

**Minutes of 1035th Meeting of the
Town Planning Board held on 14.6.2013**

Present

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

Chairman

Mr. Stanley Y.F. Wong

Vice-Chairman

Mr. Timothy K.W. Ma

Mr. F.C. Chan

Ms. Bonnie J.Y. Chan

Professor K.C. Chau

Mr. H.W. Cheung

Dr. Wilton W.T. Fok

Mr. Ivan C.S. Fu

Mr. Sunny L.K. Ho

Mr. Lincoln L.H. Huang

Professor Eddie C.M. Hui

Ms. Janice W.M. Lai

Dr. C.P. Lau

Mr. Patrick H.T. Lau

Ms. Julia M.K. Lau

Ms. Christina M. Lee

Mr. Maurice W.M. Lee

Mr. Roger K.H. Luk

Mr. Stephen H.B. Yau

Dr. W.K. Yau

Assistant Director (Environmental Assessment)
Environmental Protection Department
Mr. K.F. Tang

Ms. Bernadette H.H. Linn
Director of Lands

Director of Planning
Mr. K.K. Ling

Deputy Director of Planning/District
Mr. Wilson Y.L. So

Secretary

Absent with Apologies

Professor S.C. Wong

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Professor P.P. Ho

Mr. Dominic K.K. Lam

Mr. H.F. Leung

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

Ms. Anita W.T. Ma

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

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

In Attendance

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

Chief Town Planner/Town Planning Board
Ms. Donna Y.P. Tam

Senior Town Planner/Town Planning Board
Ms. Doris S.Y. Ting

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1034th Meeting held on 31.5.2013

[The meeting was conducted in Cantonese.]

1. The minutes of the 1034th meeting held on 31.5.2013 were confirmed without amendments.

Agenda Item 2

[Open Meeting]

Matters Arising

[The meeting was conducted in Cantonese.]

- (i) [Closed Meeting]

2. This item was recorded under confidential cover.

- (ii) Town Planning Appeal Abandoned

Town Planning Appeal No. 10 of 2011

Temporary Vehicle Parking (Oil Tank Trailer) and Workshop for a Period of 1 Year in “Village Type Development” zone, Lot 1981 RP (Part) in D.D. 130 and Adjoining Government Land, Lam Tei, Tuen Mun

(Application No. A/TM-LTYYY/174)

3. The Secretary reported that on 14.12.2009, the appellant lodged an appeal to the Appeal Board Panel (Town Planning) (Appeal Board Panel) against the decision of the Town Planning Board (the Board) on 25.9.2009 to reject on review the planning application No. A/TM-LTYYY/174 for temporary vehicle parking (oil tank trailer) and workshop for a period of 1 year. The appeal site was zoned “Village Type Development” on the approved Lam Tei and Yick Yuen Outline Zoning Plan No. S/TM-LTYYY/6. On 13.5.2013, the appeal was abandoned by the appellant of his own accord. On 28.5.2013,

the Appeal Board Panel formally confirmed that the appeal was abandoned in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations.

Appeal Statistics

4. The Secretary reported that as at 14.6.2013, 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	:	129
Abandoned/Withdrawn/Invalid	:	169
Yet to be Heard	:	18
<u>Decision Outstanding</u>	:	<u>1</u>
Total	:	346

(iii) Approval of Draft Outline Zoning Plans (OZP)

5. The Secretary reported that on 4.6.2013, the Chief Executive in Council (CE in E) approved the Kwun Tong (South) OZP (to be renumbered as S/K14S/18) and the Sai Kung Town OZP (to be renumbered as S/SK-SKT/6) under section 9(1)(a) of the Town Planning Ordinance (the Ordinance). The approval of the above plans was notified in the Gazette on 14.6.2013.

(iv) Reference Back of Approved OZPs

6. The Secretary reported that on 4.6.2013, the CE in C referred the Central District OZP No. S/H4/14 and the Cheung Chau OZP No. S/I-CC/5 to the Board for amendment under section 12(1)(b)(ii) of the Ordinance. The reference back of the above plans was notified in the Gazette on 14.6.2013.

Tsuen Wan and West Kowloon District

Agenda Item 3

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comments to the Draft Tsim Sha Tsui Outline Zoning Plan No. S/K1/27

(TPB Paper No. 9361)

[The hearing was conducted in English and Cantonese.]

7. Ms. Christina M. Lee declared interest on this item as her company owned a property at Kimberley Road. As the property of Ms. Lee's company was located away from the representation site, Members agreed that Ms. Lee's interest was indirect and she should be allowed to stay in the meeting.

Presentation and Question Session

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

9. The following Government representatives, representers, commenters and their representatives were invited to the meeting at this point:

- | | | |
|-----------------|---|--|
| Mr. Wilson Chan | - | District Planning Officer/Tsuen Wan and West Kowloon, Planning Department (DPO/TWK, PlanD) |
| Mr. Tom Yip | - | Senior Town Planner/Tsuen Wan and West Kowloon, PlanD (STP/TWK, PlanD) |
| Mr. Yeung Min | - | Senior Engineer, Transport Department (SE/TD) |

Ms. Betty Ho - District Officer (Yau Tsim Mong)
(DO(YTM))

R3- Hong Kong & Kowloon Trades Union Council

Mr. Lee Kwok Keung - Representer's Representative

R5 – Ms. Kwan Sau Ling, Yau Tsim Mong District Councillor

R6 – The Incorporated Owners (IOs) of 13 and 15, Hillwood Road

R7 – The IOs of Passkon Court

R8 – The IOs of Golden Mansion

R9 – The IOs of Austin Mansion

R11 – The IOs of Kam Kok Mansion

R12 – The IOs of Diamond Court

R14 – The IOs of Friend's House

R15 – The IOs of Carson Mansion

R16 – 多福大廈業主立案法團

R17 – The IOs of Luxury Court

R18 – The IOs of Golden House

R19 – The IOs of Pacific Building

R20 – The IOs of Wai Wah Building

R21 – The IOs of Hillwood Mansion

R22 – The IOs of Wing Lee Building

R23 – The IOs of Peninsula Centre

R24 – The IOs of Hart Avenue Court

R25 – Windsor Mansion Owners Incorporation Management Committee

R26 - 松林大廈業主立案法團

R27 – The IOs of Universal Mansion Phase I

R28 – The IOs of Universal Mansion Phase II

R30 – The IOs of Wah Fai Mansion

R31 – The IOs of Ka Po Mansion

Ms. Kwan Sau Ling] Representer and
Representers' representative

R10 – The IOs of Mirador Mansion

Mr. Mok Yung Shing] Representers' representative

R13 – The IOs of Kimberley Mansion, Blocks D, F, G and H

Ms. Cheng Kwai Lam] Representers' representatives

Ms. Chan Yin Ping]

R29 – The IOs of Chung King Mansion

Ms. Lam Wai Lung] Representers' representatives

Mr. Leung Kam Wa]

R33 – Designing Hong Kong Limited

Ms. Debby Chan] Representers' representative

R35 – Yu Man Kit, Alex

Mr. Yu Man Kit, Alex] Representer

R37 – Tsim Sha Tsui Residents Concern Group

R38 – Mary Mulvihill

C1- Mary Mulvihill

C26- Tsim Sha Tsui Residents Concern Group

Ms. Mary Mulvihill] Representer, Commenter, and
Representers' and Commenters'
representative

Ms. Peggy Tang] Representers' and Commenters'
representative

R40 – Mo Man Ching, Claudia, Legislative Councillor

Ms. Chan Tung Man] Representers' representative

C11 – Ho Chung Hei

Mr. Ho Chung Hei] Commenter

C18 – Kenneth Lee

Mr. Kenneth Lee] Commenter

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

11. With the aid of a Powerpoint presentation, Mr. Tom Yip, STP/TWK, PlanD, made the following main points as detailed in the Paper:

Background

- (a) on 11.1.2013, the draft Tsim Sha Tsui Outline Zoning Plan (OZP) No. S/K1/27 (the Plan), incorporating amendments mainly to rezone the Middle Road Multi-storey Car Park (MRCP) site (the Site) from “Government, Institution or Community” (“G/IC”) to “Commercial(11)” (“C(11)”) (Amendment Item A) and an area shown as ‘Road’ (Amendment Item B), was exhibited under section 5 of the Town Planning Ordinance (the Ordinance). A total of 573 representations and 26 comments were received. All the representations and comments were related to the rezoning of the Site;
- (b) the MRCP was a 11-storey public car park building with government offices on the ground floor and top floor, and a public toilet on the ground floor. Part of the building was erected over a section of Middle Road. Currently, the MRCP had 785 car parking spaces and 115 motor cycle parking spaces;
- (c) with a view to meeting housing, social and economic developments of Hong Kong, consideration had been given to reviewing “G/IC” sites which had potential for alternative uses. Upon review, the Site in Tsim Sha Tsui (TST) had been identified as suitable for commercial uses;

- (d) based on PlanD's assessment on the adequacy of planned GIC facilities in the TST area to serve the planned population of 41,000, there was no deficit of GIC provision in the area except for a clinic/health clinic, an integrated children and youth services centre, four kindergarten/nursery classrooms and 52 primary school classrooms. Relevant government departments had confirmed that the Site was not required for any GIC uses. Specifically, the Director of Social Welfare (DSW) and the Director of Health (D of Health) did not require the Site for the development of an integrated children and youth services centre or clinic/health clinic. The marginal shortfall of four kindergarten/nursery classrooms could be met by the provision in the adjoining areas. Moreover, the limited size of the Site was considered not suitable for development of a primary school;
- (e) the Transport Department (TD) commissioned a Traffic Impact Assessment (TIA) in 2011 to assess the traffic impact of the proposed commercial redevelopment at the Site and the number of public car parking spaces required to be reprovisioned in the redevelopment. Under its parking demand assessment, the TIA had made reference to the parking demand and provision within 300m radius of the Site. Taking into account the forecast demand for parking spaces to be generated by the developments within such area up to 2021 (a total of 775 car parking spaces and 130 motor cycle parking spaces), and the existing and planned car parking spaces in the same area (a total of 430 car parking spaces and 91 motor cycle parking spaces), the TIA recommended that a total of 345 car parking spaces and 39 motor cycle parking spaces should be reprovisioned in the future commercial redevelopment at the Site to help meet the demand within the area. Such provision was in addition to those ancillary parking spaces required for the commercial development itself. According to the TIA, there would be a deficit of public car parking spaces within 300m radius of the Site during the interim period. However, the surplus car parking provision within 500m radius of the Site (a supply of 1,782 versus a demand of 1,633) could help absorb the anticipated car parking demand during the interim

period;

Amendments to OZP

- (f) Amendment Item A to rezone the major part of the Site from “G/IC” to “C(11)” was to facilitate redevelopment of the existing MRCP building into a new commercial development with a public car park. Similar to other “C” zones on the OZP, the “C(11)” zone was subject to a maximum plot ratio (PR) of 12, with additional requirement on the provision of not less than 345 public car parking spaces and 39 public motor cycle parking spaces stipulated in the Notes for the “C(11)” zone. The building height (BH) restriction for the “C(11)” site would be 90mPD, same as that for the previous “G/IC” zone of the Site. Amendment Item B to rezone the remaining portion of the Site covering Middle Road from “G/IC” to ‘Road’ was to reflect the as-built section of Middle Road;

Public Consultation

- (g) during the two-month exhibition period of the Plan, the amendments were presented to the Traffic and Transport Committee and the Community Building Committee (CBC) of the Yau Tsim Mong District Council (YTMDC) on 17.1.2013 and 1.2.2013 respectively. During the consultation, the YTMDC considered that there was inadequate provision of community halls (CHs) in YTM district and had an unanimous view that the Site should be reserved for provision of a CH, or at least several floors of the building be reserved for CH and other community facilities;
- (h) the YTM district was currently served by a CH and a community centre (CC) operated by Home Affairs Department (HAD), i.e. Henry G Leong CC at Public Square Street in Yau Ma Tei and Mong Kok CH at Shanghai Street. In response to the request of YTMDC and upon discussion with PlanD, DO(YTM) proposed to incorporate a CH with a

gross floor area (GFA) of not less than 937m² in a proposed residential development at Soy Street, Mong Kok. Having considered the residential population and the current provision of community facilities in the YTM district, DO(YTM) considered that there was a stronger need to build a new CH in Mong Kok than in TST;

Supportive Representations (R1 to R2)

- (i) two representations submitted by individuals supported Amendment Item A (i.e. rezoning to “C(11)”) or both Amendment Items A and B (i.e. rezoning to “C(11)” and ‘Road’);

Grounds of Representations

- (j) R1 supported the rezoning of the major part of the Site to “C(11)” on grounds that the existing car park was seldom used by the general public and the rezoning could encourage the use of public transport by reducing the public car parking provision;
- (k) R2 supported the rezoning of the Site for the reasons that the rezoning would encourage the use of public transport and thereby improve the environmental and air quality; the Site was suitable for commercial development; and the rezoning of portion of the Site to ‘Road’ would improve air ventilation in the area and facilitate dispersal of pollutants;

R2’s proposal

- (l) R2 proposed to sell the whole MRCP building to facilitate in-situ conversion for other uses, so as to avoid the generation of construction waste;

Responses to Grounds of Representations and Proposals

- (m) PlanD’s responses to the supportive representations and R2’s proposal

were summarised below:

- (i) R1 and R2's support to the OZP amendments was noted; and
- (ii) given the age and constraints of the existing building, redevelopment was considered to be more practicable in achieving the planning intention for the "C(11)" zone;

Representation Offering Comments (R3)

- (n) the representation submitted by the Hong Kong-Kowloon Trades Union Council provided comments on the two Amendment Items;
- (o) R3 proposed to increase the BH restriction for the "C(11)" zone from 90mPD to 120mPD so as to provide additional space for public exhibition and conference halls for use by tourists and the general public, and to provide a dog garden at the eastern part of the Site to meet the demand of the public;
- (p) PlanD's responses to R3's proposal was that the BH restriction of 90mPD was imposed on the Site in 2008 and the current amendments to the OZP did not involve any change to the BH restriction for the "C(11)" site. The BH restriction of 90mPD was intended to provide a transition of BH profile from the high-rise developments in the north with a BH restriction of 110mPD to the low-rise developments at the waterfront in the south. The BH restriction of 120mPD proposed by the representer was considered incompatible with the stepped BH profile as stipulated on the OZP. Regarding the proposal to provide a dog garden at the Site, the Director of Leisure and Cultural Services (DLCS) advised that there was an existing pet garden, i.e. Yau Tsim Mong Pet Garden, at the junction of Ferry Street and Yau Cheung Street to serve the YTM district. From land use viewpoint, the proposed dog garden might not be compatible with the intended commercial and public car park uses at the Site, and should be provided in planned open space in the area if

considered justified by DLCS;

