

**Minutes of 1037th Meeting of the
Town Planning Board held on 12.7.2013**

Present

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

Chairman

Mr. Stanley Y.F. Wong

Vice-chairman

Prof. S.C. Wong

Mr. Timothy K.W. Ma

Mr. Rock C.N. Chen

Professor Eddie C.M. Hui

Ms. Julia M.K. Lau

Mr. Roger K.H. Luk

Dr. W.K. Yau

Ms. Bonnie J.Y. Chan

Professor K.C. Chau

Mr. H.W. Cheung

Mr. Ivan C.S. Fu

Mr. Sunny L.K. Ho

Ms. Janice W.M. Lai

Mr. Dominic K.K. Lam

Mr. Patrick H. T. Lau

Ms. Christina M. Lee

Mr. Stephen H.B. Yau

Mr. F.C. Chan

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

Deputy Director of Lands
Mr. Jeff Y. T. Lam

Director of Planning
Miss Ophelia Y.S. Wong

Secretary

Absent with Apologies

Professor Edwin H.W. Chan

Mr. Maurice W.M. Lee

Professor P.P. Ho

Dr. C.P. Lau

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

Ms. Anita W.T. Ma

Dr. Wilton W.T. Fok

Mr. Lincoln L.H. Huang

Mr. H. F. Leung

Principal Assistant Secretary for Transport and Housing
Miss Winnie 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. Amy M.Y. Wu

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1036th Meeting held on 28.6.2013

[This item was conducted in Cantonese.]

1. The minutes of the 1036th Meeting held on 28.6.2013 were confirmed without amendments.

Agenda Item 2

[Open Meeting]

Matters Arising

[This item was conducted in Cantonese]

(i) Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/D - Preliminary Consideration of a New Plan

2. The Secretary reported that on 28.6.2013, the Board gave preliminary consideration to the draft Hoi Ha Outline Zoning Plan (OZP) No. S/NE-HH/C and expressed concern on the delineation of the common boundary between the “Green Belt” (“GB”) and the “Village Type Development” (“V”) zones. Noting that the proposed “V” zone would not be able to meet the estimated outstanding and 10-year Small House demands, whereas the rocky stream at the western fringe of the planning scheme area and the wet abandoned agricultural land adjacent to the proposed “V” zone would have ecological attributes, the Board directed that the “GB”/“V” zoning boundary be verified, taking into consideration the following principles:

- (a) a minimum of 20m wide buffer to be allowed between the “V” zone and the rocky stream;
- (b) the boundary should follow the existing topography and paddy field lines where appropriate; and

(c) the wet abandoned agricultural land to be excluded from the “V” zone.

3. Taking into account the above principles, the boundary of the “V” zone on the draft OZP had been revised as follows (as shown in Plans 2 and 3 of the Paper):

(a) the southern part of the boundary was defined by allowing a minimum of 20m wide buffer between the rocky stream and the “V” zone;

(b) the northern part of the boundary was delineated to exclude the wet abandoned agricultural land; and

(c) the two (southern and northern) parts of the boundary were joined up by following the existing topography and paddy field lines.

4. Compared with the draft OZP considered by the Board on 28.6.2013, the area of the “V” zone had increased from 2.5 ha to 2.6 ha, with 1.59 ha of land available for Small House development (63 Small House) meeting 68% of the Small House demand.

5. Members noted the revised boundary of the “V” zone of the draft Hoi Ha OZP No. S/NE-HH/C (now renumbered as No.S/NE-HH/D) which had been submitted to the Tai Po District Council and the Sai Kung North Rural Committee for consultation and that their views would be reported to the Board in due course.

(ii) Draft Lin Ma Hang Outline Zoning Plan No. S/NE-LMH/D - Further Consideration of a New Plan

6. The Secretary reported that on 28.6.2013, the Board gave further consideration to the draft Lin Ma Hang Outline Zoning Plan (OZP) No. S/NE-LMH/D and agreed that the Plan and its Notes were suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). Upon further checking, it was found that there were some typographical mistakes in the Notes for the “Green Belt (1)” (“GB(1)”) and “Conservation Area” (“CA”) zones. There was a need to seek the Board’s agreement to rectify the mistakes before gazetting of the draft OZP.

