different countries, artists, young businessmen, and small families. These residents chose to live in the district because of its existing living environment, the unique streetscape and community network. These would be adversely affected with the escalator project;
- (e) while there was no objection against the establishment of pubs in the area, it was considered not necessary to have another Soho in the area. The unique character of individual districts should be preserved;
- (f) it was evident that the provision of the escalator in Central could not improve the traffic congestion problem in the Mid-levels area. It was because the improvement in accessibility would trigger developments and hence generate more traffic in the area. People who used to drive would not use the escalator;
- (g) the proposed relaxation of the development restrictions in the Mid-levels area would result in increase in traffic in the area. The provision of an escalator in Pound Lane could not help relieve the potential traffic problem arising from the relaxation of development restrictions;
- (h) it was noted that owners of nearby developments, schools and the Tung Wah Hospital supported the provision of the escalator. However, the support of the property owners might be due to their private interests, rather than the benefits to the local community. Furthermore, students of the

nearby schools would only use the escalator for short periods of time during the day. The escalator could not serve as an emergency access in case of accidents. It was also noted that staff of the Tung Wah Hospital usually walked uphill through Po Yan Lane to the hospital. As it was proposed that the escalator would link up Tai Ping Shan Street with Bonham Road, it was not understood how the escalator would improve the accessibility of staff of Tung Wah Hospital;

- (i) the existing urban form and street fabric of the district should be respected. They should not be adversely affected by new developments in the district;
- (j) while the Board was not responsible for grading of historic sites, it should be responsible for the preservation of cultural heritage of the district;
- (k) although he agreed with C for T's comments that the roads in Mid-levels were substandard and should be improved, he considered that the provision of an escalator should not be the only improvement option. Other alternatives to improve the pedestrian facilities should be explored;
- (l) as Pound Lane was very narrow, the construction of an escalator with cover would have substantial adverse impact on the environment of the area;
- (m) there was no formal public consultation on the escalator proposal. The consultancy studies on the proposal were undertaken to assess the proposed alignments and did not reflect the views of the public on whether an escalator was required; and
- (n) the Board should review the land use zoning of Tai Ping Shan area and Pound Lane and preserve the cultural heritage and living environment of the district.

R4 Lau Wing Chi, Gigi

Ms. Lau Wing Chi, Gigi

20. With the aid of a Powerpoint presentation, Ms. Lau Wing Chi, Gigi made the following main points:

- (a) she was the deputy-convenor of the Pound Lane Concern Group and three generations of her family lived in Pound Lane;
- (b) as stated in the Chief Executive's election manifesto, "historical buildings, streets and alleys, and neighbourhoods with special features would be designated as a specified category in the Outline Zoning Plans. They would be accorded statutory protection when the relevant area or district was being revitalized or redeveloped";
- (c) to preserve the landscape of the historic streets/lanes in the area, two proposals under the existing statutory planning framework were put forward for the Board's consideration:
  - (i) to rezone the historic streets/lanes in the area from "R(A)" to "Road" with the stipulation in the Notes to preserve the streets and lanes. This would prevent any development from encroaching onto the historic streets/lanes which were at present within the "R(A)" zone; and
  - (ii) to rezone such historic streets/lanes from "R(A)" to "OU(Heritage Street)";
- (d) although the historic streets/lanes in Tai Ping Shan area had not been accorded with any historic status by the AAB, the TPB should have the responsibility for preserving the cultural heritage of these streets and the district;
- (e) the proposed escalator in Pound Lane was considered totally incompatible with the street fabric of the historic streets and lanes in the Tai Ping Shan area. As compared to the street fabric of the Tai Ping Shan area in 1866, the present street fabric of the area had remained largely the same, without

any substantial changes;

- (f) it was a global practice that a historic district should be preserved on a holistic approach. There were good examples of preservation of old districts in Barcelona and Shanghai through town planning;
- (g) the unique character of Pound Lane was reported in the media reports and letters supporting the preservation of Pound Lane had been collected through a dedicated website. These showed the aspirations of the public to preserve Pound Lane; and
- (h) Pound Lane should be preserved as a public space through public-private partnership.

R2 Norman P. Ho

Mr. Norman P. Ho

21. Mr. Norman P. Ho made the following main points:

- (a) the rezoning of U Lam Terrace, Rozario Street and Ladder Street as “Road” was supported;
- (b) he also proposed to protect the heritage of Pound Lane and Tai On Terrace and to rezone the historic streets and lanes in the area as “Road” or “OU(Heritage Streets)”. Pound Lane had similar character with U Lam Terrace, Rozario Street and Ladder Street and should be subject to similar protection under the OZP;
- (c) while the AAB had yet to designate any historic grading to Pound Lane, the Board should act immediately to protect the historic lane as the proposed escalator would induce imminent danger to the lane;
- (d) Tai On Terrace was zoned “R(A)” and had a BH restriction of 150mPD. However, it shared similar characteristics with U Lam Terrace. It should

be rezoned to “R(C)” with a BH restriction of 12 storeys;

- (e) while many people supported the proposed escalator project in Pound Lane, there were also overwhelming public objections to this proposal. Over 500 objection letters had been collected; and
- (f) in other Asian cities, such as Singapore, there was rising concern on the preservation of neighbourhood. Hong Kong, as the Asia’s World City, should be a real world class city with not only high-rise developments, but also unique historic neighbourhoods.

R16 Melanie Moore

Ms. Melanie Moore

22. Ms. Melanie Moore made the following main points:

- (a) the amendment to the OZP to show U Lam Terrace, Rozario Street and Ladder Street as “Road” was supported;
- (b) she further requested imposing BH restriction and heritage preservation for Pound Lane and Tai On Terrace, and rezoning these lanes to either “Road” or “OU(Heritage Streets)”. In addition, Upper Station Street, Wa Ning Street, Po Yan Street, Sai Street, Tai Ping Shan Street, Water Lane and Square Street should also be appropriately rezoned to “Road” or “OU(Heritage Streets)”, with the restriction to prohibit the construction of escalators, artificial walkways or bridge structures that would compromise the heritage of these stepped streets;
- (c) the heritage and functions of these streets and lanes were unique and they should be given the same treatment as that for U Lam Terrace. These lanes should be preserved by giving them proper zoning on the OZP. This helped to avoid similar development as the Castle Steps development;



- (d) it was noted that based on the recommendation of the “Study on Redevelopment along Stepped Streets” undertaken by PlanD in 1991, U Lam Terrace was rezoned from “R(A)” to “R(C)” in 1993 mainly due to unacceptable means of access to the site. It should be noted that Tai On Terrace also did not have vehicular access. It was on a slope with a dangerous order. It was also within a landslide zone. Landslides which had happened in the area were well documented in CEDD’s previous reports. In view of the above, Tai On Terrace should be rezoned to “R(C)” with a BH restriction of not more than 12 storeys;
  
- (e) Pound Lane was a fine example of heritage street in Hong Kong and should be preserved. It was noted that the AMO had planned to include Pound Lane, together with the bathhouse and the Blake Garden in the area, for grading assessment. Rather than waiting for AMO’s assessment and AAB’s grading, the Board should immediately give protection to Pound Lane as the escalator project posed an imminent danger to the preservation of Pound Lane;
  
- (f) there were in fact overwhelming public objections against the Pound Lane escalator project. Five hundred objection letters had been collected. The objections were from local residents, elderly, property owners and shop owners in the area because they appreciated the existing tranquil environment of Pound Lane and considered that it should be preserved. Further consultation on the escalator proposal should be conducted; and
  
- (g) there was a lack of information for the representers to understand the considerations for the preservation of the streets and lanes in the area. The important document of “Review of the Stepped Street Sites on Hong Kong Island” considered by the Board in 2012 was a confidential document and the public could not have access to it.

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

R15 C&WCG

Mr. John Batten

23. Mr. John Batten said that he had submitted a letter to the Secretary of the Board requesting for a copy of the “Study on Redevelopment along Stepped Streets” and inviting a representative from the CEDD to attend the hearing to give advice and information related to the stepped streets and the Mid-levels Moratorium Area to the Members of the Board. He was informed that the study was available for public inspection at PlanD’s Public Enquiry Counter and his request to invite a representative from the CEDD would be considered by the Board at the meeting.

24. The Secretary said that the said letter was tabled at the meeting for Members’ consideration. The representative of R15 should explain why a representative from the CEDD should be invited to attend the hearing for Members’ consideration.

25. Two Members asked the reason why a representative from the CEDD should be invited to attend the hearing and it was noted that the amendments to the OZP and the representations being considered at the hearing did not relate to the H19 development mentioned in R15’s letter.

26. In response, Mr. John Batten said that both the H19 development and the proposed escalator project were not related to the amendments to the OZP. However, to facilitate the Board’s discussion on the planning of an area of Hong Kong, it was necessary to invite a representative from the CEDD who could answer questions on geotechnical issues. The Mid-levels area covered by the OZP was subject to landslides. A number of landslides happened in the past. The amendments to the OZP were related to the stepped streets which were also subject to the geotechnical problems. This was the reason why a representative from the CEDD should be invited to answer questions on this issue.

27. In response to the Chairman’s question, Mr. John Batten said that he requested the Board to adjourn the hearing to invite a representative from the CEDD.

28. A Member said that since the setting up of the Geotechnical Engineering Office (GEO) of the CEDD, a lot of geotechnical issues related to problem of unstable slopes had

been dealt with and the standards and techniques in handling unstable slopes had been well established.

29. Ms. Mary Mulvihill (R17) showed Members a picture of a landslide on a calendar cover published by the CEDD and said that there had been and were still landslide problems, which should be addressed in considering developments in Hong Kong.

30. Ms. Katty Law (C1) said that there were a lot of evidences demonstrating the geotechnical problems arising from unstable slopes in the area. In 2009, CEDD undertook slope works at U Lam Terrace and this had caused a big crack between two tenement buildings at U Lam Terrace. The geotechnical problems arising from unstable slopes were also acknowledged in the geotechnical study carried out by the consultant of URA on the Wing Lee Street development. Since Tai On Terrace was also located on an unstable slope, high-density development along this terrace should not be allowed.

31. The Chairman then invited all representers and commenters and their representatives, and the representatives of PlanD to leave the meeting to allow the Board to deliberate on R15's request that a representative of CEDD should be invited to the representation hearing.

### Deliberation

32. A Member said that the picture showed by R17 at the meeting just now was a showcase of the success of CEDD in handling the problem of landslides and unstable slopes. This Member also pointed out that developers in Hong Kong were required to make geotechnical submissions for proposed developments under the relevant ordinances and regulations. This would ensure that geotechnical issues associated with slopes would be adequately addressed before the development was approved.

33. A Member said that the subject of the representations to the OZP was not related to any geotechnical issue. There was no need to invite a representative from the CEDD to attend the hearing to facilitate the Board's consideration of the representations.

34. A Member said that the Mid-levels area was a geotechnical sensitive area. However, there was adequate law and established mechanisms in Hong Kong to address geotechnical issue, if any, during the development process to ensure that there would not be any adverse impact on slopes generated by the proposed development. This Member considered that there was no need for a representative of CEDD to attend the hearing.

35. The Vice-chairman said that while the representers could make their comments and requests regarding the subject hearing, it was for the Board to decide on the hearing proceedings and the technical support required. The hearing should proceed and the Board should deliberate on the representations based on the information available including the information submitted by the representers and commenters. There was no need to adjourn the hearing to invite a representative from CEDD to attend. During the deliberation of the representations, if Members considered that information on geotechnical issue was required from relevant government departments, Members might decide to defer a decision pending availability of the information.

36. In response to the Chairman's request, the Secretary explained that R15's letter was received on 20.3.2013. It was noted that the representation submitted by R15 on the draft Sai Ying Pun and Sheung Wan OZP No. S/H3/28 had not raised any concern relating to the geotechnical issue or Mid-levels Moratorium Area. Besides, the URA's H19 Comprehensive Development Area mentioned in R15's letter was not related to any amendment incorporated into the OZP No. S/H3/28. Since R15's letter was about a formal request made to the Board, the letter was tabled for Members' consideration and R15 was invited to explain to the Board direct as to why a representative from the CEDD should be invited for the hearing. In this connection, Members might wish to decide whether R15's request to adjourn the hearing and to invite a representative of the CEDD to attend the hearing should be acceded to or to proceed with the hearing as suggested by the Vice-chairman.

37. The Chairman said that since the representer had made a request for the adjournment of the meeting and to invite a representative of CEDD to attend the hearing, the request had to be deliberated by Members before the hearing was to proceed. However, if Members considered that an adjournment was not required, he could act on behalf of the Board to refuse the request and any similar requests during the subject hearing.

38. A Member considered that there was no need to adjourn the meeting and invite a representative from the CEDD to attend the meeting. This Member agreed that the Chairman should refuse on behalf of the Board all similar requests, if any, from the representers and their representatives during the subject hearing.

39. Another Member also agreed that there was no need to invite a representative from the CEDD to attend the hearing as the concern raised by R15 was not related to the subject of the representations to the OZP.

40. A Member said that the presentations made by the representers and their representatives were mostly not related to the subject of the representations, but on the other land uses on the OZP. This Member said that the representers and their representatives should be requested to present on the subject of their representations only.

41. The above views, in particular the comments made by the Vice-chairman, were supported by three other Members.

42. Mr. K.K. Ling, Director of Planning said that a representative from the CEDD should be invited to attend the meeting or requested to give advice only if Members had specific questions or required some specific information on geotechnical issue. Moreover, to be fair to any expert to be invited to the Board, sufficient advance notice should be given on the specific issues on which the Board would need expert advice.

43. After further deliberation, Members agreed that there was no need to adjourn the hearing and invite a representative from the CEDD to attend. Members also agreed that the Chairman should on behalf of the Board refuse all similar requests during the subject hearing. If Members considered that any information or technical advice was required, relevant government departments would be requested to assist in accordance with the established practice.

44. The Chairman then invited the representers and commenters and their representatives and the representatives of PlanD to return to the meeting. The Chairman informed R15 and other representers and commenters and their representatives that the Board

decided to proceed with the hearing. The Chairman reminded the representers and commenters and their representatives to focus on the subject of the representations in their presentations. He then invited representative of R15 to continue with the presentation.

R15 C&WCG

Mr. John Batten

45. Mr. John Batten showed photographs of the streets and lanes, land uses, heritage and the history of the Sai Ying Pun and Sheung Wan area, and made the following main points:

- (a) the heritage of the area should be kept;
- (b) if an escalator was to be built serving the area, an alternative route to tie in with the proposed redevelopment of the Tung Wah Hospital should be considered. The Government should consider providing a vehicular access for the Tung Wah Hospital and the alignment of the proposed escalator could be from Hollywood Road through the Tung Wah Hospital up to Hospital Road and Bonham Road. Po Hing Fong and Tai On Terrace were not suitable locations for the provision of an escalator;
- (c) the ladder streets in the Tai Ping Shan area should be preserved and no development should be allowed on these historic streets and lanes; and
- (d) a holistic approach should be adopted in planning the provision of an escalator link in the area such that it could benefit all parties, including the hospital and the local residents.

46. Mr. John Batten also presented a video showing the running water along the steps at Tai O Terrace and Pound Lane after heavy rainfall.