Adverse Representations (R4 to R573)

- (q) the remaining 570 representations (R4 to R573) opposed Amendment Item A, with R35 also objecting to Amendment Item B. The adverse representations were submitted by the Incorporated Owners of various residential buildings in TST (R6 to R31), a member of Legislative Council (R40), a member of YTMDC (R5), the CBC of YTMDC (R32), Green Sense (R36), Designing Hong Kong Limited (R33), Tsim Sha Tsui Residents Concern Group (R37) and individuals (R4, R34, R35, R38, R39 and R41 to R573);

Grounds of Representations

- (r) the major grounds of representations were summarised as follows:

Provision of CH and GIC facilities

- (i) TST district was densely populated and had long been in lack of CHs and other community facilities. The Site was the only “G/IC” site which could be used for provision of public facilities and should be retained for “G/IC” use (R4 to R32);
- (ii) due to the lack of CH in TST, the IOs of various residential buildings did not have sufficient accommodation for holding meetings and recreational activities (R29);

Adequacy of parking provision and related traffic impact

- (iii) there was an acute demand for parking spaces in TST. The proposed parking provision at the Site, which was only about half of the existing provision, was inadequate to meet the public demand (R33 to R35, R37 to 573);

- (iv) the future commercial development at the Site would require additional parking spaces (R36);
- (v) the reduction in the car parking spaces at the Site would aggravate traffic congestion, illegal parking on adjacent roads, as well as air pollution caused by the vehicle emission (R34 to R36, R38 to 573);
- (vi) the demolition and construction works in the redevelopment process would lead to traffic congestion on Nathan Road near Sheraton Hotel and inconvenience to the users of the adjoining hotel, post office and public toilet (R39);
- (vii) inadequate measures were in place to manage the interim parking shortfall during the redevelopment process (R33 and R37);
- (viii) the Site was a perfect location to provide park and ride facilities (R37);

Traffic arising from Hong Kong-Zhuhai-Macao Bridge (HZM) Bridge

- (ix) the TIA did not consider the impact of a large number of cars from Mainland to the popular shopping district of TST after the opening of the HZM Bridge in 2016 (R33, R34, R37 and R38);

Coach parking demand

- (x) there was a lack of permanent and short-term parking spaces for coaches in TST. The TIA conducted by TD wrongly assumed that there was no demand for additional coach facilities in TST, and failed to distinguish between the demand and supply for long-term parking, short-term parking and loading and unloading of passengers (R33);

Parking charge

- (xi) MRCP was the only Government car park in the area, with affordable parking charges. The future car park would be privately operated with higher charges, which were unaffordable to drivers and ordinary citizen (R38 to R573);

Connectivity to adjacent open space

- (xii) it was not clear how the redevelopment would provide for convenient pedestrian connections to Middle Road Children's Playground on top of the adjacent covered bus terminus, and Signal Hill Garden (R33);

BH concerns

- (xiii) the Administration should confirm whether the BH restriction of 90mPD for the "C(11)" zone would breach the harbour planning principles and guidelines for the waterfront area (R4);
- (xiv) the proposed commercial development at the Site with a BH of 90mPD would result in 'wall effect' and environmental problem, and adversely affect the local residents, workers and tourists (R40);
and

Environmental concerns

- (xv) the demolition of the MRCP building would produce a large amount of construction waste, which was against the Government's policy of waste reduction (R36);

Representers' Proposals

- (s) the representers' proposals were summarised as follows:

- (i) to retain the Site for GIC use, and to reserve some floor spaces in future development for CH and community facilities even if the Site had to be redeveloped (R5 to R32);
- (ii) to provide coach pick-up/drop-off and short-term coach parking facilities in the development at the Site and pedestrian connections to the public open space on top of the adjacent bus terminus (i.e. Middle Road Children's Playground) and Signal Hill Garden (R33);
- (iii) to reconsider or withdraw the rezoning proposal (R34 to R35);
- (iv) to retain the existing MRCP and revitalize upper floors of the building for beneficial uses, such as office of organizations serving ethnic minority groups (R36); and
- (v) to retain the existing MRCP building for public parking purpose (R37 to R573).

Responses to Grounds of Representations and Proposals

- (t) PlanD's responses to grounds of representations were summarised below:

Provision of CH and GIC facilities (R4 to R32)

- (i) there was a need to optimize the use of scarce land available to meet the increasing development needs of Hong Kong. The rezoning of the Site would increase the supply of land for commercial development in the prime commercial and tourist district of TST, while at the same time providing adequate public car parking spaces to serve the surrounding areas;

- (ii) according to HKPSG, the planned provision for various community facilities in the area was generally adequate to meet the planned population of the area, except for a few facilities which were considered not suitable/required to be developed at the Site. The relevant government departments confirmed that the Site was not required for any GIC uses. Given that there was no requirement for community facilities at the Site, it was considered appropriate to rezone the Site to “C(11)” for commercial development with a public car park;

- (iii) according to HKPSG, the provision of CH was determined on the basis of need as assessed and advised by HAD. DO(YTM) advised that at present, there was one CH and one CC under the auspices of HAD in the district, namely the Henry G Leong CC in Yau Ma Tei and the Mong Kok CH in Mong Kok, both with high utilization rate. There had been a long-standing request from the YTMDC for additional CH/CC in YTM. Having considered the residential population and the current provision of community facilities in the YTM district, DO(YTM) considered that there was a stronger need to build a new CH in Mong Kok than in TST. The inclusion of a CH in the Soy Street site in Mong Kok could help alleviate the demand for community facilities and there would be three CHs/CC to serve the population in YTM district. DO(YTM) further advised that HAD might not be able to secure resources to develop one more CH at this point in time, considering that they were already seeking funds for the CH at the Soy Street site and the utilization of the proposed CH was yet to be seen;

Adequacy of parking provision and related traffic impact

- (iv) the TIA conducted by TD in 2012 had taken into account the forecast demand for car parking spaces generated by the developments within 300m radius of the Site up to 2021, and the

provision of existing and planned car parking spaces in the same area. The TIA recommended that a total of 345 car parking spaces should be reprovisioned in the future redevelopment to help meet the demand in the area. (R33 to R35, R37 to R573);

- (v) in addition to the stipulated public parking provision, ancillary parking spaces to serve the proposed commercial development at the Site would be provided in accordance with the provision standards under HKPSG (R36);
- (vi) according to the TIA, the proposed development at the Site would not adversely affect the capacities of the road junctions in the surrounding areas and the traffic impact due to the proposed development was insignificant. The proposed commercial cum public car park development at the Site was considered sustainable from traffic point of view in the design years of 2016 and 2021 (R34 to R36, R38 to R573);
- (vii) during the interim period of redevelopment of the Site, there would be a deficit of parking spaces within 300m from the Site. However, C for T advised that according to the TIA, there should be adequate provision of car parking space within 500m from the Site at the construction stage, and there would not be adverse traffic impact on the adjoining roads (R33 and R37);
- (viii) C for T advised that the future public car park would be open to the public and could be used for park and ride purpose if considered desirable by the public (R37);

Traffic arising from the HZM Bridge

- (ix) the TIA had already taken into account the opening of the HZM Bridge in 2016 in forecasting the future parking demand (R33, R34, R37 and R38);

Coach parking demand

- (x) it was observed in the TIA that coaches at areas in the vicinity of the Site were mainly undergoing loading/unloading passengers, instead of parking. C for T advised that the provision of coach parking spaces (about 100) and pick-up/drop-off spaces in TST was by-and-large sufficient. To address the problem of illegal coach parking in TST, TD had been liaising with the Police to step up enforcement actions and would maintain dialogue with the Tourism Commission and tourism trade on ways to improve the situation (R33);

[Ms. Bernadette H.H. Linn arrived to join the meeting at this point.]

Parking charge

- (xi) the parking charge of the future public car park at the Site was not under the purview of the Board. While the future fee structure of the car park had not yet been determined at present, it was expected that their rate would be at a level compatible to market price and would unlikely be unreasonable (R38 to R573);

Connectivity to adjacent open space

- (xii) upon redevelopment, a 3m-wide pedestrian footpath would be provided on the western side of Middle Road within the Site to facilitate pedestrian movement between the Site and the Middle Road Children's Playground. For the Signal Hill Garden which was located further away, the pedestrian access had to be through the existing footpath system linking to Minden Avenue in the north;

BH concerns

- (xiii) the BH restriction of 90mPD for the Site was imposed in 2008 and the current amendments did not involve any change to the stipulated BH for the “C(11)” site. Nevertheless, the BH restriction was commensurate with the adjacent buildings and served to provide a transition of BH profile from the high-rise developments in the north with a BH restriction of 110mPD to the low-rise developments at the waterfront in the south. The BH restriction of 90mPD was generally in line with the stepped height concept in the Harbour Planning Guidelines (R4 and R40);
- (xiv) as shown in the photomontages in Plans H-6 and H-7 of the Paper, the proposed development at the Site was not visually incompatible with the surrounding medium to high-rise developments. Besides, the current BH restriction would allow flexibility in the design of building to minimize the visual impact, e.g. the adoption of a lower site coverage for the development. Since future redevelopment would not be allowed to encroach onto the ‘Road’ portion (about 15m in width) of the Site, a more open view along Middle Road could be achieved (R40);

Environmental concerns

- (xv) the Director of Environmental Protection (DEP) advised that the future developer/contractor could be advised to follow the “Recommended Pollution Control Clauses for Construction Contracts”, which were generally good engineering practice to minimize inconvenience and environmental nuisance to nearby residents and other sensitive receivers, and include waste management measures (R36); and
- (xvi) the MRCP building was built in 1965 and specifically designed for public car park use. The building only had an overall BH of 43mPD and a floor-to-floor height of about 2.95m for typical car

parking floors. Given its strategic location in TST, the Site had potential for Grade A office or up-market hotel development. It might be difficult to convert the existing building in-situ into a commercial development which could meet the modern standard (R36);

- (u) PlanD's responses to the representers' proposals were summarised as follows:
 - (i) according to HKPSG, the planned provision for various community facilities in the TST area was generally adequate to meet the planned population of the area and the Site was not required for any GIC uses by relevant government departments. DO(YTM) also considered that there was a stronger need for the provision of a CH in Mong Kok than in TST (R5 to R32);
 - (ii) C for T advised that the existing provision of coach parking and pick-up/drop-off spaces in TST was in general sufficient. Upon redevelopment of the Site, a 3m wide pedestrian footpath would be provided on the western side of the section of Middle Road within the Site to facilitate pedestrian movement to the Middle Road Children's Playground (R33);
 - (iii) the rezoning had balanced the need for parking spaces, provision of planned GIC facilities in the area, and the need of commercial land to meet economic needs. No adverse visual, environmental and traffic impacts arising from the rezoning were envisaged (R34 to R35);
 - (iv) the Site was not required for any GIC uses. Given the age and constraints of the existing MRCP building, it might be difficult to convert the existing building in-situ into a commercial development which could meet the modern standard. Redevelopment was considered more practicable in achieving the

planning intention of the “C(11)” zone (R36); and

- (v) the redevelopment of the MRCP would achieve better utilization of the Site to meet the demand for commercial land, without compromising the provision of public parking spaces and planned GIC facilities in the area (R37 to R573);

Comments on Representations

- (v) the 26 comments were from the Tsim Sha Tsui Residents Concern Group (C26) and individuals. Except C1 and C26 which were submitted by the representers of R38 and R37 respectively referring to their own representations and C16 which was in respect of R4, other comments (C2 to C15 and C17 to C25) did not specify which representation their submissions were related to;

Grounds of Comments and Commenters' Proposals

- (w) eight of the comments (C2 to C9) supported the rezoning of the Site to “C(11)” for reasons that the rezoning would increase Government revenue, improve the pedestrian environment around Middle Road, increase the supply of hotel rooms in the area, create synergy effect with the adjoining hotels and achieve better utilization of Government resources;
- (x) four of them (C1, C21, C23 and C26) opposed the rezoning of the Site on grounds of retaining the Site for “G/IC” use, the need for provision of a skate park, adverse traffic impact from the reduction in car parking spaces and possible wall effect on the adjacent Middle Road Children’s Playground;
- (y) the remaining 14 comments (C10 to C20, C22, C24 and C25) considered that a skate park should be provided at the Site or in TST;

Responses to Grounds of Comments and Commenters' Proposals

- (z) PlanD's responses to the grounds of comments and the commenters' proposals were summarised as follows:
- (i) C2 to C9's support to the OZP amendments was noted;
 - (ii) C1, C21, C23 and C26 opposed the rezoning on similar grounds raised by the representers, except the skate park issue. Responses (ii), (iv), (xiii) and (xiv) to the grounds of representations in paragraph 11(t) above were relevant;
 - (iii) regarding C10 to C20, C22, C24 and C25's views on the provision of a skate park at the Site, skate parks were normally provided within existing open space managed by the Leisure and Cultural Services Department with larger site area, e.g. Lai Chi Kok Park and Morse Park. The proposed skate park might not be compatible with the intended commercial and public car park uses at the Site, and should be provided at planned open space if considered justified by DLCS; and

PlanD's Views

- (aa) based on the planning considerations and assessments in paragraph 4 of the Paper as summarised above, PlanD considered that:
- (i) the supports of R1 and R2 to the OZP amendments were noted;
 - (ii) the views of R3 were noted. R3's proposals to relax the BH restriction of "C(11)" site from 90mPD to 120mPD and the provision of a dog garden at the Site were not supported for the reasons given in paragraph 6.2 of the Paper; and
 - (iii) the adverse representations of R4 to R573 were not supported and

the Plan should not be amended to meet the representations for the reasons given in paragraph 6.3 of the Paper.