Revisions to the Notes of the Plan

“GB(1)” zone

7. According to the Covering Notes of the Plan, provision of plant nursery was a use that was always permitted on land falling within the boundaries of the Plan except: (a) where the uses or developments were specified in Column 2 of the Notes of individual zones; or (b) as provided in paragraph (9) of the Covering Notes in relation to areas zoned “Site of Special Scientific Interest” or “CA”. To avoid confusion, it was necessary to revise the ‘Agricultural Use (other than Plant Nursery)’ to ‘Agricultural Use’ under Column 1 of the “GB(1)” zone (Appendix Ia of the Paper).

“CA” zone

8. As agreed by the Board on 26.4.2013 in the preliminary consideration of the draft Plan, ‘Agricultural Use (other than Plant Nursery)’ and ‘On-Farm Domestic Structure’ should be permitted as of right under the “CA” zone as they were considered compatible with the rural character and surrounding environment. Whilst there should be no further proposed amendment to the Notes of the “CA” zone, ‘Agricultural Use (other than Plant Nursery)’ and ‘On-Farm Domestic Structure’ were inadvertently placed under Column 2 in the submission to the Board on 28.6.2013. It was therefore necessary to rectify the mistake by reverting to the version as agreed by the Board on 26.4.2013 (Appendix Ib of the Paper).

9. Members noted and agreed to the revised Notes of the Plan (Appendices Ia and Ib of the Paper) for exhibition for public inspection under section 5 of the Ordinance.

(iii) This item was reported under confidential cover.

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

Agenda Item 3

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/TW/443

Proposed Private Club at Workshop Nos. 1-3, 5-13 & Flat Roof, 20/F, One Midtown, 11 Hoi Shing Road, Tsuen Wan, New Territories

(TPB Paper No. 9391)

[The meeting was conducted in Cantonese.]

10. The following government representatives and the applicant's representatives were invited to the meeting at this point:

Mr. Tom Yip	-	District Planning Officer/Tsuen Wan & West Kowloon (DPO/TWK), Planning Department (PlanD)
Mr. K. T. Ng	-	Senior Town Planner/Tsuen Wan, PlanD
Mr. Chan Kam Fai	-	Senior Division Officer (New Projects), Fire Services Department (FSD)
Mr. Lo Shui Sang	-	Senior Station Officer (New Projects Division/Fire Safety Command), FSD
Ms Eva Wong)	
Mr Law Lik Hang)	
Mr Cheong Peng Vong)	Applicant's representatives
Mr Yip Hing Ning)	
Mr Wong Siu Tat)	

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

12. With the aid of a Powerpoint presentation, Mr. Tom Yip, DPO/TWK, presented the review application and covered the following main points as detailed in the

Paper:

- (a) the applicant sought planning permission for 'Private Club' use at the application premises which fell within an area zoned "Other Specified Uses" annotated "Business (1)" ("OU(B)1") on the draft Tsuen Wan Outline Zoning Plan (OZP) No. S/TW/30;
- (b) the application premises had a total floor area of about 798.442m² and were located at the 20/F floor of the subject industrial building. According to the applicant, the proposed private club would have 180 members and visitors, and 20 staff. The proposed private club aimed to provide a convenient place for the occupiers/workers of the subject and surrounding industrial buildings, and their relatives and friends to take a break, have a gathering and meal. According to the layout submitted by the applicant, the proposed private club included VIP rooms, a kitchen, a seating area and a flat roof which occupied about 54% of the floor area of the concerned floor;
- (c) according to the Occupation Permit issued on 22.6.2012, the subject building was an industrial building for workshop uses. It was observed in the site visit conducted on 18.6.2013 that the premises were currently vacant with some renovation works in progress. The G/F to 3/F of the building were mainly for entrance lobby, parking spaces and workshops while the remaining floors were occupied by offices, different types of companies such as trading company, design company, logistic company, utility facilities, etc. About 50-60% of the building was either vacant or with renovation works in progress;
- (d) the Metro Planning Committee (the Committee) rejected the application on 15.3.2013 for the following reasons:
 - (i) the proposed private club was not compatible with the industrial uses in the subject industrial building; and