R17 Mary Mulvihill

Ms. Mary Mulvihill

Ms. Louisa Sherman

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

- (a) the amendments to the OZP should cover all ladder streets, heritage streets, terraces and lanes in the area. These streets and lanes should be prohibited from the construction of escalators, artificial walkways or bridge structures;
- (b) PlanD had failed to take into account the geotechnical issue in the amendments to the OZP as the area was prone to landslides. In 1972, a landslide happened in the area and this had caused huge damages and injuries. The major causes of the landslide included over-development of tall buildings and road network on slopes. Heavy traffic on roads built on steep slopes and piling works of development caused vibration to the slopes. In 2011, the site formation works had also caused a crack on the slope at Po Shan Road. Even the most modernized technology could not guarantee that there would not be any geotechnical problem arising from unstable slopes;
- (c) sites which were on terrace should not be zoned “R(A)” for high-density development. The low-rise pedestrianized environment of the area should be preserved;
- (d) there was objection from the elderly against the proposed escalator. With better nutrition and more exercise, elderly people had become healthier. It would be good for the elderly to have more exercise through walking up and down the steps. Walking on the street could also allow meeting and chatting with friends. The provision of an escalator on the other hand would affect social interaction;
- (e) while some people preferred living in modern high-rise developments with club houses, some others might prefer a quiet and more relaxed living environment; and

- (f) it would be good for school students to have more exercise through walking up and down the stairs of the stepped streets.

C1 Katty Law

Ms. Katty Law

48. With the aid of some presentation materials, Ms. Katty Law made the following main points:

- (a) the historic value of the Tai Ping Shan area had been ascertained in many publications and reports. The lanes and stepped streets in the area were all within the Tai Ping Shan Medical Heritage Trail. The lanes were not the same as other ordinary streets within the “R(A)” zone. These lanes and stepped streets should be preserved;
- (b) as stated in the CE’s election manifesto, historical buildings and streets should be preserved by designating them with a specified category in the OZPs;
- (c) there was no reason why only U Lam Terrace, Rozario Street and Ladder Street were rezoned to “Road” on the OZP, but not the other streets and lanes in the area. There was also no reason why Tai On Terrace, which was also subject to constraint on vehicular access, should be zoned “R(A)” while the other terraces were zoned “R(C)”;
- (d) the C&WCG had raised concerns on the geotechnical problems in the area when commenting on the URA H19 scheme, which consisted of 30-storey high-rise buildings. The problem of unstable slopes was also acknowledged in the geotechnical study for the Wing Lee Street development undertaken by the consultant of URA;

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



- (e) incidents related to unstable slopes including the collapse of masonry walls had been well documented. There were also recent incidents that slope works undertaken by the Government had caused crack in the nearby residential buildings. Geotechnical considerations should be an important factor in zoning the terraces in the area as “R(C)”;
- (f) a consistent approach should be adopted in zoning the terraces and streets/lanes in the area.

[Ms. Bonnie J.Y. Chan arrived to join the meeting at this point.]

C3 Siu Ka Yi, Chan Hok Fung, Ip Kwok Him, Cheung Kwok Kwan and Lo Yee Hang, C&WDC Members)

Ms. Siu Ka Yi

49. Ms. Siu Ka Yi made the following main points:
- (a) she was a C&WDC Member and did not agree with the representations made by the other representers to prohibit the construction of escalators, artificial walkways or bridge structures in the area;
  - (b) 400 letters from local residents, owners’ committees, schools and other organizations supporting the proposed escalator at Pound Lane were submitted with her comment. Their major supporting grounds were as follows:
    - (i) there were over 300 steps along the stepped streets and the area was not accessible by cars. There was also a lack of public transport serving the area. Local residents and the elderly people wished to have an escalator for improving the accessibility of the area;
    - (ii) the Tung Wah Hospital had expressed their support for the escalator project as it would provide its patients and elderly people a convenient pedestrian access to the hospital;

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

- (iii) the operators of the temples and local shop owners had also expressed support for the proposed escalator;
  - (iv) the principals of the nearby schools supported the proposed escalator as in case of emergency, it would be more convenient to transport their students from the schools for medical treatment;
  - (v) the organizations representing handicapped people also supported a barrier free community;
- (c) while the provision of an escalator at Pound Lane would improve the accessibility of the area, it would not necessarily result in the opening of more pubs as local residents and the relevant DC Members would not support the granting of any liquor licence in the area; and
- (d) a study had been undertaken to assess the suitability of the construction of an escalator in the area and the proposed escalator was supported by the C&WDC during its last term. Further detailed study would be conducted on the escalator project and public consultation would be conducted. It was believed that any geotechnical issue would be addressed by the relevant government departments in the detailed study of the proposed escalator.

50. As the representers and commenters and their representatives had finished their presentations, the Chairman invited questions from Members.

51. The Chairman had the following questions:

- (a) whether geotechnical issue was one of the considerations in designating the existing “R(C)” zone on the OZP;

- (b) the reason why Pound Lane was not zoned “Road” on the OZP; and
- (c) why maximum level of development was considered “tolerable” for Tai On Terrace.

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

52. In response, Ms. Ginger Kiang, DPO/HK, made the following main points:

- (a) a “Study on Redevelopment along Stepped Streets” was undertaken in 1991 to review 12 stepped street areas on Hong Kong Island. Within the Sai Ying Pun and Sheung Wan area, the study recommended that a maximum level of development should be considered “tolerable” for the Tai On Terrace area which had acceptable means of access, while the existing level of development (i.e. low to medium-rise development) should be maintained for U Lam Terrace mainly due to unacceptable means of access to the sites. Based on the recommendation of the study, U Lam Terrace was rezoned from “R(A)” to “R(C)” in 1993;
- (b) the “R(C)” zoning was not designated on geotechnical grounds;
- (c) the subject amendments to the OZP were based on a review, i.e. the “Review of the Stepped Street Sites on Hong Kong Island” undertaken by PlanD and considered by the Board on 23.3.2012. This review was on the “R(C)” sites which were designated based on the “Study on Redevelopment along Stepped Streets” undertaken in 1991. With the enhanced fire safety measures, fire fighting was no longer a concern for these “R(C)” sites. Yet, the lack of on-site loading/unloading facilities and the cumulative traffic impact arising from more intensive developments were still valid. The Board agreed to the recommendations of the review which included: (i) to retain the current development restrictions for the sites i.e. a maximum plot ratio of 5 and a BH restriction of 12 storeys; (ii) to suitably amend the planning intention of concerned “R(C)” zones; (iii) to replace the previous “relaxation” clause with a “minor relaxation” clause in the Notes; and (iv)

to rezone the major stepped streets within these areas as “Road”;

- (d) the “Review of the Stepped Street Sites on Hong Kong Island” did not cover the “R(A)” sites in the Sai Ying Pun and Sheung Wan area. No amendment to the OZP was made to these “R(A)” sites;
- (e) the Pound Lane and Tai Ping Shan area fell within the “R(A)” zone intended for high-density developments. Some of these areas had already been redeveloped with tall buildings. The ambience of the streets within the “R(A)” zone was partly attributed to the street activities of human scale in association with the existence of traditional stores, craft shops and small cafes along the streets. The characteristics of these streets came from the street activities, which the “R(A)” zone helped complement as commercial uses were always permitted on the lowest three floors of a building; and
- (f) Pound Lane was on government land. The function of Pound Lane as public passage would not be affected by the existing “R(A)” zoning and there was no imminent need to show it as “Road” on the OZP. In addition, the OZP was a small-scale plan and it might not be practical and necessary to illustrate all existing streets on the plan.

53. A Member noted that in the “Review of the Stepped Streets Sites on Hong Kong Island”, the concerned “R(C)” sites had been reviewed, taking into account the local character, terrace ambience, heritage value, and visual, air and traffic impacts of these sites. This Member asked if a similar study would be undertaken for the “R(A)” sites mentioned by the representers. This Member also asked whether the AMO had any time-table for the assessment of the historic grading of Pound Lane, and whether the zoning of Pound Lane would be reviewed after the grading assessment was completed by AMO.

54. In response, Ms. Ginger Kiang made the following main points:

- (a) the AMO did not have any time-table for the grading assessment of Pound Lane for the time being. However, the zoning of Pound Lane could be reviewed upon the completion of AMO’s assessment exercise and the

AAB's final decision on any historic grading for it; and

- (b) it was recommended in the "Study on Redevelopment along Stepped Streets" in 1991 that maximum level of development be considered "tolerable" for sites in the Tai On Terrace area. The sites were therefore zoned "R(A)" based on the recommendations of this study. Some of the sites had already been redeveloped for high-rise development under the "R(A)" zoning. Any new restriction on the development intensity of these sites should be carefully considered, taking into account the impact on the development right.

55. In response to a Member's enquiry, Ms. Ginger Kiang said that the amendments incorporated into the draft Sai Ying Pun and Sheung Wan OZP No. S/H3/28 were mainly to revise the planning intention of the "R(C)" zone by incorporating the latest planning considerations relevant to the redevelopment of the sites, and to rezone U Lam Terrace, Rozario Street and Ladder Street as "Road" in accordance with the recommendation of the "Review of the Stepped Street Sites on Hong Kong Island" considered by the Board on 23.3.2012. As for Tai On Terrace, the site was zoned "R(A)" based on the recommendation of the "Study on Redevelopment along Stepped Streets" done in 1991. The study recommended that maximum level of development be regarded as "tolerable" for the Tai On Terrace area, which had acceptable means of access. Ms. Ginger Kiang also pointed that Tai On Terrace was not included in the "Review of the Stepped Street Sites on Hong Kong Island" considered by the Board in 2012 and it did not form part of the amendments incorporated into the OZP No. S/H3/28.

56. A Member noted that the representations made by some representers were on the planning of the whole Sai Ying Pun and Sheung Wan area and on the proposed escalator link at Pound Lane, rather than on the amendments made to the OZP. This Member asked how the comments on the proposed escalator link and Pound Lane were to be handled.

57. In response, Ms. Ginger Kiang said that the TD and HyD had been liaising with the C&WDC on the proposed escalator since 2008 and the C&WDC had expressed support for the project. According to the current proposal, the escalator link would be constructed at Pound Lane linking Tai Ping Shan Street from Bonham Road. In July 2012, the HyD had

commissioned a consultancy study on the Pound Lane Escalator Project. Further public consultation would be held later and all views received from the public would be taken into consideration in identifying an optimum arrangement for the proposed escalator project link at Pound Lane. The implementation of the project would be processed under the Roads (Works, Use and Compensation) Ordinance Cap. 370 and all public comments would be duly considered by the Administration in accordance with the established procedures. If required, the TD could be invited to brief Members on the proposed escalator link.

58. In response to another Member's question, Ms. Ginger Kiang said that road was a use always permitted on the OZP and therefore it was not necessary to make a submission to the Board for the proposed escalator link.

59. Mr. John Batten said that the amendments to the OZP were broadly agreeable. However, there were other stepped streets which also required attention and preservation under the OZP. All the stepped streets in the area should be treated in a consistent manner.

60. In response to the Chairman's enquiry, Ms. Ginger Kiang said that the amendments made to the OZP were to reflect the decision of the Board after considering the recommendations in the "Review of the Stepped Street Sites on Hong Kong Island" on 23.3.2012. Amendments had been made to the Wan Chai OZP and the subject Sai Ying Pun and Sheung Wan OZP to take on board the recommendations in the Review. Amendments to the other relevant OZPs would be made in due course.

61. Ms. Katty Law said that while the representative of C3, who was a DC member, indicated that there was support from local residents to the proposed escalator project at Pound Lane, there were in fact a lot of local objections against this proposal. These public objections had been ignored by the relevant DC members.

62. Ms. Mary Mulvihill said that Members of the Board had not been provided with adequate information on the subject matters. The geotechnical issue related to the area was not mentioned in the TPB Paper. There was no avenue for the public to bring all relevant issues to the Board for consideration in a holistic manner.

63. In response, the Chairman said that the Board would take into account all relevant considerations in making a decision on the representations.

64. 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 and commenters and their representatives. They would be informed of the Board's decision in due course. The Chairman thanked the representers and commenters and their representatives and representatives of PlanD for attending the hearing. They all left the meeting at this point.

[Mr. Clarence W.C. Leung and Professor P.P. Ho left the meeting at this point.]

#### Deliberation Session

65. As requested by the Chairman, the Secretary made the following main points:

- (a) the amendments to the OZP were mainly related to the "R(C)7" zone by revising the planning intention of the zone, replacing the "relaxation" with "minor relaxation" clause and rezoning the stepped streets to "Road". The amendments were made subsequent to the consideration of the "Review of Stepped Street Sites on Hong Kong Island" by the Board on 23.3.2012. The review did not cover the "R(A)" zone and there was no amendment made to the "R(A)" zone covering the Tai On Terrace mentioned by some of the representers;
- (b) regarding some representers' proposal to rezone the streets/lanes in the area as "OU(Heritage Streets)", it should be noted that the Board was not the authority on heritage preservation. There was no basis for the Board to rezone the streets/lanes for heritage preservation;
- (c) however, according to previous legal advice, the representers could raise objection against the scope of the amendment to the OZP i.e. the amendment only covered the rezoning of one site, but not the other sites. As such, the representers' objection against the rezoning of only U Lam

Terrace, Rozario Street and Ladder Street as “Road”, but that Pound Lane and other streets/lanes in the area were not rezoned was considered as a valid representation; and

- (d) the other comments made by the representers, such as the zoning of Tai On Terrace, could be dealt with by the Board separately. The Board might request PlanD to do a separate study on the issue.

66. A Member said that the preservation of heritage and ambience of an area should be considered in a holistic manner. There should also be a linkage between the policy on heritage preservation and land use planning. However, this Member noted that the subject amendments to the OZP did not relate to the proposed preservation of the streets/lanes in the area mentioned by some of the representers.

67. A Member supported the amendments made to the OZP and considered that the proposed preservation of Pound Lane and the proposed escalator project at Pound Lane were separate issues not related to the amendments being considered. This Member, however, noted that the representers’ representation against not rezoning the streets and lanes in the Tai Ping Shan area was a valid representation which had to be considered by the Board. This Member considered that there was inadequate information to support or reject the rezoning of these streets and lanes to “Road” or “OU(Heritage Streets)”. This Member also asked if there was any mechanism for the Board to formally consider the proposed escalator project mentioned by the representers.

68. The Secretary said that the provision of road and road facilities was permitted in all zones under the OZP. Therefore, there was no need for the Board to grant approval to the proposed escalator project. However, it was a general practice that the Board would be consulted on important road and railway projects. If considered necessary by the Board, relevant bureau/department could be requested to make a presentation to the Board on this proposed escalator project. As for the subject hearing, Members should consider whether the representations made by some representers on the zoning of Pound Lane and other streets/lanes in the Tai Ping Shan area were valid, and if they were considered valid, whether the OZP should be amended to uphold the representations. Members should also consider whether there were adequate justifications to rezone these streets/lanes to “Road” or



“OU(Heritage Streets)”. In this regard, the Board could request relevant departments to further study the issue and make recommendations to the Board on the appropriate zoning of these streets/lanes.

69. Miss Winnie Wong, Principle Assistant Secretary (Transport), said that if the Board considered it necessary, the relevant department could be invited to make a presentation to the Board on the proposed escalator project.

70. The Secretary said that there was at present no justification provided for the Board for rezoning these streets/lanes to “OU(Heritage Streets)”. In considering whether these streets/lanes should be rezoned to “Road”, Members should consider it in a wider context as to why some roads within a larger zoning should be excised from the zone and shown as “Road” on the OZP, but not the other roads. The Secretary said that the preservation of the district was raised by the representers previously under different context. The preservation of the older district should not be considered in a piecemeal manner. There should also be policy support from the relevant policy bureau on heritage conservation. It should be noted that any policy on conservation of existing private developments would affect development in the area concerned and should therefore be considered carefully.