12. The Chairman then invited the representers, commenters and their representatives to elaborate on their representations.

R3 – Hong Kong and Kowloon Trades Union Council

13. Mr. Lee Kwok Keung made the following main points:

- (a) the BH restriction for the Site should be relaxed from 90mPD to 120mPD in order to provide additional floor space to meet the demand for more GIC and tourist facilities in the area;
- (b) given that there were a number of existing/proposed high-rise developments in the vicinity of the Site, namely Peninsula Hotel at a BH of 120mPD, Pinnacle in Minden Avenue at a BH of 140mPD, the proposed redevelopment at Mariner's Club within the "C(1)" zone with a BH restriction of 175.5mPD, and the development projects of New World Development Company located on the other side of Salisbury Road near the waterfront with a BH restrictions of 100mPD, 230mPD and 265mPD, the proposed BH of 120mPD for the Site was considered not incompatible with the surrounding developments;
- (c) even though the BH restriction of 90mPD for the Site was imposed in 2008, consideration should be given to relax the BH restriction in order to meet the changing local circumstances;
- (d) the existing Pet Garden in the area was in Ferry Street. Taking into consideration that the population of YTM was around 300,000, and it was expected that the pet population was increasing, there was a need to have another pet garden in the area to serve the local community. The proposed pet garden in the Site was not incompatible with the surrounding areas where a few larger public open spaces including the

Middle Road Playground, the Signal Hill Garden and the TST Promenade were located; and

- (e) the Board was requested to make an amendment to the Plan in order to meet the needs of the public.

R5 – Ms. Kwan Sau Ling, Yau Tsim Mong District Councillor

R6 – The IOs of 13 and 15, Hillwood Road

R7 – The IOs of Passkon Court

R8 – The IOs of Golden Mansion

R9 – The IOs of Austin Mansion

R10 – The IOs of Mirador Mansion

R11 – The IOs of Kam Kok Mansion

R12 – The IOs of Diamond Court

R13 – The IOs of Kimberley Mansion, Blocks D, F, G and H

R14 – The IOs of Friend's House

R15 – The IOs of Carson Mansion

R16 – 多福大廈業主立案法團

R17 – The IOs of Luxury Court

R18 – The IOs of Golden House

R19 – The IOs of Pacific Building

R20 – The IOs of Wai Wah Building

R21 – The IOs of Hillwood Mansion

R22 – The IOs of Wing Lee Building

R23 – The IOs of Peninsula Centre

R24 – The IOs of Hart Avenue Court

R25 – Windsor Mansion Owners Incorporation Management Committee

R26 - 松林大廈業主立案法團

R27 – The IOs of Universal Mansion Phase I

R28 – The IOs of Universal Mansion Phase II

R30 – The IOs of Wah Fai Mansion

R31 – The IOs of Ka Po Mansion

14. Ms. Kwan Sau Ling made the following main points:

- (a) she was a YTM District Councillor serving the TST (East) constituency. She was representing the IOs of 22 residential/commercial buildings and herself to make the subject presentation;
- (b) it was stated in paragraph 2.3 of the Paper that relevant government departments including DSW and D of Health confirmed that the Site was not required for any GIC uses. However, based on the information provided by DSW, DSW had previously requested PlanD to identify suitable premises for rehabilitation centre for mental illness (精神康復中心) and integrated children and youth services centre in 2009 and 2012;
- (c) TST was densely populated and had a high concentration of private residential buildings without the provision of club house and facilities for holding meetings and functions. The IOs in TST were in dire need of a community facility to provide a venue for holding meetings/functions. Her own office had frequently been used as the meeting venue but it was too small to accommodate a large number of participants. Some of the IOs had to pay a cost as high as \$7,000 for three hours for renting a meeting venue;
- (d) she was disappointed that the Government did not provide adequate support in the daily operation of the IOs though it was a government initiative to encourage the establishment of IOs;
- (e) there was an acute demand for various community facilities in TST including activity rooms, integrated children and youth services centre, CH to serve the local community. Given the presence of a lot of existing/proposed commercial developments in TST and the Site was the only 'G/IC' site available in the area, the Site should be retained for GIC uses. There was no strong reason to rezone the Site for commercial

development; and

- (f) she strongly requested the Board to reconsider the rezoning of the Site from “G/IC” to “C(11)” taking into consideration the need of the locals, the IOs and the community at large for more GIC facilities.

R29 – The IOs of Chung King Mansion

15. Ms. Lam Wai Lung made the following main points:

- (a) she was the Chairman of the IOs of Chung King Mansion;
- (b) the Government’s objective of promoting the establishment of IOs to oversee the management and maintenance of their own buildings was undermined by the lack of sufficient meeting venue for the IOs in TST;
- (c) it was very inconvenient for the residents, especially the elderly, to visit the Henry G Leong CC in Yau Ma Tei. The high renting cost for meeting venue had adversely affected the operation of her IOs. To address the problem of insufficient meeting venue for the IOs in TST, she urged the Board to consider allocating part of the floorspace in the future commercial development for community facilities use; and

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

- (d) currently, more than 100 car parking spaces in MRCP were used by the residents/tenants of Chung King Mansion as the development did not have its own car park. The substantial reduction in the number of car parking spaces in the future development at the Site would adversely affect the occupants of Chung King Mansion.

R35 – Mr. Yu Man Kit, Alex

16. Mr. Yu Man Kit, Alex, made the following main points:

- (a) he was a resident living opposite to the MRCP;
- (b) there was an acute demand for parking spaces in TST which was a popular shopping area. The utilization rate of the MRCP was more than 70% during the evening peak hours and there was always a long queue of vehicles along Middle Road waiting for parking spaces in the MRCP during weekends;
- (c) the TIA recommended only about 345 car parking spaces to be re-provisioned in the future development to meet the parking demand in the area. There was no information on whether the assessment was made on the basis on the average demand or surge demand in car parking spaces. It was doubtful whether such provision was adequate to meet the surge demand, especially during the evening peak hours and the weekends when a lot of people from other districts visited TST for different purposes such as shopping, dining or attending supplementary classes in the YMCA at Salisbury Road;
- (d) the methodology in assessing the parking demand and provision using the scenario of “within 500m radius” of the Site to make up for the deficit in car parking spaces within 300m radius of the Site was unreasonable; and
- (e) the results of the TIA which were made on the basis of the traffic data of 2011 and 2012 might be outdated. Consideration should be given to assess the adequacy of parking provision using the latest traffic data of 2013.

R33 – Designing Hong Kong Limited

17. With the aid of a Powerpoint presentation, Ms. Debby Chan made the following main points:

Off-street Coach Parking

- (a) it was mentioned in paragraph 5.2.3 of the final report of the TIA that in the identification of the peak for coach parking demand, reference was made to a previous TD study entitled 'Survey on Non-franchised Buses (NFBs) Providing Tour Service Operating within the Territory of Hong Kong'. However, TD subsequently confirmed in his reply to an enquiry made by the Designing Hong Kong Limited that the data in the NFBs Study was not relevant to the coach parking demand assessment;

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

- (b) the major problem of coach parking in TST was the lack of sufficient holding spaces for coaches. Coaches normally waited at and blocked the drop-off areas, which had aggravated the illegal parking/traffic congestion problems and even occasionally led to reverse traffic on the road. Moreover, the emission of the idling engines of these coaches during the holding period caused air pollution;

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

- (c) on-site surveys were conducted at various coach parking and drop-off areas in TST, including K11 at Bristol Avenue, Cameron Road, Carnarvon Road, Ching Shan Street, Granville Road, Hong Kong Coliseum, Hankow Road, Hong Tat Path, Kimberley Road, Chatham Road South and Mody Road on Friday night and Saturday afternoon. It was observed that except Ching Shan Street where empty coach parking spaces could be found, all the remaining on-street coach parking spaces were either full or occupied by other vehicles. Double parking of coaches which blocked the streets was frequently observed and that had caused traffic congestion. Moreover, it was also revealed that three of the four off-street coach parks in TST (viz. K11 (The Masterpiece), Hotel Icon, Hong Kong Museum of History) were empty while the one at West Kowloon Waterfront Promenade was temporarily closed. No sign

was displayed at K11 to indicate the provision of coach parking spaces. The coach parking spaces at the Hong Kong Museum of History was reserved for its visitors only;

- (d) in 2012, there were about 3,000 coaches serving the guided tours in Hong Kong but there were only 69 coach parking spaces in TST. The provision was far from adequate in meeting the strong demand of coach parking in TST which was a popular tourist spots. The Site which was centrally located and highly accessible to hotels, shopping malls and tourist spots was an ideal location to provide coach parking and dropping off/picking up facilities;

Off-street car parking

- (e) the TIA conducted by TD had identified the peak traffic of TST as 08:30 to 09:30 and 18:00 to 19:00 daily. Those were normal peak hours for office developments. However, TST was a commercial and tourist centre. The on-site surveys carried out by the Designing Hong Kong Limited revealed that the busiest time was Friday nights and the whole day of Saturdays and Sundays. There were insufficient parking spaces in TST to cater for the peak demand;
- (f) the overall provision of car parking spaces in TST would further worsen upon the redevelopment of New World Centre. After the completion of the redevelopment works, the provision of private car parking spaces in New World Centre would be reduced from its original provision of 1,666 to the future provision of 866;
- (g) based on a research conducted by the 2022 Foundation, the average daily cross border traffic in 2008 was about 42,000 trips. However, the daily design capacity of the cross border traffic would be increased to about 188,500 upon the completion of improvement works for existing border crossings and the construction of new border crossings such as the HZM Bridge. With the integration of our transport network with the Mainland

and the lack of park and ride facilities at border crossings, additional number of border traffic would be attracted to the shopping areas of TST which would further aggravate the parking problem and traffic congestion in the area. The Site, which was conveniently located, would provide a solution space to help address the problems;

Unpleasant pedestrian network

- (h) the TIA concluded that sufficient car parking spaces would be available within 500m radius of the Site to meet the parking demand and the drivers were only required to walk a short distance. However, the existing pedestrian network in TST was poor and the walking environment was unpleasant;

- (i) the pedestrian precinct study conducted by the Government in 2001 had identified a number of problems of the existing pedestrian facilities, namely narrow and overcrowded pavements, barriers to movement, pedestrian/vehicular conflicts, unsatisfactory crossing facilities, unattractive streetscape, inadequate weather protection, poor signage and unfriendly to the elderly and people with disabilities. The pedestrian precinct study therefore proposed to implement comprehensive integrated networks to provide a safe, uninterrupted, convenient and pleasant passageway for pedestrian movement. The Chief Executive in his 2012 Policy Address also promoted less reliance on transport facilities which encouraged people to commute by walking. Although the Government was aware of the need to enhance the pedestrian environment, little improvement had been made to the improve the existing pedestrian environment in TST;

[Mr. Timothy K.W. Ma returned to join the meeting at this point.]

- (j) the Area Improvement Plan for Tsim Sha Tsui jointly commissioned by PlanD and TD in 2004 had proposed to improve the pedestrian area by implementing measures like pedestrianisation, footpath widening and

traffic calming; and to enhance the streetscape through provision of landscaping, new paving and street furniture design for railing and lighting, etc.;

- (k) the provision of more public car and coach parking facilities at the Site would help to remove some on-street parking activities and improve the walking environment in TST;

[Ms. Bonnie J.Y. Chan left the meeting temporarily at this point.]

Conclusion

- (l) the Site which was centrally located was an ideal site for providing more off-street coach and car parking facilities to meet the increased demand including the future cross border traffic. The provision of sufficient coach and car parking spaces within the Site would reduce road congestion and illegal parking, reduce roadside air pollution and improve pedestrian enjoyment of TST; and
- (m) the PR and BH restrictions for the future commercial development on the Site should be retained.

R38 – Mary Mulvihill

C1- Mary Mulvihill

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

- (a) the main functions of the Board, as laid down in section 3 of the Town Planning Ordinance, were to promote the health, safety, convenience and general welfare of the community through the systematic preparation of plans. The town planning process should not be affected by the current politics, the policy directive of which had switched from sustainable development to development at all cost;

- (b) the traffic impacts generated from the opening of the HZM Bridge in 2016 was not taken into account in the TIA. With the increasing number of double-plated vehicles travelling to TST and Central, it seemed that the quota system for cross boundary transport had been relaxed. There was no latest information on the projected number of daily cross border vehicles coming into Hong Kong;
- (c) under the original projection in 2008, about 9,200 to 14,000 vehicles would use the HZM Bridge per day in 2016. The forecast was subsequently revised upward by 40% by the Government in 2009 which indicated that about 12,880 to 19,600 additional vehicles would be travelling in the streets of Hong Kong when the HZM Bridge was opened;
- (d) TD had previously advised that the extension and connection of East and West Rail would reduce the number of vehicles circulating in TST. However, the traffic congestion problem in TST had not been improved;
- (e) with the increasing number of private cars and additional cross border traffic, it was unreasonable for TD to propose a reduction in the provision of car parking spaces in the Site upon redevelopment;
- (f) the MRCP was one of the car parks that was purposely built on the periphery of the Central Business District to keep the narrow streets in the core area of TST free from heavy traffic and to minimise the impact on pedestrian flow. Other similar car parks were at Rumsey Street and Murray Road;
- (g) she made the following comments on the TIA report:
 - (i) paragraph 3.3.5 – the peak periods identified by TD (viz. AM peak between 07:30 and 09:30 and PM peak between 17:00 and 19:00) did not reflect the real situation as the peak traffic in TST

was around lunch hours, evenings between 19:30 to 21:30, and weekends;