- (ii) the proposed private club was considered not acceptable in an industrial building from the fire and building safety points of view;
- (e) the applicant applied for a review and put forth the following justifications as detailed in paragraph 3 of the Paper and summarised as follows:
 - (i) a fire safety mitigation plan for the proposed private club was submitted by the applicant to address the fire safety concerns. The plan was in full compliance with the Code of Practice for Fire Safety in Buildings 2011 (the Code) and would mitigate the fire safety concerns raised by the Board;
 - (ii) the capacity of the proposed private club would be limited to 200 persons (including staff) which was well under the capacity allowed based on the Code;
 - (iii) fire safety management (such as fire safety demonstration videos broadcast over television screens in the proposed private club, and a full fire safety training programme for all staff to be held every 3 months) would be implemented;
 - (iv) the proposed private club would ensure all its members were familiar with the building and its surroundings through the provision of the regular training programmes, and informational pamphlets on the fire escape procedures and routes would be given to all members and potential occupants of the premises;
 - (v) the subject building was a newly constructed industrial building in accordance with Building (Planning) Regulations; and
 - (vi) a private club (the Hong Kong Japanese Club) was also provided at the upper floors of a commercial building at Yee Wo

Street, Causeway Bay;

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

- (f) departmental comments - comments of government departments were detailed in paragraph 5 of the Paper. The main comments were:
 - (i) Director of Fire Services (D of FS) did not support the application and considered the fire safety mitigation plan unacceptable. The occupants other than staff (such as the relatives and friends of the regular workers) using the private club and the members of public attracted to the premises would be exposed to risks which they would neither be aware of nor prepared to face. The private club was generally not a compatible occupancy in an industrial building;
 - (ii) the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) maintained his reservation to the application and commented that adequate separation between the proposed private club and other workshop uses at the same floor, and upper and lower floors with adequate fire resistance period were needed;
 - (iii) the Chief Officer (Licensing Authority), Home Affairs Department (CO(Licensing Authority), HAD) advised that the subject premises situated on 20/F of an industrial building were not suitable for private club use due to high potential risk of fire. The Licensing Authority would not normally issue Certificate of Compliance of clubhouses situated in an industrial building (except on the ground floor); and
 - (iv) other government departments had no adverse comments on the review application;

- (g) no public comment on the review application was received during the statutory publication period;
- (h) there was no previous and similar application for private club in the subject building nor in the same “OU(B)1” / the adjoining “OU(B)” zone;
- (i) the planning considerations and assessments were detailed in paragraph 7 of the Paper and the main points were:
 - (i) the proposed private club for the occupiers/workers of the industrial buildings, and their relatives and friends, was not related to any industrial use and was not compatible with the uses of the subject industrial building, which were for workshop uses under the Occupation Permit; and
 - (ii) according to the Town Planning Board Guidelines for Development within “OU(B)” zone (TPB PG-No. 22D), D of FS should be satisfied on the risks likely to arise or increase from the proposed use under application. However, the proposed fire safety measures could not address the concerns raised by relevant government departments. FSD, BD and the Licensing Authority of HAD maintained their objection to and adverse comments on the review application; and
- (j) PlanD’s views – PlanD did not support the review application based on the planning considerations and assessments as detailed in paragraph 7 of the Paper and for the reasons as stated in paragraph 8.1 of the Paper.

13. The Chairman then invited the applicant’s representatives to elaborate on the review application.

14. Mr. Wong Siu Tat, the consultant of the applicant, made the following main points:

- (a) the applicant had consulted HAD, BD and FSD respectively on the proposed private club use. HAD indicated that they would not normally issue a licence to such use in an industrial building unless the applicant applied to BD for a change of use ;
- (b) in respect of BD's concern, the applicant would submit building plans to BD to reinforce the fire resistant materials of the premises in relation to the upper floor and the lower floor. Hence, he considered that BD would not have any objection to the proposed change of use; and
- (c) to address FSD's concern on the potential fire risk to users other than staff, the applicant would ensure that fire safety management measures such as fire safety demonstration videos would be shown to the users. Besides, only staff of the subject building would be allowed to use the club facilities.