71. The Chairman said there was at present inadequate information to justify a rezoning of these streets/lanes. However, relevant government departments could be requested to follow up with the assessment of the heritage value of concerned streets and lanes in the area.

72. A Member supported the amendments to the OZP, which were based on the previous study and review. However, this Member considered that the amendments to the OZP and the preservation of Pound Lane and Tai On Terrace were separate issues. The preservation of the district should be considered in a wider context with further studies. As for the proposed escalator, this Member said that although no approval from the Board was required, a separate submission could be made to the Board to consider the design of the project. This Member also said that the geotechnical issue raised by some representers would be adequately addressed by government departments under relevant ordinances and regulations. It was not sure if CEDD should be requested to provide further advice to the Board in view of the concerns raised by some representers.

73. The Chairman said that, in processing the representations, relevant departments including CEDD should have been consulted. No concerns or comments from the CEDD had been received on geotechnical issue. It should also be noted that geotechnical issue should be taken care of in the development process under all relevant ordinances and regulations.

74. A Member said that it was not considered necessary for road projects and road facilities to be submitted to the Board for consideration before implementation as detailed design of these facilities could be taken care by relevant departments in consultation with local people.

75. The Vice-chairman said that the proposed rezoning of the streets/lanes as heritage streets should be supported with strong justifications and policy support. The Board should also not pre-empt the work of the AAB in making appropriate heritage grading for sites with historic value. It should also be noted that the concerned streets and lanes were government land and no development should be allowed on these streets and lanes. The Vice-chairman also said that there would be supporting and objecting views on the proposed escalator project. These views should be handled by relevant departments. It was considered not necessary to request the relevant departments to make a submission to the Board on the proposed escalator project. This was supported by another Member.

76. A Member said that the representations made by some representers were not related to the amendments to the OZP. They were related to the planning of the whole area in a wider context. This Member noted that there were different views on the proposed escalator project. However, it was not the duty of the Board to resolve the different views regarding a proposed road facility. Another Member also considered that the details of the proposed escalator project should be taken care of by relevant departments.

77. A Member said that some of the areas mentioned by the representers might not have historic value. However, they represented some collective memories of people. Another member said that area with historic value should be preserved from irreversible damage.

78. A Member said that study on heritage value of a particular area or a particular site should be within the ambit and initiative of the AMO, not the Board. The Board should not request the relevant department to undertake study regarding the heritage value of the area in particular on the streets and lanes mentioned by the representers.

79. The Chairman concluded Members' views that noting that there was no grading by AAB on any historic value of the streets and lanes concerned, there was at present no basis for the Board to rezone the streets and lanes to "Road" or "OU(Heritage Streets)" and to prohibit the construction of lifts, escalators, artificial walkways or bridge structures. Members also agreed that geotechnical matters raised by some representers were not related to the subject amendments to the OZP and the issue should be dealt with by relevant departments under the relevant regulations and mechanism. Regarding the proposed escalator project, the Chairman asked if Members would like to be briefed by the relevant departments on the project. More Members supported a briefing. The Board agreed that the relevant department would be invited to brief Members on the proposed escalator project.

80. After further deliberation, Members agreed that the support of R1 (part) to R17 (part) should be noted and the representations of the remaining parts of R1 to R17, R18(part) and R19 to R20 should not be upheld. Members then went through the reasons for not upholding the representations as stated in paragraph 6.2 of the Paper and agreed that they were appropriate.

Representation R1(part) to R17(part), R18(part) and R19 to R20

81. After further deliberation, the Board noted the support of R1 (part) to R17 (part).

82. The Board decided not to uphold the representations R18(part) and R19 to R20 and the remaining parts of R1 to R17 for the following reasons:

- (a) the terraces/stepped streets rezoned to 'Road' formed part of the terraced developments within the "Residential (Group C)" ("R(C)") zones. The rezoning was in line with the planning intention to preserve the terrace ambience. Different from the tranquil terrace ambience at U Lam Terrace/Ladder Street Terrace which fell within the "R(C)" zone, the streets

referred to by the representers fell within the “R(A)” zone and its subzones which were planned for high-rise developments. The characters and planning intentions of the areas where the streets referred to by the representers were located within, were different from that of U Lam Terrace/Ladder Street Terrace (*R1 to R17 and R19 to R20*);

- (b) the streets referred to by the representers, namely U Lam Terrace, Pound Lane, Rozario Street, Upper Station Street, Wa Ning Lane, Rutter Street, Po Yan Street, Sai Street, Tai Ping Shan Street, Water Lane, Tung Street and Square Street, were not accorded with any historic status by AAB (*R1 to R17 and R19 to R20*);
- (c) by showing the Ladder Street and the strip of land fronting U Lam Terrace as ‘Road’, sufficient control had been accorded as all uses or developments, except those otherwise specified in the Covering Notes of the Sai Ying Pun and Sheung Wan OZP, required permission from the Board. There was no need to designate a preservation zoning for these streets (*R13 to R17 and R19 to R20*);
- (d) incorporation of clauses to prohibit the construction of lifts, escalators, artificial walkways or bridge structures would unnecessary hinder future improvement of the walkway environment and traffic conditions in the areas (*R13 to R17 and R19 to R20*); and
- (e) the amendment areas, i.e. the strip of land fronting U Lam Terrace, the Rozario Street and the Ladder Street, comprised Government land only and there was no adverse impact on development right (*R18*).

83. The Board also agreed to invite the relevant government department to brief the Board on the proposed escalator project at Pound Lane.

[Professor S.C. Wong and Mr. Laurence L.J. Li left the meeting at this point.]

Group 2 (R17, R18 and R21 and C1, C4 to C12)

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

Mr. Clarence W.C. Leung his mother owned a flat at Sai Ying Pun

Mr. Roger K.H. Luk being the council member of St. Paul's College located in the area

85. Members noted that the property of Mr. Clarence W.C. Leung's mother was some distance away from the representation site and Mr. Luk's interest was remote. Members agreed that Mr. Luk should be allowed to stay in the meeting for the item and noted that Mr. Leung had already left the meeting.

86. As the representation site was the completed Urban Renewal Authority (URA) scheme site at First Street/Second Street, the following Members had declared interests in this item:

Mr. Stephen H.B. Yau being a member of the Wan Chai District Advisory Committee of the URA

Professor C.M. Hui being a co-opted member of the Finance Committee of the URA

Professor P.P. Ho had business dealings with the URA; his spouse owned a flat each at Third Street and Kui Yan Lane

Mr. Patrick H.T. Lau had business dealings with the URA

Mr. H.W. Cheung being a co-opted member of the Planning, Development and Conservation Committee of the URA

Mr. K.K. Ling Director of Planning	being the non-executive director of the URA
Mr. Jeff Lam Deputy Director of Lands	being a representative of the Director of Lands who was the non-executive director of the URA
Mr. Eric Hui Assistant Director of Home Affairs	being a representative of the Director of Home Affairs who was the non-executive director of the URA

87. Members noted that the interests of Mr. Stephen H.B. Yau and Professor C.M. Hui were indirect and agreed that Mr. Yau and Professor Hui should be allowed to stay at the meeting for the item. Members also agreed that the interests of Professor P.P. Ho, Mr. Patrick H.T. Lau, Mr. H.W. Cheung, Mr. K.K. Ling, Mr. Jeff Lam and Mr. Eric Hui were direct and they should leave the meeting for the item. Mr. Patrick H.T. Lau, Mr. H.W. Cheung, Mr. K.K. Ling and Mr. Jeff Lam left the meeting temporarily at this point. Members noted that Mr. Eric Hui had tendered an apology for being unable to attend the meeting and Professor P.P. Ho had already left the meeting.

88. The Chairman said that sufficient notices had been given to invite the other representers and commenters to attend the hearing, but they had either indicated not to attend the hearing or made no reply. As sufficient notices had been given to the representers and commenters Members agreed to proceed with the hearing in their absence.

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

Ms. Ginger Kiang	District Planning Officer/Hong Kong (DPO/HK), PlanD
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Ms. April Kun Senior Town Planner/Hong Kong  
(STP/HK), PlanD

R17 (Mary Mulvihill)

C7 (Mary Mulvihill)

Ms. Mary Mulvihill Representer/Commenter

R21 (Wealthy State Investments Ltd.)

Ms. Irene Wong ) Representer's Representatives

Mr. Paul Wong )

C1 (Katty Law)

Ms. Katty Law Commenter

Mr. John Batten Commenter's Representative

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

91. With the aid of a Powerpoint presentation, Ms. April Kun, STP/HK, made the following main points as detailed in the Paper:

- (a) on 12.10.2012, the draft Sai Ying Pun and Sheung Wan Outline Zoning Plan (OZP) No. S/H3/28, incorporating amendments mainly to show the terraces and the stepped streets including U Lam Terrace, Rozario Street and Ladder Street as 'Road' as well as to incorporate a completed development (Island Crest) previously covered by the approved Land Development Corporation (LDC) First Street/Second Street Development Scheme Plan No. S/H3/LDC5/2, was exhibited for public inspection under s.5 of the Town Planning Ordinance (the Ordinance). 21 representations and 12 comments were received;
- (b) R17, R18 and R21 and related comments C1 and C4 to C12 were concerned with the development restrictions of the "Residential (Group A)

22” (“R(A)22”) zone for the Island Crest site;

### The Representations and Comments

- (c) R18 submitted by a member of the public opposed all amendments under the OZP;
- (d) R17 submitted by a member of the public opposed the building height (BH) restriction (i.e. 120mPD or the height of the existing building) for the Island Crest site and asked for more stringent control;
- (e) R21 submitted by the developer of Island Crest opposed the BH and gross floor area (GFA) restrictions and requested to remove them;
- (f) C1 and C4 to C12, submitted by the Central & Western Concern Group and members of the public objected to R21 and supported the imposition of BH restriction of the “R(A)22” site;

### Grounds of Representations and Representers’ Proposals

#### *Ask for More Stringent Restrictions*

- (g) the existing height of Island Crest breached the OZP’s height band of 120mPD. The existing building was too high in relation to the narrow streets as well as the stepped height concept designed to provide better ventilation and maximise harbour views for the majority;
- (h) to allow existing building that exceeded the height band to redevelop to its existing height was also unfair to other property owners in the height band who were bounded by the regulations;
- (i) the “R(A)22” zoning was required and there should be no ambiguity with regard to the provision of 700m<sup>2</sup> public open space (POS) at street level for public enjoyment. Visible notices must be posted to ensure that the



public were aware of their right to enjoy the POS and to avoid privatization of the POS;

*Ask for Removal of Restrictions*

- (j) R18 opposed the amendments to the Notes to incorporate the GFA restrictions and requirement for a POS for the “R(A)22” zone as they deprived redevelopment right;
  
- (k) R21 submitted by the developer of Island Crest objected to the BH as well as the domestic and non-domestic GFA restrictions, with the following grounds and proposals:
  - there were no specific maximum domestic and commercial GFA restrictions under the lease governing the site and the existing height of the site was well above 120mPD. The representer had a legitimate expectation to fully utilize the potential of the site under the Buildings Ordinance (BO) upon redevelopment in future. The representer’s interest would be unreasonably affected and prejudiced with the restrictions;
  
  - the planning intention of the site was primarily for high-density residential developments and commercial uses were always permitted on the lowest three floors of a building. It was considered inequitable to impose GFA restrictions which neglected the existing rights of the property owners under BO and land lease that allowed inter-changeability between domestic and commercial GFA. The GFA restriction would not allow sufficient flexibility upon redevelopment to meet the changing demand in an area which was undergoing quite a radical changing process as the Mass Transit Railway (MTR) West Island Line (WIL) was expected to be in operation by 2015;

- the BH restriction was contrary to the Government's greening policy in that every opportunity should be taken to improve local streetscape and allow human-scale design. The stringent BH restriction would result in a lack of incentive for better urban design, thus the chance of improvement to the streetscape and environment; and
- the GFA restrictions for domestic and commercial uses as well as the height restriction should be removed;

### The Comments

- (l) C1 and C4 to C12 objected to R21 and supported the imposition of BH restriction;
- (m) the Island Crest project was built when there was no BH restriction and plenty of bonus and exemption were allowed, resulting in "old-style bulky and out-of-proportion-to-surroundings" developments in the area. The development approach was no longer acceptable as better and sustainable building practices were required for Hong Kong;
- (n) the neighbourhood should be reasonably protected, though development should not be refused. Neither the character nor the scale of the roads and other services justified excessive loading of new units. The height limits were not only aesthetic but also to ensure a reasonable quality of life with access to views/air and freedom from excessive traffic jam. The height restrictions for developments on steep and narrow streets were necessary to ensure that the surrounding buildings would get adequate air ventilation and natural light;
- (o) C7 also disagreed with R21's proposal to remove the BH and GFA restrictions which would greatly diminish the quality of life in the inner city district;

Responses to Grounds of Representations and Representers' Proposals

*Ask for more Stringent Restrictions*

- (p) BH restrictions were imposed on OZP to provide an appropriate framework to guide the future development/redevelopment in the area. The restrictions had generally followed a BH profile with lower buildings on the waterfront and BH increasing progressively to the inland areas and uphill. Taking into account the local topography and characteristics, different height bands ranging from 100 to 160mPD were drawn up. The BH restrictions as shown on the OZP were largely commensurate with the height bands which reflected the overall stepped BH concept. Having regard to the overall stepped height concept for the area, the Island Crest site together with its adjacent "R(A)" sites, fell within the height band of 120mPD;
- (q) other relevant factors including local topography and characteristics, land uses, compatibility with surrounding developments, local wind environment, compatibility of building masses in the wider setting, and permissible development intensity under the OZP, had also been taken into consideration in drawing up the BH restriction for respective sites;
- (r) for an existing building with height already exceeding the height band, except for special planning and design considerations, e.g. harbourfront location, breach of ridgeline etc., it was an established principle to allow redevelopment to the height of an existing building. This principle had generally been applied to all the OZPs with BH restrictions imposed;
- (s) the BH restriction had struck a balance between public aspirations for a better living environment and development rights. Although the minor relaxation clause also applied to existing building with height exceeding the height band, there was a general presumption against such applications unless under exceptional circumstances (paragraph 7.7 of the Explanatory Statement (ES) of the OZP). This was to ensure that

redevelopment would not further erode the overall building height profile;

- (t) the POS was part and parcel of the development and hence it was subsumed under the “R(A)22” zoning to reflect its integrated relationship with the development, instead of being separately rezoned as “Open Space” (“O”). To ensure reprovision of POS upon future redevelopment, the relevant Notes had already stipulated that “a POS of not less than 700m<sup>2</sup> at Second Street level should be provided”. POS signage containing information on boundary and demarcation of the POS, rules and regulations, opening hours and contact information of management agencies had been provided in the POS at the site. The provision and requirement for public opening of the POS were also stipulated in the lease. Under the lease, the provision of POS of not less than 700m<sup>2</sup> was specified and the requirement to permit all members of the public at all reasonable times during the day and night was stipulated;

*Ask for Removal of Restrictions*

*Redevelopment Rights and Legitimate Development Expectations*

- (u) the Island Crest project was the subject of a planning application for a comprehensive residential development within a “Comprehensive Development Area” (“CDA”) zone. The development on the site was pertaining to a specific scheme approved by the Board. Since the development had been completed, the site was rezoned “R(A)22” with restrictions on GFA and POS provision stipulated to reflect the approved scheme, and the long-term planning intention of the site;
- (v) it was not uncommon for the Board to rezone completed as-built developments in relation to approved planning applications with the stipulation of relevant restrictions to maintain effective planning control. In particular, it would be necessary to stipulate the GFA for government facilities such as the RCHE cum CSSC in the subject site, as well as provision of POS to ensure continuous provision upon redevelopment. Similar restrictions had also been stipulated for other comprehensive

residential developments (such as “R(A)1” and “R(A)2”) on the same OZP;