- (ii) paragraphs 3.3.6 to 3.3.8 – as iSquare and The One were shopping malls but not offices, the trip generation survey conducted on the above peak periods of a typical weekday could not reflect the genuine trip rates of the two developments as the shops at the two shopping malls only opened at noon;
- (iii) paragraph 4.1 – the base year modelling did not incorporate any deviation from the existing conditions. The traffic impacts of the Express Rail Link (XRL) and the HZM Bridge were not assessed in the TIA;
- (iv) paragraph 5.1.4 – the information collected did not mention about the number of visitors and the traffic impacts of the external infrastructure;
- (v) table 5.5 – the findings presented in this table which indicated that spare coach parking spaces were observed during the weekend when survey was carried out could not reflect the reality. Double parking of coaches was found all over the district, particularly outside Railway Plaza at Chatham Road South;
- (vi) paragraph 5.3.3 – the large number of tourists visiting TST should also be taken into account in calculating the car parking demand. As most of the developments in the area were retail rather than office use, the office employment data should not be taken as the major parameter in assessing the car parking demand in the TST area;
- (vii) paragraph 5.3.10 – there would be significant decrease in private car parking space provision by about 50% in New World Centre after redevelopment and the car parking demand would become

more acute in future;

- (viii) paragraph 5.4.4 – the forecast decrease in the car parking demand from 2016 to 2021 was contrary to the gradual increase in private car ownership and the projected increase in traffic resulting from the opening of the HZM Bridge in 2016;
 - (ix) paragraph 5.5.10 – the lack of temporary parking spaces to serve the parking demand during the construction period was unacceptable; and
 - (x) figure 5.1 : it was noted that nearly all the off-street public car parks located within 500m radius of the Site were fully utilised. Although the car park in Auto Plaza had spare capacity, it was located on the other side of Chatham Road South in TST East which was far from the core area of TST;
- (h) the coach parking facilities in K11 which was intended to serve the general demand of the area had been privatised for the exclusive use of The Masterpiece. TD should step up monitoring action to ensure that the coach parking spaces were opened for public use;

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

- (i) there was no information on the projected number of travellers brought about by the HZM Bridge that would visit TST. There was concern that TST might face the similar situation of Sheung Shui with the increased number of parallel traders;
- (j) she made the following comments on other representations and comments:
 - (i) the supportive views of R1 and R2 in promoting the use of public transport was supported;

- (ii) Soy Street was not a suitable location for the proposed CH, though it was supported by DO(YTM). It was too far from TST and could hardly meet the community need of the local residents in TST. The site at Soy Street should be used as open space to meet the severe shortfall of public open space in the Mong Kok area. Moreover, since the proposed CH in Soy Street would be funded by the Signature Project of YTMDC, DO(YTM) should have resources to build another CH in TST;
 - (iii) there were insufficient GIC facilities in TST to serve the local population;
 - (iv) she supported R35's comments that there was an acute demand for parking spaces in TST;
 - (v) the proposed commercial development at a BH of 90mPD would create adverse visual impact on the surrounding area;
 - (vi) the MRCP was the only public car park in TST which charged an affordable rate, and allowed overnight and monthly parking for various types of vehicles; and
 - (vii) the commenters' proposal to use the Site for a skateboard park was supported. Moreover, different types of sports venue and recreational facilities should also be provided in order to meet the different needs of the local population which was made up of a mix of different groups including refugees and ethnic minorities. The provision of more GIC facilities could enhance neighbourhood integration and reduce crime rate in the area; and
- (k) apart from the need to provide land for commercial and residential developments, it was equally important to maintain the quality of life for the local community.

R37 – Tsim Sha Tsui Residents Concern Group

C26- Tsim Sha Tsui Residents Concern Group

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

- (a) according to a survey on the existing “G/IC” sites within the TST area conducted by the concern group, all the “G/IC” sites had already been developed for different GIC facilities. The Site was the only “G/IC” site available in TST for the development of the needed CH and other community facilities;
- (b) by referring to the data of 2011 Census, it was anticipated that the elderly population in YTM district would become double in the coming two decades. There was a need to provide more social and community facilities to serve the aging population. However, none of the required elderly facilities such as social centre for the elderly, day care centre for the elderly and multi-services centre for the elderly was included in the table on the provision of major community facilities in TST (Annex VI of the Paper);
- (c) except for Wanchai, YTM had the fewest amount of vacant GIC land among the 18 districts in Hong Kong, leaving very little space available for the future community use. Any rezoning of the valuable “G/IC” site for commercial development was not supported;
- (d) while ancillary parking spaces for any development should be provided according to the requirements of HKPSG, any public car park to be provided within the development, which was operated as a kind of commercial facility, should be GFA accountable;
- (e) modern shopping malls, in particular those provided with eating places and entertainment facilities, would attract a higher rate of vehicular traffic as compared with other traditional retail facilities and office

developments. The parking standard for these shopping mall developments should be reviewed as appropriate; and

- (f) the provision of ancillary parking spaces and loading/unloading facilities, as well as public car parks within the development should be closely monitored to ensure that these transport facilities were used as originally planned. The existing coach parking spaces at K11, which was originally intended for public use, was now used exclusively by The Masterpiece. This was unacceptable.

R40 – Mo Man Ching, Claudia, Legislator Councillor

20. Ms. Chan Tung Man made the following main points:

- (a) TST was a popular tourist and shopping area and there was an acute demand of parking spaces in the area. It was anticipated that additional cross border vehicles would visit TST after the opening of the HZM Bridge in 2016;
- (b) the utilisation rate of the MRCP at 70%, as mentioned in the TIA, was on the low side and it did not reflect the actual peak period at weekends. There was always a long queue of cars waiting outside the MRCP during weekends. The reprovisioning of 345 car parking spaces in the future development of the Site was inadequate to cater for the strong parking demand;
- (c) a street station was set up at Middle Road about two months ago with a view to solicit public support for the preservation of the MRCP. A total of more than 600 standard proforma objecting to the demolition of MRCP was received from the local residents, car park users and nearby workers within a two-hour period;
- (d) the MRCP was the only government car park in the area with affordable parking charges. The future car park which was privately owned would

- charge a higher rate which was unaffordable to ordinary drivers;
- (e) with the reduction in the car parking spaces at the Site, more vehicles would need to tour around in the area to search for parking spaces. This would aggravate traffic congestion, illegal parking and air pollution problems. In this regard, the campaign of preserving the MRCP was also supported by Green Sense; and
 - (f) she sincerely hoped that the Board would consider preserving all the parking spaces within the MRCP in order to meet the real parking demand of the existing users and the community.

C11 – Ho Chung Hei

21. Mr. Ho Chung Hei made the following main points:

- (a) there were already too many commercial retail activities in the YTM district;
- (b) the redevelopment of the MRCP would result in a reduction of car parking spaces by more than half of the existing provision. The reduced provision of car parking spaces was not sufficient to cope with the additional cross border traffic in the TST area upon the completion of the HZM Bridge; and
- (c) the upper floors of the MRCP should be reserved for the development of a skateboard park.

C18 – Kenneth Lee

22. Mr. Kenneth Lee made the following main point:

- (a) he was a resident of TST;
- (b) due to its highly accessible location and the low overnight parking

charge at \$50 only, the MRCP was a very popular car park with very high utilization rate;

- (c) even though the TIA concluded that there was sufficient car parking spaces within 500m radius of the Site to meet the car parking demand in the interim, drivers would normally prefer to park their cars at a more convenient location closer to their destination in order to save the commuting time (about 10 to 15 minutes for one way) and the parking charges. Since the other car parks in TST were more costly and less convenient, he did not support the demolition of the MRCP; and
- (d) by referring to a plan showing the layout of a skateboard park, he considered that some of the floorspaces of the existing MRCP could easily be converted to a skateboard park to serve the local community. TST was the place of origin of skateboard sports in Hong Kong and the provision of more skateboard parks in the territory could help promote the sports which was also one kind of Olympic sports.

C1 – Mary Mulvihill

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

- (a) as there was insufficient information on the volume of traffic to be generated from the opening of the HZM Bridge and the associated traffic impact on the road networks and parking demand in TST, the rezoning of the Site should be deferred for the time being. The matter could be further reviewed in 10 years' time when the Government and the community had more information on the traffic situation and were better prepared to tackle the increased number of cross border cars in the territory through some suitable remedial measures such as road pricing scheme and provision of park and ride facilities; and
- (b) the Members of the Board should be aware of the problems Hong Kong was facing and should exercise professional judgment in considering the case.

24. As the presentation from the government representatives, representers and commenters and their representatives had been completed, the Chairman invited questions from Members.

25. A Member said that the Hong Kong Christian Services Centre, which was a non-government organisation, had a venue at the basement of its building at Granville Road which could accommodate about 100 to 200 persons and the charge might be affordable. This Member asked if Ms. Kwan Sau Ling (R5) or other IOs had ever used the venue for meeting. In response, Ms. Kwan said that it was rather difficult for the IOs which were not Christian body to book the said venue. Moreover, the venue would require a longer period of advanced booking which did not suit the operation mode of the IOs.

26. Another Member raised questions on the following aspects:

- (a) whether the required provision of 345 car parking spaces had included the ancillary parking spaces for the proposed commercial development;
- (b) the area of the Site and whether the existing PR was sufficient to cater for the future development including the public car park; and
- (c) the latest position of the redevelopment proposal of the TST Kai Fong Association (Kai Fong Association) jointly proposed by the Hong Kong Baptist University (HKBU) and the Kai Fong Association, and the utilization rate of the facilities provided in the Kai Fong Association.

27. In response to questions (a) and (b) above, Mr. Wilson Chan, DPO/TWK, said that the provision of 345 car parking spaces in the future development was to cater for the public need. The future commercial development would need to provide its own ancillary parking spaces in accordance with the requirement of the HKPSG. By referring to Annex VII of the Paper, Mr. Chan said that the Site had an area of about 2,630m² with a permitted PR of 12. Apart from the need to provide a public car park which was GFA accountable, the developer could have the flexibility to use the remaining GFA for

different kinds of commercial uses such as hotel, office, or retail, etc.

28. Regarding question (c) above, Ms. Betty Ho, DO(YTM), replied that based on her latest information, the Kai Fong Association and the HKBU would not proceed with the redevelopment proposal. There was no other redevelopment proposal at the moment. She had no information on the utilization rate of the community facility of the Kai Fong Association which was not under the auspices of DO(YTM). If required, she could request the Kai Fong Association to provide such information. She understood that the venue of the Kai Fong Association, with a large seating capacity of 400 to 500 persons, would normally be used for large-scale functions. As the meetings of those IOs only required a small meeting room, they would usually be held at the Henry G. Leong CC in Yau Ma Tei.

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

29. In response to a Member's questions on whether basement car park was allowed at the Site and the feasibility of extending the basement car park to the underground area of the adjoining Middle Road Children's Playground, Mr. Wilson Chan said that the existing BH restriction for the Site did not prohibit the development of basement car park. Whether basement car park would be provided in the future development would be subject to the detailed design by the future developer. However, the underground space of the Middle Road Children's Playground was already occupied by the MTR TST East station, it would not be feasible to extend the basement car park to the playground.

30. A Member enquired about the breakdown of on-street and off-street car parking spaces in TST and whether monthly car parking spaces were provided in other privately operated car parks within the commercial buildings. In response, Mr. Yeung Min, SE/TD, displayed Plan H-8 of the Paper which showed the location and breakdown of the number of car spaces at each on-street and off-street car park in the area. He replied that majority of the car parking spaces in TST were provided off-street within the existing car parks. Monthly car parking spaces were provided in some of the existing car parks but he did not have the information on their specific locations.

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

31. As requested by the Chairman to respond to the queries raised by the representers on the assumptions and methodology adopted in the TIA, Mr. Yeung Min briefly highlighted the following salient points:

- (a) the parking demand was assessed on the basis of peak hour demand instead of the average demand. According to the TIA, the utilisation rate of the MRCP during peak hour was about 60% to 70% while the average utilisation rate of the MRCP was only about 30%. A recent survey conducted in March 2013 also confirmed that the utilisation rate of the MRCP during peak hour was about 60%;
- (b) the TIA assessed the parking demand and provision on two scenarios: (i) within 300m radius of the Site (300m scenario) and (ii) within 500m radius of the Site (500m scenario). The two scenarios only represented different levels of service in terms of walking distance of 300m and 500m respectively from the car park to their destinations. A walking distance of 500m which was equivalent to 6 to 7 minutes walk by a normal person was considered reasonable. Based on the 300m scenario, 345 car parking spaces were required to be reprovisioned in the future development. If the 500m scenario was adopted, no reprovisioning of car parking spaces would be required. In assessing the future car parking demand, the TIA had used the 300m scenario which could provide a higher level of service to drivers and could also allow some deviations in the assessment;
- (c) although there would be a deficit of public car parking spaces within 300m radius of the Site during the construction period, surplus car parking spaces were provided within 500m radius of the Site. This was regarded as an acceptable level of service;
- (d) a comprehensive traffic model was adopted in the TIA with due consideration of relevant factors including land use and planning data,

committed and planned transport infrastructure projects (including HZM Bridge and XRL). The TIA had already taken into account the opening of HZM Bridge in 2016 and the XRL in forecasting the future parking demand. It was anticipated that some kind of control mechanisms would be in place to contain the cross border traffic and the traffic impact generated from these cross border vehicles might not be significant;

[Mr. F. C. Chan left the meeting at this point.]

- (e) the coach parking spaces were in general sufficient in TST. Illegal coach parking in TST was primarily due to the fact that some coach drivers chose to stay at the visiting spots, instead of using the proper coach parking spaces. The illegal parking problems could be tackled by enforcement action of the Police; and
- (f) the assumptions of the AM and PM peak hour periods adopted in the TIA were not unreasonable taking into consideration the overall situation of the TST area.

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

32. In response to a Member's questions on the planning gains, the design year of the car parking demand forecast, the feasibility to provide coach parking spaces within the Site, the waste management measures and the visual impact of the proposed development, Mr. Wilson Chan replied that the rezoning of the Site would achieve a better utilisation of the valuable land resources. It could provide land for commercial development to meet the acute demand in Hong Kong, while at the same time provide adequate public car parking spaces to serve the surrounding areas. As the existing MRCP had encroached onto Middle Road, the rezoning of part of the Site to 'Road' area could allow a more open view along Middle Road and enhance air ventilation of the area. Regarding waste management, Mr. Chan said that the future developer was required to comply with Environmental Protection Department (EPD)'s requirement of waste separation during the construction stage. However, whether the future developer would be required to carry out

waste management scheme and the implementation details of such scheme was a policy issue to be further considered by concerned bureaux/departments. By referring to the photomontages as shown on Plans H-6 and H-7 of the Paper, Mr. Chan said that the proposed development at a maximum BH of 90mPD was considered compatible with the existing developments in the vicinity and would not cause significant adverse visual impact to the surrounding areas. Regarding Member's question on the magnitude of the visual impact as shown in the photomontages on Plans H-6 and H-7 of the Paper, Mr. Chan said that it would vary depending on the angle of the photo taken at the location of the viewpoints adopted.