15. Mr. Yip Hing Ning, the owner of the premises, said that his original intention was to use the premises as a gathering place for his friends and business partners for dining and wine tasting. It was not intended to open to outsiders for profit-making purpose. There would be many rooms in the premises for storage of red wine and some rooms for dining purpose. He had employed a professional operator, who had experience in operating a restaurant, to run the place.

16. Mr. Cheong Peng Vong, the future operator of the proposed private club, made the following main points:

- (a) he was the vice-president of a restaurant and was well-experienced in operating dining facilities. He had been the trainer of fire safety ambassadors. He would ensure that fire safety would be the first priority in future operation of the premises;
- (b) although the capacity of the proposed private club were 200 persons including 20 staff, there was scope to reduce the capacity if FSD

considered it necessary; and

- (c) there would be no walk-in guests and all users needed to make prior reservation. The users would be informed of the fire safety requirement for using the club when reservation was made.

17. As the presentations were completed, the Chairman invited questions from Members.

18. A Member asked the applicant to clarify the future users of the proposed private club as it was stated in the Paper that it was a place for occupiers/users of the subject building and the surrounding industrial buildings, but Mr. Yip Hing Ning (the owner of the premises) said that the proposed private club was to serve his friends and business partners.

19. In response, Mr. Cheong Peng Vong (the operator of the club) clarified that the proposed private club was to serve the friends and guests of the owner of the subject premises under application. If necessary, he would make sure that no outsiders including other owners of the subject building would be served in the private club. His main concern was how to comply with the requirements of FSD on fire safety aspect.

20. The Chairman pointed out that the future users of the private club as mentioned by Mr. Cheong were different from that stated in the Paper which was based on the written application and based on which PlanD made the presentation. As the users of the proposed private club were a major consideration for the subject application, it might not be appropriate for the Board to take into account the new information in the review application as comments from government departments on the change of the future users would be required but had not been obtained. The applicant would need to submit a new application if the proposed users were not the same as stated in the application.

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

21. A Member appreciated the effort made by the applicant in submitting the planning application for the proposed private club, noting that there might be other private

clubs operating in industrial buildings without planning permission. However, this Member was concerned about the fire risk in using the premises for a private club, even if the users of the proposed private club would be well-informed of the fire safety requirement and had attended the training programme. This was because workshops and other industrial uses on other floors of the building might impose risk on the users of the subject premises. This Member asked if the applicant had considered using other premises in non-industrial buildings for the proposed private club use.

22. In response, Mr. Wong Siu Tat (the consultant of the applicant) said that the capacity of the proposed private club had already been reduced to 200 persons which was well below the capacity permitted under the Code of Practice for Fire Safety in Buildings by BD. Other fire safety measures as required by FSD would also be undertaken, e.g. sprinklers, fire resistant floors, non-open fire cooking in the kitchen, so as to minimise the fire risk. Also, members of the private club would be well-informed of the fire escape routes and procedures. He considered that the fire safety management measures of the proposed private club would therefore be much better than those for karaokes, restaurants and cinemas. He added that once the proposed private club was approved by the Board, the applicant would make submissions to BD and FSD accordingly. However, he would not be able to control the fire safety management of other floors. On this point, the Chairman emphasised that the Board was only concerned with the proposed use under application and not the procedures to submit building plans to BD and to seek approval from FSD.

23. Mr. Wong Siu Tat said that the future users of the proposed private club would be limited to the staff of the subject building as stated in the latest submission in the application. As requested by the Chairman, Mr. Tom Yip, DPO/TWK, clarified that as indicated in the application form submitted by the applicant on 8.1.2013, the proposed private club was to serve the occupiers/users of the subject building and the surrounding industrial buildings (Appendix I of Annex A of the Paper). Subsequently on 8.3.2013, the applicant submitted another letter to the Board stating that the club members would be the regular workers in the industrial building, and their relatives and friends (Appendix Ie of Annex A of the Paper). Mr. Wong, however, pointed out that in view of the fire safety concern raised by FSD, the applicant had further clarified to the Board that the applicant intended to control the number of users and the future users of the proposed private club to

only staff of the subject building who would be familiar with the fire safety measures. Noting the owner's earlier intention was to allow only his friends and guests to use the proposed private club, the Chairman reminded the applicant that the Board would only consider the application based on the details as submitted in the application. If the users of the private club were not those as specified in the application after the planning approval, he would be in contravention with the law.