- (w) to cater for exceptional cases based on planning and design merits, there was provision for application for minor relaxation of the BH and GFA restrictions under the OZP. The consideration criteria of such applications included the provision of innovative building design, separation between buildings, better streetscape and good quality street level public urban space. Any innovative scheme would be duly considered by the Board on individual merits in accordance with such criteria through the planning permission system;
- (x) the right of redeveloping the building to its existing height was respected under the OZP. The development parameters stipulated for the “R(A)22” zone (i.e. maximum BH up to the existing BH and a maximum domestic and non-domestic GFA of 34,954m<sup>2</sup> and 4,000m<sup>2</sup> respectively) actually followed the approved scheme. The GFA restrictions stipulated should have no implication attaining the maximum development intensity permitted under the BO;
- (y) regarding R21’s allegation that there were no GFA restrictions under the lease, it should be noted that land lease and OZP were different regimes. Land lease was a contractual document between the private owner and the Government while OZP was prepared through an open and transparent statutory planning process involving public consultation;

*Flexibility to meet changing demand*

- (z) when the Board considered the specific scheme under the application which was the basis for the completed development, it had already taken into account the WIL and its implications on the land uses in the area. The current domestic and non-domestic mix had been duly considered with respect to the local planning circumstances and technical feasibility in the planning applications;

- (aa) the stipulation of GFA restrictions on domestic and non-domestic uses was to ensure that any future development on this site would be in line with the approved development scheme, which had taken into consideration that the vicinity was predominantly a residential neighbourhood with commercial facilities on the lowest/ground floors. The stipulation was necessary to maintain the local character in this respect. There was provision under the Notes for minor relaxation of the GFA restrictions on application to the Board;
- (bb) the existing development with retail shops on the lowest three floors (excluding the basement car park) was also in line with the planning intention of the “R(A)” zone designated for the area. Should there be a genuine need to shift some non-domestic uses to the residential portion of the existing building, there was provision for those uses under Column 2 of the Notes on application to the Board and the proposal would be scrutinized under the planning permission system;

Better Urban Design

- (cc) the provision of buildings of better design was not guaranteed by relaxing the BH and/or GFA restrictions. On the contrary, the restrictions would avoid out-of-context design, preserve the local character and regulate height profile of the built environment;
- (dd) to provide flexibility and incentive for better urban design, the ES had already included the provision of better streetscape/good quality level public urban space and innovative building design as one of the criteria for consideration of application for minor relaxation of BH restriction;

Removal of GFA and BH Restrictions

- (ee) the restrictions imposed had struck a balance between public aspirations for a better living environment and development rights. The imposition of BH restriction was to avoid out of context development and removal of the BH restriction would jeopardize the integrity of the overall stepped BH concept. R21’s proposal for removal of BH and GFA restrictions was not

supported; and

PlanD's Views

(ff) the representations R17 (part), R18 (part) and R21 should not be upheld for the reasons set out in paragraph 6.1 of the Paper.

92. The Chairman then invited the representers and commenters and their representatives to elaborate on their representations and comments.

R17 Mary Mulvihill

C7 Mary Mulvihill

Ms. Mary Mulvihill

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

- (a) the Island Crest development was not appropriate in the location;
- (b) the Island Crest development, which was a bulky building, affected air ventilation in the area; and
- (c) development right was not an absolute right. Development right should be exercised with conditions. Redevelopment of the Island Crest site should not be allowed up to the existing BH. It should follow the BH restriction of the site which was imposed taken into account the condition of the area, the impact on the neighbourhood and all relevant planning considerations.

R21 Wealthy State Investments Limited

Mr. Paul Wong

Ms. Irene Wong

94. Mr. Paul Wong made the following main points:

- (a) the lease of the Islands Crest development included restrictions on a minimum GFA of 21,216m<sup>2</sup> for private residential purpose and a minimum GFA of 1,080m<sup>2</sup> for non-industrial use. However, there was no restriction on the maximum GFA permissible within the site under the lease. Development of the site should follow the maximum permissible GFA under the Building (Planning) Regulations (B(P)R);
- (b) as there was already control under the B(P)R, there was no reason why further control on GFA should be imposed under the OZP; and
- (c) the GFA restriction imposed under the OZP would restrict flexibility upon redevelopment of the site.

C1 Katty Law

Ms. Katty Law

Mr. John Batten

95. Mr. John Batten made the following main points:

- (a) the Island Crest development comprised tall building blocks with wall effect;
- (b) the developer had maximized the development potential of the site by including the roads within the site for GFA calculation;
- (c) the URA had refused to provide an exit for the MTR within the development when it was being planned. The Island Crest was a development which had not been proposed and planned in a holistic manner; and
- (d) it was supported that a BH restriction should be imposed for the site.

96. As Members had no 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 and commenters and their representatives. They would be informed of the Board's decision in due course. The Chairman thanked the representatives of the representer and commenter and representatives of PlanD for attending the hearing. They all left the meeting at this point.

### Deliberation Session

97. Members noted that in formulating the BH restriction for the Island Crest site, all relevant factors including local topography and characteristics, land uses, compatibility with surrounding developments, local wind environment, compatibility of building masses in the wider setting, and development intensity under the OZP, had been taken into account. It was also the practice of the Board that the right of redeveloping the building to its existing height was respected under the OZP. After deliberation, Members agreed that R17(part), R18(part) and R21 should not be upheld. Members then went through the reasons for not upholding the representations as stated in paragraph 6.1 of the Paper and agreed that they were appropriate.

### Representation R17(part), R18(part) and R21

98. After further deliberation, the Board decided not to uphold the Representations R17 (part), R18 (part) and R21 for the following reasons:

- (a) in formulating the building height (BH) restriction for the Island Crest site, all relevant factors including local topography and characteristics, land uses, compatibility with surrounding developments, local wind environment, compatibility of building masses in the wider setting, and development intensity permitted under the OZP, had been taken into consideration. The BH restriction had struck a balance between public aspirations for a better living environment and development right. To impose a more stringent BH restriction would pose undue constraints on future redevelopment and have adverse impact on the development right (*R17*);
- (b) the rezoning of the Island Crest site to "Residential (Group A) 22" ("R(A)22") was to clearly reflect the planning intention of the site. The

stipulation of restrictions on gross floor area (GFA), BH and public open space (POS) provision was to reflect the development scheme approved by the Board and maintain effective planning control. The BH and GFA restrictions had struck a balance between public aspirations for a better living environment and development right. The right of redeveloping the building to its existing height was respected under the OZP. Besides, the GFA restrictions stipulated should have no implication on attaining the development intensity permitted. There was also provision under the Notes for minor relaxation of the BH and GFA restrictions on application to the Board (*R18 and R21*); and

- (c) deletion of the BH and GFA restrictions on the “R(A)22” zone would jeopardize the integrity of the overall stepped BH concept and adversely affect the local character and cityscape, which was not in line with the intended planning control (*R21*).

### **Sha Tin, Tai Po and North District**

#### **Agenda Item 4**

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comment to  
the Draft Sha Tin Outline Zoning Plan No. S/ST/27

(TPB Paper No. 9306)

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[The hearing was conducted in Cantonese.]

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

Mr. Clarence W.C. Leung                      owned a flat at Fo Tan

Professor C.M. Hui                              owned a flat at Sha Tin

Professor K.C. Chau                            owned a flat at Fo Tan

100. As the property owned by Professor C.M. Hui was at a distance from the representation site, Members agreed that the interest of Mr. Hui was remote and that he should be allowed to stay in the meeting for the item. Members noted that the properties of Mr. Clarence W.C. Leung and Professor K.C. Chau would not be affected by the subject amendments and the interests of these Members were indirect. Members noted that Mr. Clarence W.C. Leung had already left the meeting and agreed that Professor K.C. Chau should be allowed to stay in the meeting for the item.

101. As the representation site was intended for proposed Public Rental Housing (PRH) and Home Ownership Scheme (HOS) developments in Fo Tan area by the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA). The following Members had also declared interests in this item:

Mr. Stanley Y.F. Wong	being a member of the HKHA and chairman of the Subsidized Housing Committee of the HKHA
Ms. Julia M.K. Lau	being a member of the Commercial Properties Committee and Tender Committee of the HKHA
Professor Edwin H.W. Chan	being a member of the Building Committee of the HKHA
Mr. Dominic K.K. Lam	had business dealings with the HKHA
Mr. H.F. Leung	had business dealings with the HKHA
Ms. Janice W.M. Lai	had business dealings with the HKHA
Mr. K.K. Ling Director of Planning	being a member of the Strategic Planning Committee/Building Committee of the HKHA

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

being the representative of the  
Secretary of Transport and Housing  
who was a member of the Strategic  
Planning Committee of the HKHA

Mr. Eric Hui  
Assistant Director, Home Affairs  
Department

being a representative of the Director  
of Home Affairs who was a member  
of the Strategic Planning Committee  
of the HKHA

Mr. Jeff Lam  
Deputy Director of Lands

being the representative of the  
Director of Lands who was a member  
of the HKHA

102. As the interests of the above Members were direct, they left the meeting temporarily for this item. Members noted that Mr. H.F. Leung had already left the meeting, and Ms. Janice W.M. Lai and Mr. Eric Hui had tendered apologies for being unable to attend the meeting.

103. Mr. Maurice W.M. Lee had declared an interest in this item as the representative of R4 was a friend of him. Members noted that Mr. Lee had not discussed with and had no contact with this representative of R4 for quite a long time and agreed that the interests of Mr. Lee was remote and should be allowed to stay at the meeting for this item.

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

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

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

Mr. Anthony Luk Senior Town Planner/Shu Tin  
(STP/ST), PlanD

R4 (工廈藝術家關注組)

Mr. Chow Chun Fai Representers' Representative

C1 (Green Sense)

Mr. Roy Tam Commenters' Representative

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

107. With the aid of a Powerpoint presentation, Mr. Anthony Luk, STP/ST, made the following main points as detailed in the Paper:

- (a) on 26.10.2012, the draft Sha Tin Outline Zoning Plan (OZP) No. S/ST/27 was exhibited for public inspection under s.5 of the Town Planning Ordinance (the Ordinance) to include amendments relating to the rezoning of two sites in Fo Tan for PRH (Amendment Item A1) and HOS (Amendment Item A2) developments and other amendments to reflect the latest land use proposal, as-built situation and minor boundary adjustments (Amendment Items A3 to A6, B, C1 and C2). During the publication periods, six representations and one comment were received;
- (b) the representations were submitted by members of the general public and different concern groups including the 劏房居民關注組 and 工廈藝術家關注組;

The Representations and Comments

- (c) R1 opposed Amendment Item A1, i.e. to rezone a site to the south of Kwai Tei New Village from “Industrial” (“I”), “Green Belt” (“GB”) and area shown as ‘River Channel’ to “Residential (Group A) 2” (“R(A)2”) for PRH development;
- (d) apart from Amendment Item A1, R2 also opposed Amendment Item A2, i.e. to rezone a site to the southwest of Man Hang Street from “I” to “R(A)3” for HOS development as well as Amendment Items A3 to A6, i.e. to rezone various sites in the vicinity of the proposed PRH and HOS sites to “Government, Institution or Community” (“G/IC”), “GB”, “I” and area shown as ‘Road’ to reflect the latest as-built situation and minor boundary adjustments;
- (e) R4 opposed Amendment Items A1 and A2;
- (f) C1 submitted by Green Sense echoed the opposing views of R1, R2, R3, R5 and R6 in relation to Amendment Items A1 and A2;

Grounds of Representations and Representers’ Proposals

*Opposing the rezoning of a site to the south of Kwai Tei New Village from “I”, “GB” and area shown as ‘River Channel’ to “R(A)2” for PRH development (Amendment Item A1) (R1) and another site to the southwest of Man Hang Street from “I” to “R(A)3” for HOS development (Amendment Item A2) (R2 (Part), R3 (Part), R4, R5(Part) and R6 (Part))*

- (g) visual aspect – the building bulk and height of the proposed PRH and HOS developments would be incompatible with the surrounding low-rise village development. Adverse visual impact on the surrounding areas was anticipated;

- (h) traffic aspect – the proposed PRH and HOS developments would cause traffic impact. The local road network could not support the increase in population, especially during the morning and evening peak hours. Kwei Tei Sun Chuen Road would be blocked due to the new developments but no alternative traffic arrangement was provided to Kwai Tei New Village;
  
- (i) air quality and ventilation aspects – the PRH and HOS sites were sandwiched between the hill slopes at the back and industrial buildings in the front. The exhaust air from the industrial buildings would adversely affect the health of the residents. The sites originally served as a buffer between the hill slopes and the industrial buildings to facilitate airflow. The residential buildings would create wall effect blocking the airflow, thereby aggravating the air pollution in the whole district. The future residents might have to close all windows and resort to air purifiers. It was a waste of energy and was against the Government's policy to reduce greenhouse gas emission;
  
- (j) fire risk, public order and road safety aspects – a lot of dangerous goods and inflammable materials were stored in the industrial buildings nearby, which were prone to accidents with serious consequences. Owing to the topography of the site, the residents of the proposed PRH and HOS, especially the elderly, children and handicapped persons might not be able to escape if there was an accident or fire in the industrial building. The industrial area was not safe for dwellings as there were plenty of illegal activities such as threats, damage to properties, burglaries and hiring of illegal workers in the area. A large number of residents travelling between the Fo Tan Station and the PRH/HOS sites would be subject to high risk of traffic accidents due to the presence of heavy vehicles in the industrial area;
  
- (k) provision of commercial and community facilities – the PRH site was large but there might not be enough retail, commercial and community facilities to make it self-sustainable. Future residents would need to go to the Fo Tan Station for daily provisions;

- (l) rezoning of the “I” sites for residential development – the Government should seriously consider the space requirements for cultural production and stop all policies that would reduce the amount of industrial land in order to maintain the prices and rents of industrial buildings at a reasonable level. The Fo Tan artist community and other small enterprises had been revitalizing the district in the past decade and attracted large number of visitors. The utilization rate of the industrial buildings in Fo Tan was very high. There was objection to any reduction in the area of industrial land so that Fo Tan would not undergo the same changes as the other industrial areas;
  
- (m) public consultation – a full-scale public engagement process involving all relevant stakeholders should be conducted on the planning of Fo Tan industrial area for developing the district in a sustainable manner;

*Opposing other amendments to the Sha Tin OZP (R2 (Part), R3 (Part), R5(Part) and R6 (Part))*

- (n) the representers opposed other amendments items without giving particular grounds. They opined that these amendments should not be pursued if Amendment Items A1 and A2 were refuted;

*Proposals*

- (o) three representations proposed to delete all the amendments to the Sha Tin OZP;
  
- (p) other proposals were related to the local traffic concerns, demand for a wider scope of public consultation and better selection of public housing sites in general:
  - detailed layout of the proposed development and alternative traffic arrangement to Kwai Tei New Village should be provided;



- the Government should study the community resources and development potential of the district before proposing any amendments. A full-scale public engagement process should be conducted to work out a vision and the way forward with the stakeholders with a view to developing the district in a sustainable manner;
- the Government should not put public housing in the industrial area and rezone any industrial area for residential use; and
- the Government should stop demolishing the existing public housing developments and make good use of the existing public housing sites to meet the housing needs;