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

33. Mr. Yeung Min said that the car parking demand was assessed up to the design year of 2021. As regards the coach parking facilities, he reiterated that the overall provision of coach parking spaces was in general sufficient in TST. The existing coach parking problems were mainly related to the behaviours of coach drivers who preferred to wait at drop-off area near the tourist spots. Such traffic management problems would need to be addressed by enforcement action of the Police.

34. In response to a Member's enquiry, the Chairman said that the representers had put forward different proposals for the Site. Some proposed to use it for CH and community facilities while the other proposed to retain the Site for car parking use. Members might wish to consider if the proposed uses were suitable or required on the Site having regard to the comments received from bureaux and departments.

35. The same Member asked whether it was realistic to rely on the employment data in assessing the car parking demand of TST which was predominantly a shopping area, and whether the drivers' behaviour had been taken into consideration in the TIA. In response, Mr. Yeung Min said that correlation analysis for different planning data including population, resident worker, employment and student had been conducted in the TIA. Amongst these planning data, employment data was found to have the highest correlation value as compared with other planning data. While there was no dispute that TST was a popular shopping centre, he considered that the effect due to the number of visitors had already been reflected in the employment data. He further said that the

adoption of the 500m scenario in assessing the car parking demand for the area was generally acceptable. The TIA which used the 300m scenario had already taken into account the drivers' behaviours who preferred to park their cars in a more convenient location.

36. In response to a Member's enquiry on the details and progress of the proposed CH in Soy Street, Ms. Betty Ho said that the proposed CH comprising a CH with seating capacity of 250 and a small meeting room would be provided on the lower floors of the proposed residential development in Soy Street. Currently, there were two CH/CC in the YTM district, namely a CH near Langham Place in Mong Kok which was of comparative scale as the proposed CH in Soy Street and the Henry G. Leong CC in Yau Ma Tei which was larger in scale comprising a CH of 400 seats, indoor and outdoor recreational facilities and a number of meeting rooms suitable for holding meetings by IOs. The average and peak utilisation rate of the two existing CH/CC was over 80% and 90% respectively. In view of the residential population and the existing provision of CH/CC facility in the YTM district as a whole, there was a higher demand for an additional CH in the northern part of YTM. The proposed CH at Soy Street was still at the preliminary planning stage but the proposal had been incorporated into the amendments to the Mong Kok OZP which were gazetted for public inspection in May 2013. Upon completion of the planning procedure, the required provision of a CH in the future residential development would be stipulated in the future land sale conditions. Ms. Ho also clarified that the construction cost of the proposed CH would be borne by HAD as it had exceeded the allocation of \$100 million for the Signature Project Scheme.

37. A Member enquired if consideration would be given to allocate part of the floor space in the future redevelopment at the Site for CH use. Mr. Wilson Chan replied that during the departmental consultation of the rezoning proposal, relevant government departments consulted had confirmed that they did not require the Site for any GIC facilities.

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

38. After hearing the comments and responses of government representatives, Ms. Mary Mulvihill made the following main points:

- (a) the very large rooms at the Kai Fong Association, which were very expensive to rent, were not appropriate for holding meetings of the IOs;
- (b) the construction of underground car park was very costly and technically difficult because of the rock formation of TST. Moreover, it would involve a longer construction time for the excavation works;
- (c) some of the on-street metered car parks in TST could not be used by the general public as these spaces were controlled by the triad society;
- (d) in the absence of concrete information on the traffic impact of the HZM Bridge, the zoning amendment should be put on hold; and
- (e) the Site should be retained for a combination of uses including public car park, social, community and/or sporting facilities to meet the needs of the IOs, the local community and the elderly. This could help reduce the crime rate and improve the illegal parking and traffic congestion of the area.

39. Ms. Debby Chan made the following main points:

- (a) she had conducted an on-site survey of all the on-street coach parking and drop off areas in TST on a Saturday afternoon. It was observed that all the coach parking spaces and loading/unloading areas were fully occupied by coaches;
- (b) it would take a much longer time to travel a distance of 500m in TST than in other areas due to the poor pedestrian network and unpleasant walking environment of the area; and
- (c) as TST would remain to be a popular tourist spot and shopping area in future, there was a need to assess the parking demand beyond the 2021 horizon.

40. Ms. Lam Wai Lung said that the incorporation of community facilities and meeting venue for the IOs in the future commercial development was essential.

41. As the representers, commenters and their representatives had finished their presentations and 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 their absence and inform the representers of the Board's decision in due course. The Chairman thanked the representers, commenters and their representatives, and the government representatives for attending the hearing. They all left the meeting at this point.

42. The meeting was adjourned for short break of 5 minutes.

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

Deliberation Session

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

Provision of Car Parking Spaces

44. The Vice-chairman wondered how many car parking spaces would be considered as sufficient to fully meet the need/aspirations of local residents, tourists, workers or visitors of the district. It was the Government policy to promote the use of public transport. Given that TST area was well served by a convenient and efficient public transport system, the public should be encouraged to use more public transport which would also benefit the environment. Although there would be no parking provision at the Site during the construction period and there was query on whether the reprovision of 345 car parking spaces at the Site would be adequate to meet the long term parking demand, people would likely take into consideration such circumstances and adjust their habit on the commuting mode to TST. This could be well reflected in the case of Mong Kok and Lan Kwai Fong in Central, where people would prefer using public

transport to get there taking into account the location, traffic condition and the availability of car parking spaces in those areas.

45. The Vice-chairman and another Member considered that, having regard to the TIA and based on their experience, the utilisation rate of the MRCP was not high. Noting that about 345 car parking spaces would be reprovisioned in the future commercial development on the Site which would be adequate to meet the parking demand of TST area, another Member considered that the rezoning proposal would not cause any adverse impact on the overall parking provision in the area.

46. One other Member also said that as it was the Government policy to encourage the use of public transport, the adequacy of car parking spaces should not be the main concern. On the contrary, given the traffic congestion problem and limited capacity of the road network in the TST area, vehicles should be discouraged from going to this area in order to avoid further overloading the road network.

Coach Parking Facilities

47. A Member said that the representers' concern on inadequate coach parking spaces in TST should not be a major consideration as the existing MRCP did not provide any coach parking spaces.

48. Another Member concurred with the above Member's view. The Member, however, asked whether some coach parking spaces could be provided in the future commercial development to cater for the specific need of TST which would remain to be a popular tourist spot in the coming decades. Such provision of additional coach parking spaces might help address the existing on-street illegal coach parking problems to some extent.

49. Given that the provision of coach parking spaces in TST was largely adequate, a Member considered that it was unnecessary for the Government to reserve additional on-street coach parking spaces near the tourist hotspots. Instead, enforcement action should be stepped up by the Police to tackle the existing problems of illegal coach parking and drop-off activities. Another Member also agreed that double parking was a traffic

management problem which should be addressed by appropriate enforcement action.

Provision of CH/GIC Facilities

50. Members had the following major views on the aspects of CH/GIC facilities:
- (a) in view of the aging population and the acute demand for a meeting venue for the IOs in TST, HAD or DO(YTM) should be requested to further review the need of a CH in the TST area. Should there be such a need for an additional CH in TST, the future developer could be required to provide such facility in the future development;
 - (b) a mixed development comprising commercial and GIC uses, such as CH if considered necessary, at the Site should be considered as it could cater for the need of the local community. Similar mixed developments were also found in other districts, such as the Langham Place development, and Olympian City 1, etc.;
 - (c) as the utilisation rate of the CH at the Kai Fong Association was rather high and the charge was also very expensive, it could not meet the need of the IOs, which normally required a smaller venue for meeting and organising activities. DO(YTM) should critically review the need for a CH in the TST area taking into consideration that there was practical difficulty for the IOs to use the existing facilities at the Kai Fong Association;
 - (d) while the existing Henry G. Leong CC in Yau Ma Tei could provide the needed facilities for the IOs, the CC was quite far away from the TST area. The proposed CH in Soy Street also could not serve the local population in TST;
 - (e) the size and specific requirement of CH facilities should be subject to further review upon obtaining more information on the demand, provision and utilisation rate of the existing meeting venues available for

use by the IOs in TST; and

- (f) as the public toilet on the ground floor of the existing MRCP would be displaced upon redevelopment of the Site, reprovisioning of the existing public toilet should also be considered.

51. The Chairman reminded Members that DPO/TWK had conveyed HAD's advice that the Site was not required for CH and that there was no request for using the Site for any GIC facilities by the bureaux/departments during the departmental consultation of the zoning amendment. However, the concerned bureaux/departments could be consulted again on whether there was any need to provide GIC facilities, in particular a CH, on the Site. Such requirement, if established, could be stipulated in the land sale conditions as appropriate. Members agreed to this approach and that there was no need to amend the Notes of the "C(11)" zoning of the Site.

Planning Gain

52. A Member said that the Board should consider whether the rezoning of the Site would provide planning gain. This Member noted that the rezoning would help optimise the use of land available to meet the increasing development needs of Hong Kong. However, consideration might also be given to incorporate some required community facilities such as CH in order to better serve the community.

53. Another Member remarked that noting the low utilisation rate of the MRCP and the development needs of the territory, it was appropriate to rezone the Site to other more beneficial uses in order to optimise the valuable land resources, irrespective of whether other GIC or CH facilities were to be provided.

Others

54. One Member said that the traffic impact resulting from the opening of the HZM Bridge would not be significant as appropriate measures would be adopted to regulate the number of cross border vehicles from entering Hong Kong.

55. Another Member added that given the limited capacity of the existing road network of Hong Kong to absorb additional traffic, it was anticipated that only a very limited number of cross border vehicles would be allowed to enter Hong Kong.

56. One Member considered that the existing BH restriction for the Site, which complied with the stepped BH concept and was compatible with the surrounding developments, was appropriate and should be retained.

57. The Chairman concluded the discussion and noted the following:

- (a) the BH restriction of 90mPD was intended to provide a transition of BH profile from the high-rise developments in the north to the low-rise developments at the waterfront in the south. The existing BH restriction was considered compatible with the stepped BH profile;
- (b) the relevant bureaux/departments had already confirmed that the Site was not required for any GIC uses. However, as Members generally considered that it was desirable to provide a CH and/or other GIC facilities within the future commercial development, PlanD would be requested to seek further advice from concerned bureaux/departments on whether any GIC facilities, in particular a CH, would need to be provided within the Site. The bureaux/departments should be requested to take into account the views of the representers, commenters and Members in their consideration. There was no need to amend the Notes of the “C(11)” zoning of the Site. If there was a request to incorporate suitable GIC facilities into the new development, such request should be conveyed to Lands Department (LandsD) for consideration in the context of preparation of land sale conditions;
- (c) the TIA had already taken into account the opening of HZM Bridge in 2016 in forecasting the future parking demand;
- (d) TD had advised that the provision of coach parking spaces and pick-up/drop-off spaces in TST was in general sufficient. As the

existing illegal coach parking in TST was primarily due to the fact that some coach drivers continued to stay at the tourist spots, instead of using the proper coach parking spaces, this should be addressed by stepping up the necessary enforcement action;

- (e) the parking charge of the future public car park at the Site was not under the purview of the Board. Nevertheless, it was expected that the rate of the future public car park would be set at market price and would unlikely be set unreasonably high; and
- (f) the future developer would be required to adopt appropriate waste management measures under the prevailing environmental legislation.

58. In view of the above, Members agreed to note the supportive views of Representations R1 to R2 as well as the views of Representation R3 but did not agree to the proposal of Representation R3. Members also agreed not to uphold Representations R4 to R573 and not to make any amendment to the Plan. Members then went through the responses to the proposal of R3 as detailed in paragraph 6.2 of the Paper and the reasons for not upholding the representations as detailed in paragraph 6.3 of the Paper and considered that they were appropriate. Moreover, Members also agreed to request PlanD to consult relevant bureaux/departments again on the need to provide GIC facilities, in particular a CH, in the future development of the Site. Should there be a need to provide the GIC or CH facilities on the Site, such requirement would be referred to LandsD for incorporation into the land sale conditions of the Site.

Representations No. R1 and R2

59. After further deliberation, the Board noted the support of R1 and R2.

Representation No. R3

60. After further deliberation, the Board noted the views of R3 and decided not to support R3's proposals for the following reasons:

- (a) the BH restriction of 90mPD was imposed on the Site in 2008 and the current amendments to the OZP do not involve any change to the BH restriction for the “C(11)” site. The proposed BH restriction of 120mPD was considered incompatible with the stepped BH profile as stipulated on the OZP. There was provision in the Notes for the “C” zone for application to the Board for minor relaxation or relaxation of the BH restriction for the site; and
- (b) there was an existing pet garden in the YTM district. From land use viewpoint, the proposed dog garden might not be compatible with the intended commercial and public car park uses at the Site, and should be provided in planned open space in the area if considered justified by DLCS.

Representations No. R4 to R573

61. After further deliberation, the Board decided not to uphold R4 to R573 for the following reasons:

- (a) land suitable for development in Hong Kong was scarce and there was a need to optimize the use of land available to meet the increasing development needs of Hong Kong. Given that the MRCP site was not required for GIC development, it was considered appropriate to rezone the site for a commercial development with a public car park to achieve better site utilization (R4 to R573);
- (b) the MRCP site was within the commercial and tourist centre of TST. The rezoning of the major part of the site to “C(11)” was considered appropriate, and would not have adverse visual, traffic and environmental impacts on the surrounding areas. The rezoning of the remaining part of the site to ‘Road’ was to reflect the existing Middle Road (R4 to R573);

- (c) a new community hall (CH) had been planned at Soy Street, Mong Kok to help meet the demand for CHs in the Yau Tsim Mong district (R4 to R32);
- (d) adequate public parking spaces would be provided in the future development at the “C(11)” site to meet the demand in the surrounding areas. The proposed commercial cum public car park development would not have adverse traffic impact on the surrounding road networks (R33 to R573);
- (e) in addition to the stipulated public parking provision, ancillary parking spaces to serve the proposed commercial development at the site would be provided in accordance with the provision standards in HKPSG (R36);
- (f) the TIA conducted for the Site had taken into account the envisaged opening of Hong Kong-Zhuhai-Macao Bridge in 2016 in forecasting the future parking demand (R33, R34, R37 and R38);
- (g) the parking demand during the interim period when the site was under redevelopment could be absorbed by the other car parks in the surrounding areas (R33 and R37);
- (h) the future public car park at the site would be open to the public and could be used for park and ride purpose by the users (R37);
- (i) TD considered that the existing provision of coach parking and pick-up and drop-off spaces in Tsim Sha Tsui was by-and-large sufficient. The TIA conducted for the Site did not recommend the provision of coach parking spaces in the development at the site (R33);
- (j) the adjacent open spaces, i.e. Middle Road Children’s Playground and Signal Hill Garden, could be accessed via the existing footpath system and road crossing facilities in the area. Upon redevelopment of the site,

a 3m-wide pedestrian footpath would be provided on the western side of Middle Road to facilitate pedestrian movement in the area (R33);

- (k) the BH restriction of 90mPD for the “C(11)” site imposed on the OZP in 2008 and did not form part of the current OZP amendments. The restriction was commensurate with that of the adjoining “C” zone, and in line with the stepped BH profile on the OZP as well as the harbour planning guidelines, with no adverse visual impact on the surrounding areas (R4 and R40); and
- (l) given the age and constraints of the existing MRCP building, redevelopment was considered to be more practicable in achieving the planning intention for the “C(11)” zone. The developer would also be required to adopt appropriate waste management measures (R36).

[Dr. W.K. Yau arrived to join the meeting and Mr. Patrick H.T. Lau, Mr. Ivan C.S. Fu, Dr. C.P. Lau and Dr. Wilton W.T. Fok left the meeting at this point.]

Sha Tin, Tai Po and North District

Agenda Item 4

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/NE-KTS/332

Proposed House (New Territories Exempted House - Small House) in "Agriculture" zone,
Lot 420 S.A in D.D. 100, Tsiu Keng, Sheung Shui,

New Territories

(TPB Paper No. 9367)

[The hearing was conducted in Cantonese.]

Agenda Item 5

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/NE-KTS/333

Proposed House (New Territories Exempted House - Small House) in "Agriculture" zone,
Lot 420 S.B in D.D. 100, Tsiu Keng, Sheung Shui,
New Territories

(TPB Paper No. 9367)

[The hearing was conducted in Cantonese.]

Agenda Item 6

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/NE-KTS/334

Proposed House (New Territories Exempted House - Small House) in "Agriculture" zone,
Lot 420 S.C in D.D. 100, Tsiu Keng, Sheung Shui,
New Territories

(TPB Paper No. 9367)

[The hearing was conducted in Cantonese.]

Agenda Item 7

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/NE-KTS/335

Proposed House (New Territories Exempted House - Small House) in "Agriculture" zone,
Lot 420 S.D in D.D. 100, Tsiu Keng, Sheung Shui,
New Territories

(TPB Paper No. 9367)

[The hearing was conducted in Cantonese.]

Agenda Item 8

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/NE-KTS/336

Proposed House (New Territories Exempted House - Small House) in "Agriculture" zone,
Lot 420 S.E in D.D. 100, Tsiu Keng, Sheung Shui,
New Territories

(TPB Paper No. 9367)

[The hearing was conducted in Cantonese.]

Agenda Item 9

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/NE-KTS/337

Proposed House (New Territories Exempted House - Small House) in "Agriculture" zone,
Lot 420 S.F in D.D. 100, Tsiu Keng, Sheung Shui,

New Territories

(TPB Paper No. 9367)

[The hearing was conducted in Cantonese.]

62. As the six applications were all for a NTEH on each of the application sites which were located adjacent to each other, Members agreed that they should be considered together.

Presentation and Question Session

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

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

Mr. John Lo - Applicants' representative

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

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

(a) the applicants sought planning permission for a proposed House (NTEH -

Small House) on each of the application sites. The application sites fell within an area zoned “Agriculture” (“AGR”) on the approved Kwu Tung South Outline Zoning Plan (OZP) No. S/NE-KTS/12 at the time of submission and the draft Kwu Tung South OZP No. S/NE-KTS/13 currently in force;

- (b) on 25.1.2013, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the six applications and the reasons were:
 - (i) the proposed development was not in line with the planning intention of the “Agriculture” zone in Kwu Tung South area which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the submission for a departure from the planning intention; and
 - (ii) land was still available within the “Village Type Development” (“V”) zone of Tsiu Keng Village where land was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructure and services;
- (c) the application sites were located in a green area, and were part and parcel of a large agricultural land under active cultivation to the north of Tsiu Keng Village;
- (d) the five application sites under Applications No. A/NE-KTS/332 to 336 were currently fallow agricultural land mainly covered by weeds, whereas part of the application site under Application No. A/NE-KTS/337 was

currently fallow agricultural land covered by weeds and part of it was paved with a vehicular access;

- (e) to the immediate east of the application sites were active/fallow agricultural land. To the south was a mix of active/fallow agricultural land, and village houses within the “V” zone of Tsiu Keng Pang Uk; and areas to the west and north of the application sites were active/fallow agricultural land with domestic structures;

- (f) there was one similar application (No. A/NE-KTS/132) for proposed House (NTEH – Small House) in the vicinity of the six application sites within the same “AGR” zone to the north of Tsiu Keng Village. The concerned application site fell partly within “AGR” zone (about 83%) and partly within “V” zone (about 17%). Besides, the entire footprint of the proposed Small House fell within the ‘VE’ of Tsiu Keng Village and about 50% of the footprint of the Small House fell within the “V” zone. The application site was vacant and covered by weeds at the time of consideration. The concerned application was approved with conditions by the RNTPC on 19.10.2001 on grounds that the application generally complied with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories (Interim Criteria) in that the footprint of the proposed Small House fell entirely within the ‘VE’ of Tsiu Keng Village and land available within “V” zone could not meet the future Small House demand of Tsiu Keng Village; the proposed development was generally compatible with the surrounding rural and village environment; and the proposed Small House would not have significant adverse environmental, drainage and traffic impacts on the surrounding areas. In addition, there were 17 applications involving 11 sites for Small House development within/partly within the “AGR” zone to the east and south-east of Tsiu Keng Village. All applications were approved with conditions by the RNTPC between 2001 and 2010 mainly on similar grounds as Application No. A/NE-KTS/132 in that the applications generally complied with the Interim Criteria and the proposed developments were not incompatible with the surrounding environment;

- (g) the justifications put forth by the applicants in support of the six review applications were summarised as follows:
- (i) the six application sites were located within the village ‘environs’ (‘VE’) of Tsiu Keng Village;
 - (ii) the farmer previously rented the six application sites for growing *Gladiolus spp* (劍蘭) indicated that the soil at the six application sites was not suitable for farming;
 - (iii) should the six applications be approved by the Board, the applicants would submit landscape proposals to the satisfaction of the Chief Town Planner/Urban Design and Landscape (CTP/UD&L) of PlanD;
 - (iv) the applicants were indigenous inhabitants in the New Territories and they had only one chance to apply for NTEH (Small House) development; and
 - (v) the Chairman of the Sheung Shui District Rural Committee and the Indigenous Inhabitants Representative (IIR) of Tsiu Keng Village supported the six applications;
- (h) departmental comments – the departmental comments were summarised in paragraph 5 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications from an agricultural development standpoint as fallow agricultural land should be retained and active agricultural activities were observed in the vicinity of the application sites. There was no information to demonstrate that the application sites were not suitable for farming. The soil at the application sites could be improved by various ways such as crop rotation or other horticultural methods and crops other than *Gladiolus spp.* might grow well at the application sites. The CTP/UD&L, PlanD had reservation on the

applications from the landscape planning perspective. The application sites were situated in an area of rural landscape character dominated by farmland and village houses and approval of the proposed Small House applications might set an undesirable precedent of spreading village development outside the “V” zone and thus erode the rural landscape character. The Commissioner for Transport had reservation on the applications and advised that Small House development should be confined within the “V” zone as far as possible. Approving such type of development outside the “V” zone would set an undesirable precedent for similar applications in future and the resulting cumulative adverse traffic impact could be substantial. The District Lands Officer/North, Lands Department (DLO/N, LandsD) advised that the application sites of A/NE-KTS/333, 334, 336 and 337 fell entirely within the ‘VE’ of Tsiu Keng Village while the application sites of A/NE-KTS/332 and 335 fell partly within the said ‘VE’. The number of outstanding Small House applications and the number of 10-year Small House demand forecast for Tsiu Keng Village were 48 and 155 respectively. Other concerned departments had no adverse comment on the applications;

- (i) public comments – during the statutory public inspection periods, a total of eight public comments for each review application were received. Four comments from a North District Council member, the Chairman of the Sheung Shui District Rural Committee and the IIR of Tsiu Keng supported the six review applications on the grounds that land within Tsiu Keng Village was insufficient for construction of Small Houses by indigenous inhabitants and the proposed developments would not cause adverse impact to the road network, drainage and *fung shui* of the village. One comment from the farmer previously using the six application sites for farming indicated that the soil at the six application sites was not suitable for farming. Three comments from the Kadoorie Farm & Botanic Garden Corporation and Designing Hong Kong Limited objected to the applications mainly on the grounds that the “AGR” zone at Tsiu Keng Pang Uk was still very suitable for farming; the area of agricultural land in Hong Kong should not be further reduced; the application sites were

mostly distant from Tsiu Keng Village and were surrounded by farmland; Small House developments without the provision of sewerage and drainage facilities would degrade the land and affect the current active agricultural land; and approval of the applications would set an undesirable precedent for similar applications; and

(j) PlanD's views – PlanD did not support the review applications based on the planning consideration and assessments as set out in paragraph 7 of the Paper and summarised below:

(i) the entire footprints of the proposed Small Houses under Applications No. A/NE-KTS/333, 334, 336 and 337 and more than 50% of the footprints of the proposed Small Houses under Applications No. A/NE-KTS/332 and 335 fell within the 'VE' of Tsiu Keng Village, and there was insufficient land within the "V" zone of the same village to meet the Small House demand (i.e. about 5.08 ha of land which was equivalent to about 203 Small House sites);

(ii) the proposed developments were not in line with the planning intention of the "AGR" zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. The six application sites were located in a green area further away from the village proper of Tsiu Keng Village and Tsiu Keng Road, and were part and parcel of a large agricultural land under active cultivation in Tsiu Keng. In this regard, DAFC did not support the six applications from an agricultural development standpoint. DAFC had advised that the failure of growing *Gladiolus spp.* by the concerned farmer did not indicate that the application sites were not suitable for farming. The soil at the application sites could be improved by various ways such as crop rotation or other horticultural methods and other crops might grow well at the application sites;

- (iii) the proposed Small House developments were not entirely in line with the Interim Criteria in that they would frustrate the planning intention of the “AGR” zone. As there were still 2.41 ha of land (about 96 Small House sites) within the “V” zone of Tsiu Keng Village for Small House development, it was considered more appropriate to concentrate those proposed Small Houses close to the existing village cluster within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services;
- (iv) approval of the proposed Small House applications might set an undesirable precedent of spreading village development outside the “V” zone which would erode the rural landscape character and cause substantial cumulative adverse traffic impact;
- (v) although there were similar applications for Small House development within/partly within the “AGR” zone that were previously approved, the situation of the review applications was not comparable to these similar applications as the application sites under the current applications were entirely outside the “V” zone and were currently fallow agricultural land forming part and parcel of a large agricultural land under active cultivation to the north of Tsiu Keng Village. Moreover, they were further away from Tsiu Keng Road. It was considered that approval of the current six applications would encourage the spreading of village type development to the north of the “V” zone of Tsiu Keng Village into active farmland; and
- (vi) although there was no local objection conveyed by DO(N), there were public comments against the six applications.

66. The Chairman then invited the applicants’ representative to elaborate on the review applications.

67. Mr. John Lo, the applicants' representative, made the following main points:
- (a) the applicants had only one chance to apply for the development of Small House. Five of the applicants were indigenous villagers of Tsiu Keng. It was very difficult for them to find a piece of land within their own village as most of the land was owned by other private individuals or by companies;
 - (b) all the six application sites fell within the "AGR" zone and were located within the 'VE' of Tsiu Keng Village;
 - (c) the six applications were supported by District Council, Rural Committee and Village Representatives. Approval of the applications would benefit the villagers; and
 - (d) the applicants were willing to comply with the approval conditions by submitting and implementing landscaping and drainage proposals to the satisfaction of CTP/UD&L of PlanD and the Director of Drainage Services respectively.

68. As the presentation from representatives of PlanD and the applicants had been completed, the Chairman invited questions from Members.

69. In response to a Member's questions on the figures of Small House demand, status of the outstanding Small House applications and whether all these applications were within the "V" zone, Ms. Jacinta Woo replied that according to the latest information provided by DLO/North of LandsD, the total number of outstanding Small House applications for Tsiu Keng Village was 48 while the 10-year Small House demand forecast for the same village, as provided by the relevant IIR, was 155. Ms. Woo said that she did not have the information on whether all the 48 outstanding applications were within the "V" zone. However, it was estimated that about 2.41 ha of land (equivalent to about 96 Small House sites) was available within the "V" zone of Tsiu Keng Village which was sufficient to meet the number of the outstanding Small House applications. Should there be insufficient land within the "V" zone to meet the Small House demand, PlanD would

continue to assess each Small House application based on individual merits.

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

70. A Member asked why a similar application (No. A/NE-KTS/132) located in the vicinity of the application sites was approved. In response, Ms. Jacinta Woo said that the concerned application site fell partly within “AGR” zone (about 83%) and partly within “V” zone (about 17%). Besides, the entire footprint of the proposed Small House fell within the ‘VE’ of Tsiu Keng Village and about 50% of the footprint of the Small House fell within the “V” zone. The application was approved with conditions by the RNTPC on 19.10.2001 on consideration that the application generally complied with the Interim Criteria prevailing at that time. The proposed Small House was currently under construction. Ms. Woo further said that the six application sites under the current applications fell entirely within the “AGR” zone.