#### Responses to Grounds of Representations and Representers' Proposals

##### *Rezoning of the "I" Sites for Residential Development*

- (q) to meet the increasing demand for land for housing, the Chief Executive (CE) pledged in the Policy Address to increase housing land supply in the short to medium-term. The sites under Amendment Items A1 and A2 were among the 16 "I" sites considered suitable for rezoning for residential use as a measure to increase housing land supply in the Policy Address 2013;
- (r) in the Area Assessments of Industrial Land in the Territory (the Area Assessments) conducted by PlanD in 2009, one of the major criteria in identifying the "I" sites for rezoning was whether the sites had been developed or in active industrial uses. The sites under Amendment Items A1 and A2 met the criteria as they had not been developed for industrial uses and were occupied by some temporary uses, including bus depots, abandoned vehicle surrender centre, open-air car park, open storages and maintenance areas for motor vehicles. Having considered that there were no active industrial uses on the sites under Amendment Items A1 and A2 and their fringe locations and minimum frontage with the Fo Tan industrial

area, they were recommended to be rezoned for residential use with a view to better utilising the land resources;

- (s) there was no existing industrial building in the subject sites under Amendment Items A1 and A2. Rezoning of the sites would not affect the current supply of industrial floor space for artists' workshop use. It was also noted that the artists' workspaces were mainly located in Wah Luen Industrial Centre and Wah Lok Industrial Centre which were outside the subject sites. The Area Assessments had not recommended rezoning these industrial buildings for commercial or residential uses;

*Visual Impact*

- (t) the proposed PRH development comprised six housing blocks with building heights ranging from 140mPD to 160mPD. It was so designed to create a height profile stepping up from both ends to the centre with reference to the hilly terrain to the north;
- (u) the proposed HOS development comprised two building blocks with a maximum building height of about 150mPD (absolute height of about 98m), which was generally comparable with the building heights of the surrounding buildings ranging from about 60m to 80m;
- (v) at areas near Kwai Tei New Village, Man Hang Street and the road junction of Fo Tan Road and Kwei Tei Street, the proposed PRH and HOS development might have moderate visual effects;
- (w) the village houses in Kwai Tei New Village were about 50m away from the PRH housing blocks and they were separated by a piece of vegetated slope serving as a green visual buffer. A building gap of 18m to 30m was maintained between the housing blocks to provide visual breaks for the village houses;
- (x) the PRH development might provide opportunity for improvement in the overall environment by quality landscape treatment and streetscape design;

- (y) the HOS development would not generate significant cumulative visual impact. The building setback and landscape buffer along Man Hang Street proposed in the HOS development would help improve the street level visual quality and pedestrian continuity;
- (z) the PRH and HOS developments would be guided by Planning Briefs to ensure the implementation of the stepped height concept, building setback and separations;

*Traffic Impact*

- (aa) the Traffic Impact Assessments (TIAs) conducted by HD had demonstrated that the proposed PRH and HOS developments would not generate substantial negative impact on the surrounding road network. A number of traffic management and improvement works were proposed to be implemented by the Highways Department (HyD) and/or other relevant government departments in the TIA reports, including widening of a section of Wong Chuk Yeung Street and junction improvement at Sui Wo Road and Shan Mei Street, and enhancement of existing or provision of new franchised bus or mini-bus services. The Commissioner for Transport (C for T) considered the TIAs acceptable in principle;
- (bb) the Project Manager/New Territories East of the Civil Engineering and Development Department (CE/NT, CEDD) had advised that realignment and widening of a section of the existing Kwei Tei Sun Chuen Road within/adjacent to the PRH site would be implemented before closure of the corresponding section of the existing Kwei Tei Sun Chuen Road. Relevant road works would be gazetted and the public would be consulted under the Roads Ordinance. Hence, the access to/from Kwai Tei New Village would not be affected;

*Air Quality and Ventilation Aspects*

- (cc) the Environmental Assessment Studies (EASs) conducted by HD had demonstrated that there was no insurmountable environmental problem for

the proposed PRH and HOS based on the latest design (e.g. non-operable window facing industrial buildings), layout and environmental conditions. The Director of Environmental Protection (DEP) considered the EASs acceptable in principle;

- (dd) existing measures including planning control and licensing requirements would continue to be adopted to ensure that there would not be any air pollution and odour nuisance to the future residents in the PRH development. Most of the industrial uses which might have potential air quality and odour impact, such as ‘offensive trades’ were Column 2 uses in the “I” zone. They would be subject to the control of the Board through the planning application system. There were also controls by EPD on new chimney applications and renewal of the Electricity Work Specified Process licence, and enforcement actions by relevant authorities on odour emissions from food processing factories. These measures were considered effective in controlling the odour and air quality impact within an acceptable level;
- (ee) the Air Ventilation Assessments (AVAs) conducted by HD showed that winds from northeast and east were the dominant annual wind directions. While in summer, winds mainly came from the southwest direction. The proposed PRH and HOS blocks were oriented to capture the prevailing winds without substantial impediment from and to the surrounding developments and terrain. There were separations between the housing blocks to optimize the wind environment. It was considered that there would not be air ventilation problems within the proposed PRH and HOS. Moreover, the two housing developments would not have significant air ventilation impacts on the surrounding areas. The results of the AVAs would be further refined by a quantitative study in the detailed design of the PRH development. Such requirements had been incorporated in the ES of the OZP;

*Fire Risk, Public Order and Road Safety Aspects*

- (ff) the proposed HOS development would be set back from Man Hang Street by about 10m so that a clear distance of at least 25m had been kept from the

industrial building above the podium level. The Master Layout Plan and General Building Plans of the proposed PRH and HOS developments should fully comply with the requirements of the Director of Fire Services (D of FS) in that sufficient fire-fighting access and fire escape routes should be provided. The D of FS had no objection to the rezoning of the sites and the proposed developments;

- (gg) regarding the storage of dangerous goods at industrial buildings, they were under the control of relevant Dangerous Goods Ordinance, the Code of Practice for Fire Safety and Fire Service (Installations and Equipment) Regulations administered by the D of FS in the process of licensing and occupation;
- (hh) the concern on public order/security was a matter of law enforcement. The Commissioner of Police had no comment on the rezoning of the sites;
- (ii) the TIAs conducted by HD had recommended a number of traffic improvement measures, including provision of shuttle bus service and additional lay-bys and bus stops which would be implemented by HyD and/or other relevant government departments. This would facilitate the residents of the proposed PRH and HOS developments travelling to Fo Tan Station;
- (jj) C for T advised that as there was no significant attraction or destinations within the walking distance, pedestrians generated by the PRH and HOS developments would likely take public transport to/from the Fo Tan Station. In addition to public transport, there were existing footpaths connecting Kwei Tei Street to Fo Tan Station for the pedestrians, including a pavement along the Fo Tan nullah which was away from the industrial buildings. Adequate road crossing facilities had been provided for safe pedestrian linkage to the Fo Tan Station;

*Provision of Commercial and Community Facilities*

- (kk) according to the latest scheme provided by HD, a range of facilities would

be provided in the PRH site to support the daily needs of the residents. The provision of the supporting facilities met the requirements under the Hong Kong Planning Standards and Guidelines (HKPSG) and had been agreed by the relevant Government departments;

- (ll) in particular, about 5,400m<sup>2</sup> GFA would be used for retail facilities, including a wet market, retail shops, eating outlets and restaurant. About 7,500m<sup>2</sup> GFA would be used for welfare and social facilities, including kindergarten, residential care home for the elderly, day care centre for the elderly and integrated children and youth service centre;

*Public Consultation*

- (mm) the Sha Tin District Council (STDC) generally supported the proposed PRH and HOS development when HD consulted the STDC on 1.9.2011 and 28.6.2012. The STDC passed motions to support the schemes but urged the Government to improve the supporting facilities in the area, including recreational facilities and transport services. The comments of the STDC members had been incorporated in the development schemes where appropriate and relevant technical assessments had been conducted to support the proposal;
- (nn) the exhibition of the Plan for public inspection and the provision of submission and hearing of representations and comments on the representations formed parts of the statutory public consultation process under the Ordinance;
- (oo) during the exhibition period of the Plan, the Development and Housing Committee of the STDC was consulted on the amendments to the OZP on 1.11.2012. The STDC members in general supported the amendments to the OZP which took forward the PRH and HOS developments. No adverse comment was received from STDC during the two-month exhibition period of the Plan;

(pp) the representers did not provide any specific proposal on the zoning amendments of the OZP. Responses to their proposals which were mainly on the general traffic, social and housing issues and plan-making process were as follows:

- master layout plans and relevant drawings for the proposed PRH and HOS developments had been presented to the STDC during the consultation on 1.9.2011 and 28.6.2012 respectively. The plans and drawings were also attached to the RNTPC paper on the proposed amendments to the OZP on 5.10.2012;
- the access to/from Kwai Tei New Village would not be affected as the realignment and widening of a section of the existing Kwai Tei Sun Chuen Road would be implemented before closure of the existing road. An alternative traffic arrangement for the Kwei Tei New Village was not necessary;
- the statutory and administrative procedures in consulting the public on the proposed zoning amendments had been duly followed; and
- the suggestion of R5 for better utilization of the existing public housing sites was not the subject of the current OZP amendments, and had been conveyed to the relevant Government department for consideration; and

#### PlanD's Views

(qq) the representations R1 to R6 should not be upheld for the reasons set out in paragraph 6.1 of the Paper.

108. The Chairman then invited the representatives of the representer and commenter to elaborate on their representations and comments.

R4 工廈藝術家關注組

Mr. Chow Chun Fai

109. Mr. Chow Chun Fai made the following main points:

- (a) he was the chairman of the 工廈藝術家關注組. He had set up a studio at the Fo Tan industrial area for 10 years. He also owned two units in the Wah Luen Industrial Centre in the area;
- (b) the area of industrial land should not be reduced. Since 2008, the vacancy rate of industrial premises in the area had been low (only 3.6% in 2008). In addition, there had been a substantial rent increase for the industrial premises in the area (an increase of 18 times in the past ten years). It was difficult to find suitable premises in the Fo Tan industrial area for art studio use;
- (c) the artists complemented the other businesses in the industrial area. For instance, the artists would buy raw materials from the metal shops in the area. The artists had contributed to the economy of the industrial area;
- (d) there were over 500 artists working in over 100 art studios in the Fo Tan industrial area. While one third of these artists were owners of the industrial premises, the remaining artists rented premises in the area for their operation. The owners of these industrial premises in fact did not want over-development in the area;
- (e) while two sites were rezoned from “I” to “R(A)” for PRH and HOS developments, only small strips of land were rezoned to “I”. These small strips of land could not compensate for the loss of industrial land in the area. More and more industrial land in the Fo Tan industrial area had been used for other uses;



- (f) the proposed PRH and HOS developments would accommodate over 10,000 people;
- (g) with a building height of over 30 storeys, the building height of these housing developments was higher than the existing industrial buildings in the area and the adjacent village houses; and
- (h) the proposed PRH and HOS developments were located closed to the existing industrial area and this was not desirable.

C1 Green Sense

Mr. Roy Tam

110. With the aid of a Powerpoint presentation, Mr. Roy Tam made the following main points:

- (a) there was concern that nowadays, town planning in Hong Kong only aimed at finding land for housing developments. All planning principles had been ignored. It was considered that different areas should be intended for different land uses. Residential developments should not be located closed to an industrial area;
- (b) the subject sites were considered not suitable for residential developments. People going from the MTR station to the two sites had to pass through the existing industrial area. The proposed HOS development would also face directly to the existing Wah Luen Industrial Centre and Yan Hing Centre. Hence, the residential flats in the HOS development would not have any open view;
- (c) the environmental conditions of the roads within the Fo Tan industrial area were not good. The traffic generated by the industrial uses would also pose danger to the pedestrians. It was expected that traffic accidents would increase with the development of the PRH and HOS;

- (d) the air quality of the sites facing an industrial area was also not good for residential developments. It was not appropriate to use the two sites, which were located in an industrial area, for residential developments;
- (e) the proposed HOS site was surrounded by hills on its three sides. In case of fire accident in the adjacent industrial buildings, residents in the HOS development would have no way to evacuate. It was noted from the information provided by the Fire Services Department (FSD) that there were recent fire incidents in Wah Luen Industrial Building and other industrial buildings in the area. The FSD also advised that there was dangerous goods storage in Wah Luen Industrial Building. However, such information was not provided in the TPB Paper. There was also no assessment on the fire risks of the subject sites;

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

- (f) although consultation with the DC had been undertaken for the proposed PRH and HOS developments, it was considered that the DC did not necessarily represent the public views. The scope of public consultation should be extended;
- (g) it was noted that PRHs were to be provided in the remote areas such as Tung Chung, while the prime housing sites were reserved for land sale for high-class residential developments;
- (h) it was considered that both private and public housings should be provided in every district, including the urban area. It would be more convenient for the lower-class workers to live and work in the urban districts to reduce their travelling expenses;
- (i) there was too much population in Hong Kong due to the lack of population policy in Hong Kong. The Government should critically review the population and immigration policy as Hong Kong did not have the resource to support the ever increasing population;

- (j) the Green Sense objected to the proposed HOS site as it was not suitable for residential use, and it had reservation on the proposed PRH site. The Green Sense requested that the FSD should conduct an assessment on the fire risks of the subject sites and the Board should defer making a decision on the uses of these sites pending on the FSD's assessment;
- (k) more PRH and HOS should be developed in the urban area; and
- (l) while there was a need to identify more land to address housing demand, the planning principles should not be ignored in the planning process. There were other sites such as the site currently occupied by a golf course in Fanling that could be identified for housing development.

111. As the representatives of the representer and commenter had finished their presentations, the Chairman invited questions from Members.

112. A Member had the following questions:

- (a) the uses of the industrial land in the Fo Tan industrial area;
- (b) how the traffic impact of the proposed residential developments was to be addressed; and
- (c) whether a community hall could be provided in the proposed PRH or HOS development to serve the artists and local people.

113. In response, Ms. Jacinta Woo, DPO/STN, made the following main points:

- (a) according to the 2009 Area Assessments, the Fo Tan industrial area was to be retained. The ex-Fo Tan Cottage Area and the adjacent industrial land located in the northern fringe of the Fo Tan industrial area were identified as suitable for residential use. As there was no existing building in the subject sites, rezoning of the sites for residential use would not affect the

current supply of industrial floor space. There were no other sites within the Fo Tan industrial area proposed for rezoning to other uses;

- (b) the subject sites were located within 1km from the MTR station and the walking distance from the MTR station to the sites would be about 10 to 15 minutes. Various technical assessments had been undertaken for the proposed PRH and HOS developments. The TIAs conducted by the HD recommended a number of traffic management and improvement works, including the widening of a section of Wong Chuk Yeung Street and junction improvement at Sui Wo Road and Shan Mei Street, and enhancement of existing or provision of new franchised bus or min-bus services. The TIAs had demonstrated that the proposed PRH and HOS developments would not generate substantial negative impact on the surrounding road network;
- (c) as shown in Plan H1-b of the Paper, people going from the MTR station to the subject sites could walk along Fo Tan Road and Kwei Tei Street and there was no need to pass through the industrial area. Detailed pedestrian network would be considered by the HD in the detailed design stage; and
- (d) the relevant department did not make any proposal for the provision of a community hall within the developments. Therefore, there was no plan for the provision of a community hall. However, according to the latest scheme, a range of facilities would be provided in the subject sites to support the daily needs of residents.

114. The Chairman said that relevant departments would be consulted during the preparation of the planning briefs for the two sites. The relevant departments could be requested to advise if a community hall or other community facilities were required to be provided in the future developments.

115. In response to a Member's question on the transport arrangement of the Grandville in the area, Ms. Jacinta Woo said that shuttle bus services to the MTR station was provided for the development.