71. In response to the enquiry of Ms. Bernadette Linn, D of Lands, on whether there were any different considerations between the current applications and those similar applications to the east and south-east of Tsiu Keng Village, Ms. Jacinta Woo said that there were 17 similar applications involving 11 sites approved for Small House development within/partly within the “AGR” zone to the east and south-east of Tsiu Keng Village. They were approved by the RNTPC with conditions between 2001 and 2010 mainly on grounds that the applications generally complied with the Interim Criteria at that time. Amongst the 11 sites, six were previously approved for the same use by the RNTPC in 2003 and 2004. Some of the sites were fallow agricultural land overgrown with wild grass and some were used for farming at the time of consideration of the applications. Moreover, all except one sites were located close to Tsiu Keng Road which served as direct vehicular access to the village. The situation of the current six review applications was not comparable to those approved applications as the subject six application sites were further away from Tsiu Keng Road and formed part and parcel of a large piece of active agricultural land to the north of Tsiu Keng Village. DAFC did not support these applications from agricultural development point of view.

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

Deliberation Session

73. The meeting considered that there had been no material change in planning circumstances for the application sites and their surrounding areas since the rejection of the applications which warranted a departure from the RNTPC's previous decision.

74. After further deliberation, the Board decided to reject the applications on review. Members then went through the reasons as stated in paragraph 8.1 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 in Kwu Tung South area which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the submission for a departure from the planning intention; and
- (b) land was still available within the "Village Type Development" zone of Tsiu Keng Village where land was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructure and services.

Agenda Item 10

[Open Meeting]

Request for Deferment of Review of Application No. A/NE-LT/471

Proposed 3 Houses (New Territories Exempted Houses - Small Houses) in "Agriculture" zone, Lots 742 S.E, 742 S.G and 742 S.H in D.D. 10, Ng Tung Chai, Tai Po

(TPB Paper No. 9365)

[The meeting was conducted in Cantonese.]

75. The Secretary said that on 20.5.2013 and 21.5.2013, the applicants' representative wrote to the Secretary of the Board and requested the Board to defer making a decision on the review application for two months so as to allow time for the applicants to prepare a landscape plan to address departmental comments on the application. This was the first request from the applicants for deferment of the review hearing.

76. 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 applicants 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.

77. After deliberation, the Board agreed to defer a decision on the review application as requested by the applicants pending the submission of further information by the applicants. 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 applicants. The applicants 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.

Agenda Item 11

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/NE-TK/429

Proposed House (New Territories Exempted House - Small House) in "Village Type Development" and "Agriculture" zones and an area outside the Outline Zoning Plan, Government Land in D.D. 15, Shan Liu, Tai Po

(TPB Paper No. 9366)

[The hearing was conducted in Cantonese.]

78. The Chairman informed the meeting that the applicant had indicated that he would not attend the review hearing. The following representative of the Planning Department (PlanD) was invited to the meeting at this point:

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

79. The Chairman extended a welcome and then invited DPO/STN to brief Members on the review applications.

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

- (a) the applicant sought planning permission for a proposed house (New Territories Exempted House (NTEH) - Small House) at the application site. The application site fell within an area zoned "Village Type Development" ("V") (about 54%) and "Agriculture" ("AGR") (about 8%) on the approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/17 together with an area outside the OZP (about 38%);
- (b) on 8.2.2013, the Rural and New Town Planning Committee (the RNTPC) rejected the application for the following reasons:

- (i) the proposed development did not comply with the interim criteria for consideration of application for New Territories Exempted House/Small House in the New Territories in that it would involve site formation and slope stabilisation works resulting in clearance of mature trees and dense vegetation in its surrounding area and damage to the landscape quality of the area in close proximity to the Pat Sin Leng Country Park. The applicant failed to demonstrate that the proposed development would not cause adverse geotechnical and landscape impacts on the surrounding areas; and
 - (ii) the approval of the application would result in further encroachment onto the woodland surrounding the country park area and a general degradation of the environment and landscape quality of the area.
- (c) the application site was a piece of Government land located on a slope feature (maximum height : 8m; length : 60m; average angle : 55 degrees), the stability condition of which was unknown. It was located at the fringe of the Pat Sin Leng Country Park and within the village 'environ' ('VE') of Shan Liu Village. It was also located within the upper indirect Water Gathering Ground and was not easily accessible;

[Ms. Bonnie J.Y. Chan left the meeting temporarily at this point.]

- (d) there were 45 similar applications for Small House development on sites falling partly/entirely within the "AGR" zone. Amongst these, 17 applications were approved with conditions by the RNTPC between 2009 and 2013 mainly on consideration that the sites fell within the 'VE'; there was a general shortage of land in meeting the Small House demand; and the proposed Small Houses could be connected to the planned sewerage system in the area. The remaining 28 applications were rejected by the RNTPC/the Board on review mainly for reasons of not complying with the Interim Criteria for Consideration of Applications

for New Territories Exempted House/Small House in New Territories (Interim Criteria) in that the proposed Small House fell outside both the “V” zone and the ‘VE’ (for six Applications), the application sites were not able to be connected to the planned sewerage system in the area; insufficient information to demonstrate that the proposed developments located within the WGG would not cause adverse impact on water quality in the area; having adverse landscape impact; and setting of undesirable precedent for other similar applications.;

- (e) the justifications put forth by the applicant in support of the review application were set out in paragraph 3 of the Paper and summarized as follows:
 - (i) regarding the technical concerns, the Board could grant planning permission in principle and impose approval conditions for compliance by the applicant. The applicant would employ authorised professional persons to assess natural terrain hazards, prepare site formation report and implement slope stabilization works, if necessary. It was unfair to require the applicant to undertake such expensive study without any assurance on whether the application would be approved;
 - (ii) the application should not be rejected for reason of causing cumulative impacts. Instead, the application should be dealt with in accordance with the Common Law and the Board could set a maximum number of approvals instead of rejecting all applications in one go;
 - (iii) only about 15% of the area within the village ‘environs’ (‘VE’) of Shan Liu (i.e. about 5,146m²) was designated as “V” zone. This was far from adequate in meeting the Small House demand of indigenous villagers and the applicant had no choice but to apply for an alternative site outside the “V” zone. As the existing “V” zone was wrongly planned on hill slopes or within woodlands

where large-scale site formation works were required, land available for construction of Small Houses was very limited;

- (iv) both Shan Liu and Lam Tsuen in Tai Po fell within the Water Gathering Ground (WGG) and were to be covered by public sewerage system in the area. As both villages shared similar characteristics, PlanD should extend the “V” zone of Shan Liu as in the case of Lam Tsuen; and
- (v) the Village Representative of Shan Liu had proposed to extend the “V” zone by including land which was relatively flat though outside the ‘VE’ such that the villagers did not need to spend considerable money for carrying out large-scale site formation works, and significant tree felling activities could also be avoided;
- (f) departmental comments – the departmental comments were summarised in paragraph 6 of the Paper. The District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) had no objection to the application. The Director of Environmental Protection (DEP) and the Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD) had no objection to the application provided that the construction of the proposed NTEH/Small House should not be commenced before the completion of the planned public sewerage system and the applicant should connect the proposed Small House to the public sewerage system at his own cost. The Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) advised that the slope feature where the proposed Small House was located was formed by unauthorized site formation works and the stability condition of the slope was unknown. The applicant was required to make site formation submission covering the investigation of stability of any man-made slopes/retaining walls and natural slopes within or near the proposed development and the provision of suitable slope stabilization works. The Director of Agriculture, Fisheries and Conservation

(DAFC) had reservation on the application from country parks point of view. The site straddled the Pat Sin Leng Country Park. The proposed development would require substantial slope and site formation works which might cause vegetation clearance and felling of trees, and result in habitat loss and landscape degradation. Moreover, the consent of the Country and Marine Parks Authority must be obtained prior to the commencement of any works. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD & L, PlanD) objected to the application from landscape planning point of view. Considering the high landscape quality of the surrounding area, the approval of the application was likely to result in an extension of the village development well beyond the existing “V” zone boundary, which would alter the landscape character of the area zone and degrade the densely vegetated area;

- (g) public comments - during the statutory public inspection period, two public comments submitted by the Kadoorie Farm & Botanic Garden Corporation and Designing Hong Kong Limited were received. The commenters objected to the application mainly for reasons that the proposed development was not in line with the planning intention of “AGR” zone; any “destroy first, build later” activities were not tolerated; there were concerns about the safety of the house and the potential ecological impacts on the woodland; and the approval of the application would set a precedent for similar applications resulting in cumulative impact on the area; and
- (h) PlanD’s views – PlanD did not support the application based on the assessment in paragraph 8 of the Paper, which were summarised below:
 - (i) the site fell entirely within the ‘VE’ of Shan Liu and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of the concerned village. While the site was located within the WGG, the proposed Small House could be connected to the public sewerage system in the area via

private lots and the owners' consents for sewage pipes passing through the concerned lots had been obtained by the applicant;

- (ii) notwithstanding the above, the site was a piece of government land located on a slope feature and straddled the Pat Sin Leng Country Park. To the northwest of the site, there were mature trees and dense vegetation grown on top of the slope. The H(GEO), CEDD advised that the slope feature was formed by unauthorised site formation works and its stability condition was unknown. There was no information in the review application to demonstrate that the slope concerned was stable and suitable for the proposed development;
- (iii) the proposed development, which was located on an unstable slope, would likely involve site formation and slope stabilization works affecting an area larger than the application site. This would result in clearance of mature trees and dense vegetation in its immediate surroundings and cause damage to the landscape quality of the area in close proximity to the Pat Sin Leng Country Park. The DAFC had reservation on the application from country parks point of view. The CTP/UD&L, PlanD objected to the application from landscape planning point of view;
- (iv) the proposed NTEH/Small House development did not comply with the Interim Criteria in that the proposed development would cause adverse landscape and geotechnical impacts on the surrounding areas. The applicant failed to provide information in the submission to address the geotechnical and landscape concerns;
- (v) the approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the environment and landscape quality

of the area, encroaching onto the woodland surrounding the country park area;

- (vi) according to the Land Use Review for the “V” zone of Shan Liu Village, the application site and its immediate surrounding areas, which were on hill slopes and close to Pat Sin Leng Country Park, were proposed to be rezoned from “V” and “AGR” to “GB” to ensure minimal impact on the existing natural environment and geotechnical safety; and

- (vii) there was a similar application (No. A/NE-TK/347) located to the immediate south of the application site, which was rejected by the Board on review on 11.11.2011 for similar considerations on geotechnical and landscape concerns, and setting undesirable precedent for other similar applications in the area. An appeal was subsequently filed against the Board’s decision. On 18.1.2013, the appeal was dismissed by the Appeal Board Panel (Town Planning) mainly on the grounds that the site was at a highly undesirable location at the edge of two steep slope features; the applicant had failed to demonstrate that the proposed development would not cause adverse geotechnical and landscape impacts on the surrounding areas; the proposed development did not comply with the Interim Criteria; and there were insufficient individual merits or site-specific circumstances to justify the appeal.

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

82. In response to the Vice-chairman’s enquiry on the number of Small House sites available within the “V” zone of Shan Liu Village, Ms. Jacinta Woo said that based on the latest estimate by PlanD, about 0.41 ha (equivalent to about 16 Small House sites) of land were available for Small House development within the “V” zone of Shan Liu Village. By referring to a plan showing the location of the approved Small House

applications in the vicinity of Shan Liu Village, Ms. Woo continued to say that currently, there was no existing Small House within the “V” zone of Shan Liu. Although DLO/TP had approved one Small House within the “V” zone, the construction of this approved Small House could not commence before the connection of the proposed Small House to the public sewerage system could be made. PlanD had approved a total of 30 Small House developments within the ‘VE’ of Shan Liu Village. Based on the recent Land Use Review of the “V” zone of Shan Liu conducted by PlanD, it was proposed to extend the boundary of the “V” zone to cover a larger area of 1.43 ha (equivalent to about 57 Small House sites). It was considered that land would be available within the extended ‘V’ zone to meet other Small House demand.

83. As Members had no further question, the Chairman thanked DPO/STN for attending the meeting. Ms. Jacinto Woo left the meeting at this point.

Deliberation Session

84. Members noted that the application site straddled the Pat Sin Leng Country Park and was located on an unstable slope. Members generally agreed that the application did not comply with the Interim Criteria in that the proposed development would cause adverse geotechnical and landscape impacts on the surrounding area. There had not been material change in planning circumstances of the application site and its surrounding areas and no strong justifications were submitted by the applicant which warranted a departure from the previous decision of the RNTPC.

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

- (a) the proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that it would involve site formation and slope stabilisation works resulting in clearance of mature trees and dense vegetation in its surrounding area and damage to the landscape quality of the area in close proximity to the Pat Sin Leng

Country Park. The applicant failed to demonstrate that the proposed development would not cause adverse geotechnical and landscape impacts on the surrounding areas; and

- (b) the approval of the application would result in further encroachment onto the woodland surrounding the country park area and a general degradation of the environment and landscape quality of the area.

[Mr. K.F. Tang left the meeting and Ms. Bonnie J.Y. Chan returned to join the meeting at this point.]