116. In response to a Member's question, Mr. Roy Tam said that the FSD did not provide any details of the dangerous goods stored in Wah Luen Industrial Centre. It was considered that a fire risk assessment of the storage of dangerous goods in this industrial building should be undertaken by the FSD as it was adjacent to the proposed HOS site.

117. In response to a Member's question on the air ventilation concern raised by the representer, Ms. Jacinta Woo said that the AVAs conducted by the HD showed that winds from the northeast and east were the dominant annual wind directions. In summer, winds mainly came from the southwest direction. According to the building layout proposed by the HD (Drawings 1 and 4), the proposed PRH and HOS blocks were oriented to capture the prevailing winds without substantial impediment from and to the surrounding developments and terrain.

118. A Member asked if it was a policy to encourage visual art studios to be located within industrial buildings.

119. Ms. Jacinta Woo said that workshop use fell within column 1 of the Notes of the "I" zone and was always permitted in the zone. Because of fire safety consideration, only uses such as audio-visual recording studio or design and media production which did not attract a large number of visiting members of the public to the premises due to the direct provision of customer services or goods would be permitted within the "I" zone. However, planning permission was required for an exhibition venue within the "I" zone. The Secretary supplemented that art studios were regarded as a "Place of Recreation, Sports or Culture" use and planning permission was required for such use within the "I" zone.

120. In response to a Member's question on why visual art studio should be accommodated within industrial buildings, Mr. Chow Chun Fai said that some visual art studios had already operated in the industrial area since the 1980s. More studios had been established in the Fo Tan industrial area since 2001. The industrial premises had provided the required venue for both the production and exhibition of the visual arts. In response to another Member's question, Mr. Chow Chun Fai said that being different from performance art studios which would inevitably attract audience and were not suitable to be accommodated in industrial buildings, visual art studios were in general workshops where

the art pieces were produced. While the artists could display their art pieces in exhibition venues such as the West Kowloon Cultural District, they needed the industrial premises as their workshops for the production of the art pieces. In addition, the visual art studios had complemented other businesses, such as metal shops, in the industrial area. The art studios in Fo Tan industrial area had been established for over 10 years and was well-known internationally.

121. 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 and commenter and their representatives. They would be informed of the Board's decision in due course. The Chairman thanked the representatives of the representer and commenter and representatives of PlanD for attending the hearing. They all left the meeting at this point.

#### Deliberation Session

122. A Member said that the studios for production of visual arts were well established in the Fo Tan industrial area and they were well known internationally. These art studios were operated as workshops for the production of the visual art pieces and they had taken up considerable industrial floor spaces in the industrial area. In view of the lack of housing land, the subject sites being located at the fringe of the industrial area were considered suitable for housing development. Moreover, the proposed PRH and HOS developments could help to add vibrancy in the area. This Member also suggested that consideration should be given to providing a community hall in the PRH/HOS development to serve the local area.

123. The Chairman said that the relevant department could be requested to advise whether a community hall would be provided in the proposed residential developments.

124. A Member said that it might not be desirable to have residential developments adjacent to the industrial area. However, in view of the lack of housing land, the rezoning of the sites for residential developments was supported. Another Member also supported the rezoning of the sites for residential developments.

125. Members generally agreed to the rezoning of the sites for residential use and noted that relevant technical assessments had been undertaken and the findings of these assessments had confirmed that the proposed developments would not generated adverse visual, air ventilation and traffic impacts to the area. The proposed residential developments would also help adding vibrancy to the area.

126. Two Members pointed out that the traffic impacts generated by the proposed housing developments should be assessed and appropriate improvement to the roads and transport facilities should be provided to support the developments. Other Members agreed.

127. After further deliberation, Members agreed that R1 to R6 should not be upheld. Members then went through the reasons for not upholding the representations as stated in paragraph 6.1 of the Paper and agreed that they were appropriate.

128. After further deliberation, The Board decided not to uphold the Representations R1 to R6 for the following reasons:

Representation R1

- (a) land suitable for development in Hong Kong was scarce and there was a pressing need for increasing housing supply. The rezoning of the sites for public rental housing (PRH) and home ownership scheme (HOS) developments would better utilize the land recourse to meet the housing needs of the community;
- (b) the rezoning of the sites for PRH and HOS developments would not result in adverse traffic, environmental, visual, air ventilation, fire and public safety impacts to the area; and
- (c) the statutory and administrative procedures in consulting the public on the proposed zoning amendments had been duly followed. The exhibition of OZP for public inspection and the provisions for submission and hearing of representations/comments formed part of the statutory consultation process under the Ordinance.

Representations R2, R3, R5 and R6

- (a) land suitable for development in Hong Kong was scarce and there was a pressing need for increasing housing supply. The rezoning of the sites for public rental housing (PRH) and home ownership scheme (HOS) developments would better utilize the land recourse to meet the housing needs of the community;
- (b) the rezoning of the sites for PRH and HOS developments would not result in adverse traffic, environmental, visual, air ventilation, fire and public safety impacts to the area;
- (c) the other amendments to the OZP were to reflect the rezoning proposal agreed by the Board, as-built situation and existing site condition. No particular grounds had been provided in the representations to justify withdrawal of the amendments; and
- (d) the statutory and administrative procedures in consulting the public on the proposed zoning amendments had been duly followed. The exhibition of OZP for public inspection and the provisions for submission and hearing of representations/comments formed part of the statutory consultation process under the Ordinance.

Representation R4

- (a) land suitable for development in Hong Kong was scarce and there was a pressing need for increasing housing supply. The rezoning of the sites for public rental housing (PRH) and home ownership scheme (HOS) developments would better utilize the land recourse to meet the housing needs of the community;
- (b) the rezoning of the sites for PRH and HOS developments would not result in adverse traffic, environmental, visual, air ventilation, fire and public



safety impacts to the area;

- (c) there was no existing industrial building in the subject sites under Amendment Items A1 and A2. The amendments to the OZP would not result in any reduction in current supply of industrial floor space; and
- (d) the statutory and administrative procedures in consulting the public on the proposed zoning amendments had been duly followed. The exhibition of OZP for public inspection and the provisions for submission and hearing of representations/comments formed part of the statutory consultation process under the Ordinance.

129. The meeting was adjourned for lunch break at 2:30 p.m.

130. The meeting was resumed at 3:30 p.m.

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

Mr. Thomas Chow

Chairman

Mr. Stanley Y.F. Wong

Vice-chairman

Mr. F.C. Chan

Professor Edwin H.W. Chan

Mr. Ivan C.S. Fu

Ms. Janice W.M. Lai

Dr. C.P. Lau

Ms. Julia M.K. Lau

Ms. Christina M. Lee

Mr. Roger K.H. Luk

Mr. Stephen H.B. Yau

Deputy Director of Environmental Protection

Mr. C.W. Tse

Director of Lands

Ms. Bernadette Linn

Director of Planning

Mr. K.K. Ling

**Tuen Mun and Yuen Long District**

**Agenda Item 5**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-KTS/583

Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone,  
Lot 1726 in D.D. 106, Kam Sheung Road, Pat Heung, Yuen Long, New Territories  
(TPB Paper No. 9308)

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[The hearing was conducted in Cantonese.]

**Presentation and Question Session**

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

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

Mr. Leung Pat Hing, Andy - Applicant

Ms. Yeung Sau Fong, Jay - Applicant’s Representative

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

134. 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 the development of a proposed New Territories Exempted House (NTEH) or Small House at the application site which fell within an area zoned “Agriculture” (“AGR”) on the approved Kam Tin South Outline Zoning Plan (OZP)

No. S/YL-KTS/11;

- (b) the application was rejected by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) on 7.12.2012 and the reasons were:
- (i) the proposed development was not in line with the planning intention of the “AGR” zone on the OZP, which was primarily to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification given in the submission for a departure from the planning intention; and
  - (ii) the application did not comply with the Interim Criteria for assessing planning applications for NTEH/Small House development in that the site and the proposed NTEH/Small House footprint fell entirely outside the village ‘environs’ (‘VE’) for Yuen Kong Tsuen and the “Village Type Development” (“V”) zone. Village house development should be sited close to the village proper as far as possible to maintain an orderly development pattern, efficient use of land and provision of infrastructure and services. There was no exceptional circumstance to justify approval of the application;
- (c) the applicant had not submitted any written representation in support of the review application;
- (d) the application site, with an area of about 613.7m<sup>2</sup>, was mostly vacant and occupied by a temporary structure. The site was accessible via a local road branching off Kam Sheung Road to its north at a distance of about 230m. The surrounding areas were rural in character predominated by agricultural land, scattered residential

dwellings/structures, a few open storage/storage yards and vacant/unused land;

- (e) the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) were relevant to the subject application;
- (f) previous application – there was no previous application covering the application site;
- (g) similar applications – there were 39 similar applications within the same and nearby “AGR” zones since the first promulgation of the Interim Criteria on 24.11.2000. 13 applications were approved/partially approved by RNTPC or the Board on review, with the last one approved on 20.11.2009. 26 applications were rejected mainly for the reasons that the development was not in line with the planning intention, the development was incompatible with the surrounding environment and would cause adverse impacts, the development did not comply with the Interim Criteria, there was insufficient information on why suitable areas within “V” zone were not available, and approval of the application would set an undesirable precedent;

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

- (h) departmental comments – the departmental comments were detailed in paragraph 4 of the Paper. The District Lands Officer/Yuen Long (DLO/YL), Lands Department did not support the review application as Small House applications should not generally be considered if the proposed house site was outside or more than 50% of it was outside the ‘VE’ and “V” zone. Should the applicant be an indigenous villager of Yuen Kong Tsuen, he might apply for a Small House grant in another recognised village within the same Heung (i.e. Pat Heung) provided that he was acceptable to the native indigenous villagers there. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the

review application as the site had high potential for agricultural rehabilitation and was suitable for greenhouse cultivation. There were also agricultural activities nearby;

- (i) public comment – one public comment objecting to the review application was received. The main reasons of objection were that the area lacked a sustainable layout of infrastructure and development to ensure that there would be quality living environment for residents, there would be no adverse landscape, sewerage and ecological impacts, and there would be adequate access and parking area to be provided to avoid illegal occupation of government land/land filling/excavation; and approval of the application would set an undesirable precedent; and

[Ms. Bernadette Linn and Professor Edwin H.W. Chan returned to join the meeting at this point.]

- (j) 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 proposed development was not in line with the planning intention of the “AGR” zone on the OZP. DAFC did not support the application as the site had high potential for agricultural rehabilitation (e.g. greenhouse cultivation) and there were agricultural activities nearby. There was no strong planning justification given in the submission for a departure from the planning intention;
  - (ii) the application did not comply with the Interim Criteria in that the site and the NTEH/Small House footprint fell entirely outside the ‘VE’ for Yuen Kong Tsuen and the “V” zone. According to the Interim Criteria, development of NTEH/Small House with more than 50% of the footprint outside both the ‘VE’ and the “V” zone would normally not be approved except

under very exceptional circumstances. DLO/YL did not support the application on similar grounds.

- (iii) the outstanding Small House applications and the estimated Small House demand in the next 10 years for Yuen Kong Tsuen was 197 Small Houses (or about 4.9ha of land) while the land available in Yuen Kong Tsuen was 124 Small Houses (or about 3.1ha of land);
- (iv) although there was insufficient land for meeting the long-term demand for Small House in Yuen Kong Tsuen, there was still land available to meet the current outstanding demand and those in the coming years;
- (v) should the applicant be an indigenous villager of Yuen Kong Tsuen, he might apply for a Small House grant in another recognised village within the same Heung (i.e. Pat Heung); and
- (vi) similar applications were approved near the “V” zone of Yuen Kong Tsuen as these applications fell partly or wholly within the ‘VE’ or “V” zone of Yuen Kong Tsuen. However, the subject application fell wholly outside both the ‘VE’ and the “V” zone.

135. The Chairman then invited the applicant to elaborate on the review application.

136. Mr. Leung Pak Hing, Andy, the applicant, made the following main points:

- (a) in view of the high property price, he intended to build a Small House at the application site for his own use. Given that the application site had been left idle for over 20 years, the current proposal should be an efficient use of land resources;
- (b) if he had to purchase another piece of land to build the Small House, it would involve a lot of money;

- (c) although the proposed development did not fully comply with the Small House policy as it was outside the boundary of 'VE', the application site was suitable for residential development as the road and drainage works had already been completed. In this regard, it was suggested that the subject application could be approved with the imposition of appropriate conditions, if required;
- (d) according to a previous application, an application for 10 Small houses in which only two Small Houses falling within the 'VE' was approved;
- (e) he wished to know why there were so many residential structures in the vicinity and whether those structures had obtained approvals;
- (f) he did not agree that the site had high potential for agricultural rehabilitation and was suitable for greenhouse cultivation. Whilst there was some agricultural land in the area, most of them was abandoned farmland and only a few pieces were still under cultivation. Besides, agricultural activities including greenhouse cultivation and organic farming would involve heavy capital investment and were not profitable in Hong Kong;
- (g) the proposed Small House development would generate less environmental impacts to the surrounding areas when compared with agricultural use; and
- (h) even if the application site was used for agricultural rehabilitation, domestic structures should be allowed at the site in order to support the agricultural activities. In this regard, the application site could be partly for agricultural use and partly for domestic use. This would be a more economical way to utilise the land as well as to meet his housing need.

137. As the applicant had finished his presentation, the Chairman invited questions from Members.



138. By referring to Plan R-2 of the Paper, the Chairman asked about the status of the residential structures in the vicinity. Mr. W.S. Lau said that most village type residential structures were “existing uses” as they were in existence before the gazette of the Kwu Tung South Interim Development Permission Area Plan, while some others were domestic structures approved by the District Lands Office on sympathetic ground as the original houses were resumed for the construction of Yuen Long Highway. As shown on Plan R-1 of the Paper, for previous applications involving Small House developments, only those located at the fringe of the ‘VE’ or “V” zone were approved by the Board and those located further away from the ‘VE’ or “V” zone were rejected by the Board.

139. In response to the Chairman’s enquiry, Mr. Leung Pak Hing, Andy said that he was not a farmer.

140. Mr. W.S. Lau supplemented that according to the submitted application form, the applicant was not the current owner of the application site.

141. As the applicant and his representative had no further comment to make and Members had no further question, the Chairman informed them that the hearing procedures for the review application had been completed. The Board would further deliberate on the review application in their absence and inform the applicant of the Board’s decision in due course. The Chairman thanked the applicant, his representative and DPO/TMYL for attending the meeting. They all left the meeting at this point.

#### Deliberation Session

142. The Chairman said that the subject application was rejected by RNTPC for the reasons that the proposed development was not in line with the planning intention of the “AGR” zone and the application did not comply with the Interim Criteria for assessing planning applications for NTEH/Small House development. Members noted that there was no change in the planning circumstances and there was insufficient justification for a departure from RNTPC’s decision on the subject application. Members agreed that the application should be rejected.

143. 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 proposed development was not in line with the planning intention of the “Agriculture” zone on the Outline Zoning Plan, which was primarily to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification given in the submission for a departure from the planning intention; and
- (b) the application did not comply with the Interim Criteria for assessing planning applications for New Territories Exempted House (NTEH)/Small House development in that the site and the proposed NTEH/Small House footprint fell entirely outside the village ‘environs’ for Yuen Kong Tsuen and the “Village Type Development” zone. Village house development should be sited close to the village proper as far as possible to maintain an orderly development pattern, efficient use of land and provision of infrastructure and services. There was no exceptional circumstance to justify approval of the application.