Tuen Mun and Yuen Long District

Agenda Item 12

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-KTN/394

Proposed Temporary Field Study/Education Centre and Hobby Farm for a Period of 5 Years in "Agriculture" zone, Lots 1750 S.A ss.4 RP, 1750 S.A ss.5 RP and 1750 S.A ss.6 RP (Part) in D.D. 107, Kam Tin, Yuen Long

(TPB paper No. 9363)

[The hearing was conducted in Cantonese]

86. The Chairman informed the meeting that the applicant had indicated that he would not attend the review hearing. The following representative of the Planning Department (PlanD) was invited to the meeting at this point:

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

87. The Chairman extended a welcome and then invited DPO/TMYL to brief Members on the review application.

88. 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 to use the application site (the site) for proposed temporary field study/education centre and hobby farm for a period of 5 years. The site was zoned “Agriculture” (“AGR”) on the approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/7 at the time of application and currently in force;
- (b) on 1.3.2013, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the application for the following reasons:
 - (i) the site was the subject of unauthorized land filling. The filling materials on-site comprising sand, stones, debris and construction waste were not suitable for cultivation. There was no detailed information provided regarding the design and operation of the proposed development particularly the hobby farm, field study/education centre and the office with porch;
 - (ii) the applicant failed to demonstrate that the development would not generate adverse landscape and drainage impacts on the surrounding areas; and
 - (iii) approving the application would set an undesirable precedent for similar applications within the “AGR” zone, and the cumulative effect of which would result in a general degradation of the rural environment of the area.
- (c) the application site (about 10,580m²) was mostly vacant with minor portion being used for open storage of construction materials (sand/soil) to the northwest. It was accessible via a local road branching off Castle Peak Road -Tam Mi Section to the west at a distance of about 1.1km;

- (d) the application site comprised three portions: Portion A (about 2,890m²) for growing trees including fruit trees; Portion B (about 4,690m²) for cultivation of fruits, vegetables and flowers; and Portion C (about 3,000m²) levelled by sand/debris, with structures for container-converted offices, container-converted storerooms for agricultural use and porch for shelter purpose. Photos, seeds and fertilizers would be exhibited within the structures for educational purpose. Moreover, four coach and 10 private car parking spaces would also be provided within Portion C. The daily operation hour of the proposed development was from 8:00 a.m. to 6:00 p.m.;
- (e) the surrounding areas of the application site were rural in character predominated by fallow and cultivated agricultural land, ponds, a plant nursery, a few open storage yards and vacant/unused land. All the open storage yards were suspected unauthorized developments subject to enforcement action taken by the Planning Authority;
- (f) the justifications put forth by the applicant in support of the review application were set out in paragraph 3 of the Paper and summarized as follows:
 - (i) the site was originally an agricultural land. It now became an abandoned land with grass and wet soil and was breeding mosquitoes which caused nuisance to the nearby residents. The sand, debris, stone and construction waste currently found on the site would not be used for cultivation. The proposed development would improve the conditions of the abandoned land for cultivation;
 - (ii) the containers in Portion C would be used for office and storage of agricultural tools, seeds and fertilizers. The applicant was willing to consider reducing the numbers of the containers and increasing the extent of Portion B for cultivation;

- (iii) there was a ditch within the site connecting to a public channel for flood mitigation. The water in the ditch/channel would be used for cultivation and excessive water would be absorbed by the soil;
 - (iv) the proposed development was for rehabilitation of abandoned agricultural land and would not degrade the environment; and
 - (v) though the local villagers including the manager of Tso Tong indicated that no planning application was required for cultivation, the applicant was a law-abiding person and applied for the proposed development accordingly;
- (g) the application site was not involved in any previous application, and there was no similar application within the same “AGR” zone;
- (h) departmental comments – the departmental comments were summarised in paragraph 5 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservation on the application from the landscape planning perspective. The site was a piece of arable agricultural land in 2011 but was cleared of vegetation in 2012. Portion C of the site (about 3,000m² or one third of the site) had been filled and levelled for the provision of structures and access. However, no strong justifications were provided to demonstrate the genuine need for the extensive land formation apart from the provision of car parking spaces and containers for office/storage uses. Though the applicant indicated that the area of Portion C could be reduced and allocated for agricultural use, the layout of the site had not been clarified. There was still concern on the suitability of the site for the proposed agricultural/farming use. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) advised that the applicant’s submission did not provide adequate and relevant information to justify whether the proposed development would

have any adverse drainage impacts on the surrounding areas. The Director of Agriculture, Fisheries and Conservation (DAFC) supported agricultural activities in general from the agricultural development perspective. However, there was concern on the suspected unauthorised land filling at the site and approval of the application might have implication on the nearby environment which had been subject to land filling activities in recent years. While the soil condition of Portion A would be acceptable for tree planting if appropriate soil or fertilizer would be added/applied, the filling materials for Portion B were not ideal for cultivation unless the stones or construction wastes would be removed and the soil quality would be improved by application of organic fertilizer. Moreover, Portion C which had been pressed with sand and stones was no longer suitable for open field cultivation purpose;

- (i) public comments - during the statutory public inspection period, three public comments were received from the Kadoorie Farm & Botanic Garden Corporation, Designing Hong Kong Limited and a member of the public. All the commenters objected to or expressed concerns on the application on the grounds that the planning intention of the “AGR” zone should be adhered to; vegetation at the site was cleared and unauthorized land filling was subject to investigation; no assessment on the impacts on traffic or existing agricultural activities was provided; the proposed development would cause adverse traffic and sewerage impacts, road safety problem, and affect the existing agricultural activities; and
- (j) PlanD’s views – PlanD did not support the application based on the assessment as stated in paragraph 7 of the Paper, which were summarised below:
 - (i) while the applied use was not in conflict with the planning intention of the “AGR” zone and DAFC supported agricultural activities in general from the agricultural development perspective, DAFC had concerns about the land filling activity at

the site and the approval of the application might have implication on the nearby environment which had been subject to land filling activities in recent years;

- (ii) though the applicant indicated that the container-converted storeroom would be used for field study/education centre, no detailed information was provided on the design and operation of the proposed field study/education centre including the porch and the necessity of Portion C covering about 28% of the site to support the proposed development. There was also no specific information provided on the operation of the hobby farm and how Portions A and C would be utilized/sub-divided in support of the farm operation. Besides, DAFC advised that the existing soil condition at both Portions B and C were not suitable for cultivation. While the applicant claimed that the sand/debris and construction waste found on the site would not be used for cultivation, there was no detailed information to demonstrate how the soil/site conditions could be improved for cultivation;
- (iii) the applicant claimed that he was willing to reduce the number of the containers in Portion C and increased the area of Portion B for cultivation. However, no specific scheme or layout for such proposal was provided by the applicant and both portions were also considered not suitable for cultivation;
- (iv) the unauthorized filling works might have drainage impact on the site and the adjoining area. CE/MN of DSD considered that there was insufficient information to demonstrate whether the proposed development would have any adverse drainage impacts on the surrounding areas. From the landscape planning perspective, there was reservation on the application as the extent of land formation at Portion C was extensive and there was concern on the suitability of the site for the proposed agricultural/farming use. The applicant failed to demonstrate that the proposed

development would not generate adverse landscape and drainage impacts on the surrounding areas;

- (v) the applicant argued that the proposed development for rehabilitation of abandoned agricultural land would not degrade the environment. However, the current application was a “Destroy First, Build Later” case. There was no similar application within the “AGR” zone on the OZP. The cumulative effect of approving such similar applications would result in a general degradation of the rural environment of the area; and
- (vi) the proposed field study/education/visitor centre and hobby farm were not considered as agricultural use and planning application for the proposed development was required within the “AGR” zone.

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

90. As Members had no question to raise, the Chairman thanked DPO/TMYL for attending the meeting. He left the meeting at this point.

Deliberation Session

91. Members generally agreed that there had not been material change in planning circumstances of the application site and its surrounding areas and no strong justifications were submitted by the applicant which warranted a departure from the previous decision of the RNTPC.

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

- (a) the site was the subject of unauthorized land filling. The filling

materials on-site comprising sand, stones, debris and construction waste were not suitable for cultivation. There was no detailed information provided regarding the design and operation of the proposed development particularly the hobby farm, field study/education centre and the office with porch;

- (b) the applicant failed to demonstrate that the development would not generate adverse landscape and drainage impacts on the surrounding areas; and
- (c) approving the application would set an undesirable precedent for similar applications within the “AGR” zone, and the cumulative effect of which would result in a general degradation of the rural environment of the area.

Agenda Item 13

[Open Meeting]

Request for Deferment of 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. 9364)

[The meeting was conducted in Cantonese.]

93. The Secretary reported that on 22.3.2013, upon the request of the applicant, the Board had deferred making a decision on the review application for two months in order to allow time for preparation of further information. After the granting of the deferment in March 2013, the applicant submitted information on 6.5.2013 to the Director of Environmental Protection for application for a licence under the Water Pollution Control Ordinance (WPCO).

94. On 20.5.2013, the applicant's representative wrote to the Secretary of the Board and requested the Board to further defer making a decision on the review application for two months in order to allow time for the applicant to address the issue on sewage impact and to obtain a licence under the WPCO. This was the second deferral request submitted by the applicant.

95. Members noted that the justifications for deferment met the criteria 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 applicants 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.

96. After deliberation, the Board agreed to defer a decision on the review application as requested by the applicant and the review application should be submitted to the Board for consideration within three months upon receipt of further submission from the applicant. The Board also agreed to advise the applicant that the Board had allowed a further period of two months for preparation of the submission of further information and that a total of four months had already been allowed. No further deferment would be granted unless under very special circumstances.

Kowloon District

Agenda Item 14

[Open Meeting]

Request for Deferment of Review of Application No. A/K9/255

Proposed Private Club in "Other Specified Uses" annotated "Business" zone, Unit F, 10/F, Phase 1, Kaiser Estate, 41 Man Yue Street, Hung Hom, Kowloon

(TPB Paper No. 9362)

[The meeting was conducted in Cantonese.]

97. The Secretary reported that Mr. Maurice W.M. Lee had declared interest on

this item as he owned a shop in Hung Hom Shopping Centre which was in close proximity to Kaiser Estate where the application premises was located.

98. As the item was related to the deferral of the application, Members agreed that Mr. Lee could stay at the meeting. Members noted that Mr. Lee had already left the meeting.

99. The Secretary briefed the meeting that on 8.2.2013, the application was rejected by the Metro Planning Committee for the reason that the proposed private club was considered not acceptable in an industrial building from the fire safety point of view. The review application was scheduled for consideration by the Board at this meeting. However, the Board on 5.6.2013 (two days before the issue of Paper to the applicant) received the applicant's further information (FI) to support the review application. The FI provided information mainly on the membership and activities of the proposed private club and additional fire safety measures including proposed fire services improvement work for the application premises. Comments from concerned departments, in particular the Director of Fire Services (D of FS), were being sought. As D of FS had indicated that more time was required to consider the FI, the Planning Department (PlanD) recommended to defer the hearing of the review application to the next meeting, i.e. 28.6.201, in order to allow adequate time for D of FS to consider the FI.

100. Members noted that PlanD's justifications for deferment met the criteria 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 more time was required to consult the relevant Government departments and to resolve the outstanding issues, the deferment period was not indefinite and the deferment would not affect the interest of other relevant parties.

101. After deliberation, the Board agreed to defer a decision on the review application as requested by PlanD and the review application should be submitted to the Board for consideration at the next meeting (i.e. 28.6.2013).

Procedural Matters

Agenda Item 15

[Open Meeting]

Submission of the Draft Sai Ying Pun & Sheung Wan Outline Zoning Plan No. S/H3/28A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance

(TPB Paper No. 9369)

[The meeting was conducted in Cantonese.]

102. The following Members had declared interests on this item:

- | | | |
|-------------------------|---|---|
| Mr. Clarence W.C. Leung | - | his mother owned a flat at Sai Ying Pun |
| Mr. Roger K.H. Luk | - | 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 |] | |

103. As the item only involved procedural matter and no discussion was required, Members agreed that the above Members could stay at the meeting. Members noted that Mr. Clarence W.C. Leung, Professor P.P. Ho, Professor S.C. Wong and Mr. H.F. Leung had tendered apology for being unable to attend the meeting, and Dr. Wilton W.T. Fok and Mr. F.C. Chan had already left the meeting.

104. The Secretary briefly introduced the Paper. On 12.10.2012, the draft Sai Ying Pun & Sheung Wan OZP No. S/H3/28, incorporating amendments mainly to show the terraces and the stepped streets including the strip of land in front of 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 First Street/Second Street Development Scheme Plan No. S/H3/LDC5/2, were exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, 21 representations were received. On 21.12.2012, the representations were published for three weeks for public comments. 12 comments were received. On 22.3.2013, after giving consideration to the representations and comments, the Board decided not to uphold the representations and not to propose any amendment to the draft OZP to meet the representations. Since the representation consideration process had been completed, the draft OZP was now ready for submission to the Chief Executive in Council (CE in C) for approval.

105. After deliberation, the Board:

- (a) agreed that the draft Sai Ying Pun & Sheung Wan OZP No. S/H3/28A and its Notes were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) endorsed the updated ES for the draft Sai Ying Pun & Sheung Wan OZP No. S/H3/28A as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and to be issued under the name of the Board; and
- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

Agenda Item 16

[Open Meeting]

Draft Pak Sha O Development Permission Area Plan No. DPA/NE-PSO/1
Information Note and Hearing Arrangement for Consideration of Representations and
Comments

(TPB Paper No. 9370)

[The meeting was conducted in Cantonese.]

106. The Secretary briefly introduced the Paper. On 7.12.2012, the draft Pak Sha O Development Permission Area (DPA) Plan No. DPA/NE-PSO/1 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, 41 representations were received. On 1.3.2013, the representations were published for three weeks for public comment and 20 comments were received.

107. Among the 41 representations, 36 representations were in favour of protecting the rural landscape and unique historical and cultural villages from inappropriate developments and building activities. The remaining five representations objected to the incorporation of Pak Sha O into the Plan, the extensive “Unspecified Use” designation and the insufficient size of “Village Type Development” (“V”) zone on the Plan. All the 20 public comments were basically in favour of protecting the rural landscape and unique historical and cultural villages from inappropriate developments and building activities.

108. Since the representations and comments were mainly related to the conservation of the natural environment and landscape, historical and cultural heritage of the Pak Sha O area (the Area), the “Unspecified Use” designation of the Area and the extent of the “V” zone, it was recommended that the representations and comments should be considered by the full Board. The hearing could be accommodated in the Board’s regular meeting and a separate hearing session would not be necessary.

109. As the representations and the related comments were similar and closely related, it was suggested that the Board consider the representations collectively in one

group. Consideration of the representations and comments by the full Board was tentatively scheduled for 12.7.2013.

110. After deliberation, the Board agreed that the representations and comments should be heard collectively in one group by the full Board in the manner as proposed in paragraph 2.2 of the Paper.

Agenda Item 17

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

111. There being no other business, the meeting closed at 1:35 p.m.