### **Agenda Item 6**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-PH/653

Temporary Car Park for Villagers (Excluding Container Vehicle)

for a Period of 1 Year in “Village Type Development” zone, Lots 83 (Part),

85 RP (Part), 86 (Part), 87 S.B (Part), 87 RP (Part) and 92 RP (Part) in D.D. 111

and Adjoining Government Land, Pat Heung, Yuen Long, New Territories

(TPB Paper No. 9309)

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[The hearing was conducted in Cantonese.]

Presentation and Question Session

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

Mr. W.S. Lau	- District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL), PlanD
Mr. Lam Tsz Kwai, Eric	- Applicant
Mr. Tang Yung Yiu	]
Mr. Lau Choi Ming	]
Mr. Lau Kwan Shing	]
Mr. Cheung Muk Hing	] Applicant's Representatives
Mr. Cheung Chi Kwong	]
Mr. Cheung Chi Fai	]
Mr. Cheung Muk Wah	]
Miss Lam Wing Kwan	]

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

146. 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 a temporary car park for villagers (excluding container vehicle) for a period of three years at the application site which fell within an area zoned "Village Type Development" ("V") on the approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11;
- (b) the application was rejected by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) on

7.12.2012 and the reasons were:

- (i) the development was not in line with the planning intention of the “V” zone, which was to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by government projects. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. No strong planning justification had been given in the submission to justify a departure from the planning intention; and
- (ii) the site was located within a village cluster. The applicant failed to demonstrate that the development would not have adverse environmental impacts on the adjacent residential dwellings;
- (c) the applicant had not submitted any written representation in support of the review application. On 29.12.2012, the applicant revised the proposed planning approval period from three years to one year;
- (d) the application site had an area of about 1,318m<sup>2</sup> (including about 110m<sup>2</sup> of government land) and was being used as a car park. The site was accessible via a local track branching off Fan Kam Road to its west at a distance of about 120m. The surrounding areas were rural in character predominated by residential dwellings/development and agricultural land with a number of open storage yards. To its immediate north, west and east were village houses. A construction site of Small House was located to its further west;
- (e) the applicant reduced the number of private cars/vans parking spaces from 20 to 15 at the s.16 application stage. The temporary car park was open on a 24-hour daily basis. An access of 4.5m in width was allowed for emergency vehicular access (EVA);

- (f) previous application – there was one previous application for public vehicle park (private cars and light goods vehicles) at the application site, which was rejected by RNTPC on 20.7.2012;
- (g) similar applications – there were four similar applications within the same “V” zone and the adjoining “Residential (Group D)” zone. Three applications were approved with conditions by RNTPC or the Board on review. The remaining application was rejected by RNTPC on 13.8.1993 mainly on the reasons that the proposed development was not in line with the planning intention and no justification was given by the applicants; and the main water pipeline might be adversely affected but no protective measures to protect the pipeline was proposed;
- (h) departmental comments – the departmental comments were detailed in paragraph 4 of the Paper. The District Lands Officer/Yuen Long (DLO/YL), Lands Department advised that there was an existing access passing through the application site. The Chief Engineer/Development(2) (CE/Dev(2)), Water Supplies Department advised that existing water mains would be affected. The applicant should bear the cost of any necessary diversion works affected by the development. Other relevant government departments had no adverse comments on the review application;
- (i) public comments – 25 public comments were received on the review application. 22 of them supported the review application mainly on the reasons that the development was in line with the planning intention and could ease the tension among villagers competing for parking spaces, there was a shortage of car parks in the village area, car park was a Column 2 use which would comply with the Town Planning Ordinance, no adverse departmental comments were received, the development would avoid illegal parking, and the development would not generate sewage, lighting nuisance and adverse drainage impact or cause traffic accident. Three of them objected to the review application mainly on the reasons that the development was not in line with the planning

intention, the development would generate adverse environmental impact, the development would obstruct the EVA/access of the village, the development would cause road and fire safety problems, and the northern part of Lot 83 within the site was fenced off illegally. At the s.16 application stage, eight public comments objecting to or expressing concerns on the application for similar reasons as mentioned above were received; and

- (j) 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 “V” zone, though it might serve some of the parking needs of the local villagers. There were many village type houses and small house developments in the vicinity. The applicant had to demonstrate that the development was compatible with the surroundings and that any negative possible impacts could be adequately addressed;
  - (ii) the development, within a village cluster, operated on a 24-hour basis, was in close proximity to village houses mostly about 1m to 5m away from the application site. No details on measures to mitigate potential environmental impacts were provided. The applicant failed to demonstrate that the development would not generate adverse environmental impacts;
  - (iii) there was an existing access passing through the site as advised by DLO/YL. Approval of the application might affect the local access;
  - (iv) the access road leading from Fan Kam Road to the application site was about 120m in length with a width of 3m to 4m. There was no proper pavement for pedestrians. Frequent

vehicular traffic due to the proposed car park in the midst of a village cluster might pose road safety concern;

- (v) the previous application No. A/YL-PH/642 for similar vehicle park use at the application site was rejected by the RNTPC on 20.7.2012 for the reasons that the development was not in line with the planning intention and the applicants failed to demonstrate that the development would not have adverse environmental impacts on the adjacent residential dwellings;
- (vi) there was no major change in planning circumstances though the current application involved a reduction of parking spaces from 36 to 15 and a change of the proposed planning approval period from three years to one year as compared with the previous application; and
- (vii) while there were three similar applications (No. A/YL-PH/84, 181 and 291) approved with conditions by the RNTPC or the Board on review within the same “V” zone, they were located at the fringe of the village with direct access to Fan Kam Road as compared with the current application which was located within a village cluster.

147. The Chairman then invited the applicant to elaborate on the review application.

148. With the aid of a Powerpoint presentation, Mr. Tang Yung Yiu, the applicant’s representative, made the following main points:

- (a) the application site fell within an area zoned “V” in which ‘Public Vehicle Park (excluding container vehicle)’ was a Column 2 use. The development of a car park (excluding container vehicle) for villagers at the application site, which served as an ancillary facility for the village development, was in line with the planning intention of the “V” zone;

- (b) Shui Kan Shek Tsuen was located away from major roads and served by limited public transport. The nearest bus stop was located about 120m away. While they had requested the Transport Department to provide additional bus/mini-bus services for the village, their request was turned down. In this regard, the villagers had to use private cars for their daily traffic and thus the provision of parking facilities was necessary;
- (c) ancillary car parks were commonly found in the rural villages in the New Territories. A total of 10 cases in Pat Heung were cited as examples, namely, San Lung Wai, Ha Che El Castillo, Wang Toi Shan Ha San Uk, Wang Toi Shan Shan Tsuen, Wang Toi Shan Wing Ning Lei, Yuen Kong Tsuen, Yuen Kong Tsuen Car Park, Shui Tsan Tin, Shek Wu Tong and Wing Lung Wai. Many of these car parks provided more than 30 parking spaces. It was common that the cars of villagers were parked in open areas around villages as their cars would not be able to enter the village clusters;
- (d) as the area was zoned “V”, similar to other 600 to 700 rural villages in the New Territories, there was a genuine need for an ancillary car park to serve its local villagers. In fact, the 15 parking spaces under application would not be able to meet the demand of the villagers. The parking spaces would be allocated to the villagers under a registration system. The outstanding demand would be put on the waiting list;
- (e) a number of applications (e.g. No. A/YL-PH/84, 181 and 291) involving storage or parking of vehicles for commercial purposes in the “V” zones had been previously approved by the Board. There was no reason why the subject application which involved the provision of parking facilities for the sole use of local villagers free of charge could not be approved;
- (f) the applicant had recorded the number of vehicles leaving and entering the subject car park and measured the noise level for the area in January 2013. The results showed that the car park would not generate significant adverse noise impact on the surrounding areas;



- (g) relevant government departments including Environmental Protection Department (EPD), Agriculture, Fisheries and Conservation Department, Buildings Department, Transport Department and District Office had no objection to the subject application;
- (h) the application was well supported by the local villagers;
- (i) the application site, being located at the midst of the village cluster, was considered suitable for a car park for the villagers as it would be more convenient for them. The cars would be parked orderly and would not block other vehicles using the access road;
- (j) if a Small House was built at the entrance of the site, the existing access road would be blocked. To avoid such situation and for safety reasons, the villagers had consensus that the application site should be reserved for car park, and the Tso Tong had decided that the tso tong land within the site would not be used for Small House development;
- (k) the application for a car park with designated parking spaces was to regularise the existing parking use in a more orderly manner. The site had already been formed and paved, with proper drainage works carried out to avoid flooding. An EVA of 4.5m wide would be provided to comply with the government requirements. A landscape proposal would be implemented to further enhance the environment;
- (l) although the access road leading from Fan Kam Road to the application site was one-way, there were lay-bys along the road and there would be no problem for the emergency vehicles to gain access there;
- (m) the car park could also serve as a buffer between the Small Houses along the eastern and western sides of the site. As a result, the air ventilation and the environment would be enhanced;

- (n) on the complaint on adverse environmental impacts due to vehicle emissions, the same problem would exist even if the villagers chose to take taxis for their daily traffic instead of driving private cars;
- (o) a photo showed that the entrance of the application site was used for car parking by villagers in 1984;
- (p) the proposed planning approval period had been reduced from three years to one year so that the situation could be monitored by the Board; and
- (q) should the application be approved, the applicant would comply with the conditions (e.g. the implementation of landscape proposals) imposed by the Board.

149. As the applicant and his representatives had finished their presentations, the Chairman invited questions from Members.

150. A Member asked why the application site with such a large site area of 1,318m<sup>2</sup> was used for providing only 15 parking spaces for the villagers. Mr. Tang Yung Yiu said that the boundary of the application site largely followed the lot boundaries. The original proposal was to provide about 30 parking spaces which had subsequently been reduced to 15. The area not designated as parking spaces would be used for vehicular/pedestrian circulation as well as sitting out area.

151. Noting from the site photos that some vehicles were parked at the application site, the same Member enquired whether this was a planning enforcement case. In response, Mr. W.S. Lau said that the site had been used as a car park providing about 30 parking spaces and it was an unauthorised development subject to enforcement action. An Enforcement Notice had been issued by the Planning Authority and the case was under monitoring by PlanD.

152. In response to the Chairman's question, Mr. W.S. Lau, by making reference to Plan R-2 of the Paper, said that the access road passing through the application site was mostly private land, except two small plots of government land as shown on Plan R-2. The Chairman further asked that whether an application for Small House development falling within the existing access road would be approved, which would lead to the loss of an EVA to the village houses. Mr. Lau advised that according to the current practice, if such an application was received by DLO, they would consult the relevant government departments including Fire Services Department on the arrangement of EVA before making a decision. Mr. Lau pointed out that according to his understanding, the existing access road at the application site only served as a vehicular access, not an EVA.

153. Mr. Tang Yung Yiu said that the proposal under application complied with FSD's requirements. In particular, with the reduction in the number of car parking spaces, more space was available in the northern part of the site for manoeuvring of fire engines. Regarding the land ownership issue, Mr. Tang said that the private land within the application site was owned by three parties. The largest part in the north was owned by Mr. Lau (who was present at the meeting), a small lot in the middle was owned by Mr. Cheung (a villager) and the remaining land including the entrance in the southern part was owned by Tso Tong. The owners had all agreed to contribute their land for providing a car park only for the use of the villagers. Mr. Lau had carried out the site formation and drainage works and Tso Tong was responsible for the allocation of parking spaces.

154. In response to the Chairman's enquiry on how the parking spaces would be allocated to the villagers, Mr. Tang Yung Yiu said that the car parking spaces would be provided for the villagers free of charge. There would be a registration system and the Tso Tong managers would assist in allocating the parking spaces to the villagers.

155. The Chairman enquired whether the 10 sites quoted by the applicant's representative were located within "V" zones. In response, Mr. W.S. Lau said that he had no such information in hand about the zonings of these sites. However, according to his observation, those parking areas appeared to be open areas located at the fringe of the village clusters. Some of them were small ones and might not be proper car parks. In the subject application, the car park was right in the middle of the village cluster. Mr. Tang Yung Yiu said that all the 10 sites were within "V" zones and those car parks were

surrounded by village houses.

156. In response to a Member's question, Mr. W.S. Lau said that the car park at the application site was the subject of a complaint received by the Central Enforcement and Protection Section of PlanD. After investigation, it was revealed that the car park on site was an unauthorised development and thus subject to enforcement action. The Member further enquired whether the environmental impact would be less if vehicles were parked at scattered locations within the "V" zone. Mr. Lau answered in the affirmative and added that a car park locating at the periphery of a village should generate less nuisance and impacts as compared with one locating in the middle of the village cluster.

157. A Member enquired if there were any similar cases out of the 10 quoted examples that the owners had contributed their private land in providing a car park for the villagers. Mr. Tang Yung Yiu said that there were similar cases. For instance, in the Wang Toi Shan Tsuen Wing Ning case, some 40 to 50 parking spaces were provided on private land. There was a need to use tso tong land and private land to meet the increasing demand for car parking spaces. The Member further asked whether the concerned private land within the application site would be donated to Tso Tong. Mr. Tang said that the land owners had agreed to use their lots as a car park for the villagers but they had no intention to donate their land to Tso Tong.

158. The Chairman asked whether any parking spaces would be designated on the government land portion within the application site. Mr. Tang Yung Yiu answered in the negative.

159. Mr. Lau Choi Ming, the applicant's representative, supplemented the following main points:

- (a) he was a local villager;
- (b) the application was to facilitate the provision of a car park for the sole use of local villagers in an orderly manner. The development would not generate adverse environmental impact on the surrounding areas;

- (c) there was a genuine need of parking facilities within the village. The car park would not be operated for hourly parking on commercial basis but for the sole use of the villagers. The opening of the car park on 24 hours daily basis was entirely for the convenience of the villagers; and
- (d) the application site would no longer be subject to flooding as proper drainage works had been undertaken.

160. As the applicant and his representatives had no further comment to make and Members had no further question, the Chairman informed them that the hearing procedures for the review applications had been completed. The Board would further deliberate on the review application in their absence and inform the applicant of the Board's decision in due course. The Chairman thanked the applicant, his representatives and DPO/TMYL for attending the meeting. They all left the meeting at this point.

#### Deliberation Session

##### *Planning Intention*

161. The Chairman said that since tso tong land would unlikely be used for Small House development, there might be justification for the applicant to use the vacant tso tong land for parking purposes to serve the needs of the local villagers. It was noted that vehicles parked at scattered locations inside the village would not constitute an unauthorised development. However, the subject car park within the "V" zone was an unauthorised development subject to enforcement actions.

162. The Chairman said that the general planning intention of "V" zone was for development of Small Houses by indigenous villagers. The Chairman invited Members' views on whether the provision of a car park for villagers was in line with the planning intention. A Member opined that a car park for villagers could be regarded as an ancillary use to the village type development. Ms. Bernadette Linn, Director of Lands, said that according to the Notes of the OZP, 'public vehicle park (excluding container vehicle)' was a Column 2 use and an application could be approved by the Board with or without conditions. Hence, it would be difficult to argue that a car park for villagers was not in

line with the planning intention.

### *Environmental Impact*

163. A Member opined that in considering the subject application, the major consideration should be given to whether the car park would generate adverse environmental impact, in particular noise impact, to the surrounding areas.

164. Another Member said that villagers required parking areas for their vehicles. The environmental impact generated by vehicles in a casual parking area or a proper car park area would be similar. Besides, EPD did not receive any complaints regarding the application site in the past three years. As such, the environmental impact should not be a significant problem in the subject application. Noting that tso tong land would not be used for Small House development and the provision of an ancillary car park for villagers would not jeopardise the planning intention, this Member considered that the review application could be approved.

165. Some Members noted that EPD had no objection to the subject application and the applicant was only advised to adopt the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection. In response, Mr. C.W. Tse, Deputy Director of Environmental Protection, explained that as the subject application only included 15 car parking spaces, no adverse environmental impact was anticipated. In response to the Chairman’s question, Mr. C.W. Tse advised that given the large site area, even if the number of parking spaces was increased to around 30, the environmental impact would not be significant.

### *Location of the Car Park*

166. The Secretary explained that based on past practices of the Board in considering applications for public car park (excluding container vehicle) in “V” zones, the Board might give sympathetic consideration to the applications which were located at the fringe of the villages and not in close proximity to the village houses in order to avoid the possible environmental nuisances generated to the nearby residents, bearing in mind that there was a previous Ombudsman case about locating a car park near a residential

development creating nuisance to residents. In this connection, she said that it should be the location of the car park but not the planning intention that was the primary planning consideration for the subject application. The Board should therefore be mindful of the possible environmental nuisances generated from the subject car park to the nearby residents given its location in the middle of the village.

*Setting of Precedent*

167. The Vice-chairman said that approving the subject application would imply that a public car park should be regarded as an ancillary facility for villagers within the “V” zone. That might set an undesirable precedent on the prevailing Small House policy, as currently, a Small House granted under the Small House policy did not include the provision of car parking space. The Vice-chairman was also concerned that the subject application, once approved, would likely continue after the approval period of one year and hence would become a permanent use. It would be difficult for the Board to reject an application for renewal of the car parking use in future. He therefore considered that the subject application should not be supported. Another Member shared the same view that the approval of the subject application might add burden to additional land requirement in meeting the Small House demand.

168. A Member held a different view and said that each application should be considered on its own merits. After considering all the relevant factors, there were no strong reasons to reject the subject application. Noting that the car park was not operated for commercial purpose, this Member considered that sympathetic consideration could be given to approve the subject application.

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

169. Ms. Bernadette Linn advised that tso tong land would unlikely be used for Small House development. The indigenous community should understand that if they asked for carving out land in this “V” zone for the proposed car park and the request was acceded to, they could not expect the Government to make up for the loss of this land area when handling Small House applications. In view of the special circumstances of the case, even if the subject application was approved, there should not be significant

implications for other similar applications.

#### *Local Views*

170. Members noted that the local views on the application were diverse. The public comments objecting to the application were received at both the s.16 application and the s.17 review stages. A Member considered that the subject application should not be rejected merely due to local objections, but should be considered on the individual merits of the case. The Chairman remarked that while there were local objections to the application, the Board would consider the relevancy of the subjects of the complaints/local objections in relation to the application.

#### *Land Ownership*

171. Members noted that the applicant's representative claimed at the meeting that the private land was partly owned by individual villagers and partly by Tso Tong. However, there was no such evidence submitted to the Board for consideration. A Member was concerned about the unclear ownership and management issues relating to the car park. The Chairman said that the Board should focus on considering whether the application site was suitable to be used as a car park for the villagers.

#### *The Layout of the Car Park*

172. A Member pointed out that the northern part of the application site, which was owned by a villager, could still be used for Small House development, if required. The provision of 15 parking spaces at a site area of 1,318m<sup>2</sup> was neither reasonable nor justifiable. The applicant had proposed to reduce the number of parking spaces to 15 in order to increase the chance of obtaining an approval. There were insufficient details about the layout of the car park for the 15 parking spaces. The Member also suggested that a thorough study and verification on the 10 cases quoted by the applicant's representative would be required for Members' consideration. Noting that there was insufficient justifications/information to support the revised scheme, this Member did not support the application.



### *Overall Consideration*

173. The Secretary asked Members to consider whether non-compliance with the planning intention and the setting of an undesirable precedent were suitable reasons to reject the subject application, noting that similar applications located at the fringe of the villages had previously been approved by the Board. The Secretary pointed out that the application site that was located in the middle of the village cluster and Members might consider whether that location was suitable for car park use in view of its close proximity to the village houses. Should the application be approved on the grounds that the car park would only be used by the villagers, Members might consider imposing an approval condition to that effect. The applicant should also be requested to submit a revised car park layout showing the location of the 15 parking spaces so as to facilitate future monitoring of the approved scheme.

174. Mr. K.K. Ling, Director of Planning, said that in considering whether a car park in the “V” zone should be approved, consideration should also be given to the scale of development other than its location. He opined that given the size of the village, the number of parking spaces as proposed was considered reasonable and acceptable. Should the application be approved, the Board should impose an appropriate condition to restrict the car park to be used by the villagers only.

### *Conclusion*

175. After further deliberation, the Chairman concluded Members’ views that there was insufficient information for the Board to make a decision on the subject application at this stage as there was insufficient information on the land ownership pattern of the application site and on the revised scheme, in particular a revised car park layout for 15 parking spaces as proposed. It would be prudent for the Board to defer making a decision on the application pending the submission of such information.

176. After further deliberation, the Board decided to defer making a decision on the review application pending PlanD’s verification of the land ownership pattern of the application site and the applicant’s submission of further information, including a revised car park layout of 15 parking spaces.

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

**Agenda Item 7**

[Open Meeting]

Review of Application No. A/TM-SKW/81

Temporary Shop and Services (Car Washing and Waxing Services) with Ancillary Office and Storerooms for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 183 (Part) and 184 (Part) in D.D. 385, Tai Lam Chung, Tuen Mun, New Territories (TPB Paper No. 9310)

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[The meeting was conducted in Cantonese.]

177. The Secretary said that on 16.3.2013, the applicant wrote to the Secretary of the Town Planning Board (the Board) requesting the Board to defer making a decision on the review application for a period of two months in order to allow sufficient time to address the issue on sewage impact. This was the first request for deferral by the applicant for the review of application.

178. Members noted that 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) in that the applicant needed more time to address the departmental comments, the deferment period was not indefinite and the deferment would not affect the interest of other relevant parties.

179. After deliberation, the Board agreed to defer a decision on the review application as requested by the applicant 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.

## Procedural Matters

### Agenda Item 8

[Open meeting]

Submission of the Draft Chek Keng Development Permission Area Plan  
No. DPA/NE-CK/1A to the Chief Executive in Council for Approval  
under section 8 of the Town Planning Ordinance  
(TPB Paper No. 9311)

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[The meeting was conducted in Cantonese.]

180. The Secretary briefly introduced the Paper. She said that on 4.5.2012, the draft Chek Keng Development Permission Area (DPA) Plan No. DPA/NE-CK/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, nine representations were received. On 27.7.2012, the representations were published for three weeks for public comment, and no comment was received. On 18.1.2013, after giving consideration to the representations, the Town Planning Board (the Board) noted the supportive views of five representations, and decided not to uphold the remaining representations and not to amend the DPA Plan to meet the representations. As the representation consideration process had been completed, the draft Chek Keng DPA Plan was ready for submission to the Chief Executive in Council (CE in C) for approval.

181. After deliberation, the Board:

- (a) agreed that the draft Chek Keng DPA Plan No. DPA/NE-CK/1A and its Notes were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) endorsed the updated Explanatory Statement (ES) for the draft Chek Keng DPA Plan No. DPA/NE-CK/1A as an expression of the planning intention and objectives of the Board for the draft DPA Plan and issued under the name of the Board; and

- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft DPA Plan.

### **Agenda Item 9**

[Open meeting]

Submission of the Draft Yung Shue O Development Permission Area Plan  
No. DPA/NE-YSO/1A to the Chief Executive in Council for Approval  
under section 8 of the Town Planning Ordinance  
(TPB Paper No. 9312)

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[The meeting was conducted in Cantonese.]

182. The Secretary briefly introduced the Paper. She said that on 4.5.2012, the draft Yung Shue O Development Permission Area (DPA) Plan No. DPA/NE-YSO/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, 35 representations were received. On 27.7.2012, the representations were published for three weeks for public comment, and two comments were received. On 4.1.2013, after giving consideration to the representations and comments, the Town Planning Board (the Board) noted the supportive views of four representations, and decided not to uphold the remaining representations and not to amend the DPA Plan to meet the representations. As the representation consideration process had been completed, the draft Yung Shue O DPA Plan was ready for submission to the Chief Executive in Council (CE in C) for approval.

183. After deliberation, the Board:

- (a) agreed that the draft Yung Shue O DPA Plan No. DPA/NE-YSO/1A and its Notes were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) endorsed the updated Explanatory Statement (ES) for the draft Yung Shue O DPA Plan No. DPA/NE-YSO/1A as an expression of the planning intention and objectives of the Board for the draft DPA Plan and issued

under the name of the Board; and

- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft DPA Plan.

### **Agenda Item 10**

[Open meeting]

Submission of the Draft Sai Kung Town Outline Zoning Plan

No. S/SK-SKT/5A to the Chief Executive in Council for Approval

under section 8 of the Town Planning Ordinance

(TPB Paper No. 9320)

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[The meeting was conducted in Cantonese.]

184. The Secretary briefly introduced the Paper. She said that on 24.8.2012, the draft Sai Kung Town Outline Zoning Plan (OZP) No. S/SK-SKT/5, incorporating amendments on the rezoning of a piece of land at Hong Tsuen Road from “Government, Institution or Community (4)” to “Residential (Group B) 4”, rezoning of a piece of land at Hong Kin Road from “Government, Institution or Community” to “Residential (Group B) 5” (“R(B)5”) and the related amendments to the Notes of the OZP, was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, 3 representations were received. On 2.11.2012, the representations were published for three weeks for public comment, and 42 comments were received. On 18.1.2013, the Town Planning Board (the Board) considered one of the representations (R3) as invalid for the reason that the representation was not related to the subject of amendments for the OZP. On 8.3.2013, after giving consideration to the representations and comments, the Board noted the views of one representation, and decided not to uphold the other representation. As the representation consideration process had been completed, the draft Sai Kung Town OZP was ready for submission to the Chief Executive in Council (CE in C) for approval.

185. After deliberation, the Board:

- (a) agreed that the draft Sai Kung Town OZP No. S/SK-SKT/5A and its Notes were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) endorsed the updated Explanatory Statement (ES) for the draft Sai Kung Town OZP No. S/SK-SKT/5A as an expression of the planning intention and objectives of the Board for the draft OZP and issued under the name of the Board; and
- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

### **Agenda Item 11**

[Open meeting]

Information Note and Hearing Arrangement for Consideration of Further Representations to the Draft Ma On Shan Outline Zoning Plan No. S/MOS/17  
(TPB Paper No. 9317)

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[The meeting was conducted in Cantonese.]

186. The Secretary briefly introduced the Paper. She said that on 24.2.2012, the draft Ma On Shan Outline Zoning Plan (OZP) No. S/MOS/17 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of 1,079 representations were received. On 18.5.2012, the representations were published for three weeks for public comments, and 61 comments were received. On 31.8.2012, after giving consideration to the representations and comments, the Town Planning Board (the Board) decided not to uphold the representations related to the sites at Whitehead but defer a decision on the representations related to the On Chun Street site pending a review of the “Government, Institution or Community” (“G/IC”) sites in Ma On Shan which might also be suitable for residential development. On 1.2.2013, after giving further consideration to the representations and

comments related to the On Chun Street site, the Board decided to propose amendments to the OZP to meet the representations.

187. On 22.2.2013, the proposed amendments were published under section 6C(2) of the Ordinance. The proposed amendments included reverting the zoning of the On Chun Street site to “G/IC”, rezoning of two sites at Hang Kwong Street and Ma Kam Street for residential development respectively and amending the building height restriction of the reserved Indoor Recreation Centre site in Area 103, Ma On Shan. Upon expiry of the publication period on 15.3.2013, 83 further representations (F1 to F83) were received.

188. F1 to F23 and F29 to F82 were standard letters submitted by the residents of Marbella of which 76 supported and 1 objected to revert the On Chun Street site to “G/IC” zone. F24 to F28 were submitted by the local residents in Ma On Shan who objected to rezone the site at Ma Kam Street for residential development. F83 was submitted by the Marbella Owners’ Committee who supported to rezone the On Chun Street site to “G/IC”.

189. Since F29 to F83 (i.e. a total of 55 further representations) were submitted by the residents of Marbella who were the original representers and commenters, they should be considered as invalid and should be treated as not having been made. The remaining F1 to F28 would be submitted to the Board for consideration.

190. As the representations were considered by the full Board on 31.8.2012 and 1.2.2013, it was considered more appropriate for the full Board to hear the further representations without resorting to the appointment of a Representation Hearing Committee. The hearing could be accommodated in the Board’s regular meeting and a separate hearing session would not be necessary. The arrangement would not delay the completion of the consideration process for further representations. The original representers of R6 (Part), R7 (Part), R8 to R1079, the related commenters of C3 to C61 and the further representers of F1 to F28 would be invited to the hearing.

191. As the subject of further representations were all related to the amendment items arising from the consideration of representations related to the On Chun Street site, it was suggested that the further representations be considered collectively in one group.

The further representations were tentatively scheduled for submission to the Board for consideration on 26.4.2013.

192. After deliberation, the Board agreed that:

- (a) the further representations F29 to F83, which were submitted by the original representers and commenters, were invalid and should be treated as not having been made under section 6D(1) of the Ordinance; and
- (b) the further representations F1 to F28 should be heard collectively in one group by the full Board in the manner as proposed in paragraph 3.2 of the Paper.

### **Agenda Item 12**

[Open meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comment to the Draft Yi O Development Permission Area Plan No. DPA/I-YO/1 (TPB Paper No. 9319)

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[The meeting was conducted in Cantonese.]

193. The Secretary briefly introduced the Paper. She said that on 23.11.2012, the draft Yi O Development Permission Area (DPA) Plan No. DPA/I-YO/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance. During the two-month exhibition period, 144 representations were received. On 15.2.2013, the representations were published for three weeks for public comment, and one comment was received.

194. Amongst the 144 representations received, 37 representations supported the general planning intention of the DPA Plan and introduction of statutory planning control on Yi O area to protect the natural area under the Plan, 101 representations opposed the Plan mainly on the grounds that the Plan would bring about adverse impacts on the village rehabilitation to Yi O Village, and 6 representations did not support the zonings of the Plan



as the preparation of the Plan would later lead to development which would destroy the natural environment.

195. Since all the representations and comment were of local interests and had also attracted wide public interests, it was recommended that the representations and comments should be heard by the full Board. The hearing could be accommodated in the Board's regular meeting and a separate hearing session would not be necessary. The arrangement would not delay the completion of the representation consideration process.

196. As most of the representations and comment were submitted in the form of standard or similar letters, and the grounds of representations were also similar and inter-related in nature, it was suggested that the representations and comment be considered collectively in one group. Consideration of the representations and comment by the full Board was tentatively scheduled for 10.5.2013.

197. After deliberation, the Board agreed that the representations and comment should be heard collectively in one group by the full Board in the manner as proposed in paragraph 2.4 of the Paper.

### **Agenda Item 13**

[Confidential Item. Closed Meeting.]

198. The item was recorded under confidential cover.

### **Agenda Item 14**

[Confidential Item. Closed Meeting.]

199. The item was recorded under confidential cover.

**Agenda Item 15**

[Open Meeting]

**Any Other Business**

[The meeting was conducted in Cantonese.]

200. The Secretary informed Members that the next meeting originally scheduled for 12.4.2013 would be cancelled. The next meeting would be held on 26.4.2013.

201. There being no other business, the meeting closed at 5:10 p.m.