24. Mr. Yip Hing Ning said that although he was the owner of the premises, he was not familiar with the application procedures and had thus employed a professional architect to handle the matters. He stressed that he would see to it that the proposed use would comply with the law. His original intention was to open the private club only to his friends and guests, and not outsiders. However, in order to comply with FSD's requirement, he had no objection to limit the use of the private club to the staff, occupants and owners of the subject building.

25. Noting that the subject building was mainly occupied by workshops and utility companies, the Chairman asked if there was a business case for the proposed private club if its target clients were only staff of the subject industrial building. Mr. Yip Hing Ning said the subject building was a newly constructed high quality building mainly occupied by trading companies and other business offices due to its proximity to Huanggang Port, instead of traditional industrial workshops. Hence, he anticipated that the users of the club would not be workers in traditional industrial workshops. He added that if the application was rejected, he would consider letting out the premises for other uses.

26. In respect of the potential fire risk on the same floor and the other floors, Mr. Law Lik Hang (the applicant's representative) said that the whole floor where the proposed private club was situated was owned by the applicant. The area shown as workshops on the layout plan was in fact used for storage of wine by the applicant. FSD had no objection to this storage use from the fire safety point of view. For the other floors, since the subject building was a newly constructed building, their design should have already complied with FSD's requirement.

27. A Member asked if the applicant was aware of any storage of dangerous goods on other floors and whether this would pose risk to the users of the private club. Mr.

Wong Siu Tat said that they could not enter into other premises of the building without permission to ascertain if there were any storage of dangerous goods. According to his understanding, storage of dangerous goods required approval from the FSD.

28. As the applicant had confirmed that the proposed private club would only be limited to staff of the subject building, the Chairman sought FSD's comment from fire safety point of view. Mr. Chan Kam Fai of FSD advised that if only staff of the subject building would be allowed to use the proposed private club, there was no need to apply for a licence of a private club. Mr. Law Lik Hang, however, said that since a liquor licence was required for the proposed dining and wine tasting function at the premises, there was a need to first obtain a licence for private club use.

29. In response to the Chairman's query on whether the applicant had submitted further information to clarify that the users of the proposed private club would only be limited to staff of the building (excluding their relatives and friends), Mr. Tom Yip, DPO/TWK, confirmed that apart from the letter of 8.3.2013 which stated that the club members were the regular workers in the subject industrial building, and their relatives and friends, the applicant had not submitted any further information to the Board to clarify the nature of the future users. The applicant's letter of 25.4.2013 as mentioned by Mr. Wong Siu Tat only clarified the number of users (i.e. 200 persons). In this case, the Chairman confirmed that the Board would only consider the subject application based on the nature of the users as stated in the applicant's letter of 8.3.2013.

30. As the applicant's representatives had no further comment to make and Members had no further questions, the Chairman informed the applicant's representatives that the hearing procedures for the review application had been completed. The Board would inform the applicant of the Board's decision in due course. The Chairman thanked the applicant's representatives and representatives of the PlanD and FSD for attending the meeting. They all left the meeting at this point.

Deliberation Session

31. The Chairman said that the Board should consider the subject application based on the nature of the users as stated in the applicant's letter of 8.3.2013, i.e. regular

workers in the subject industrial building, and their relatives and friends. Since the relatives and friends were not related to the subject building, they would not be familiar with the fire safety measures of the premises and the subject building. Hence, they would be exposed to risk of fire which they would neither be aware of nor prepared to face. FSD did not support the application from the fire safety point of view.

32. . A Member did not consider that the fire safety management measures such as fire safety demonstration videos broadcast over television in the proposed private club as proposed by the applicant was an effective or practical means to minimise the fire risk. Noting that the owner, consultant and operator had provided different information on the type of users of the proposed private club, this Member considered that should the application be approved, it would be difficult to guarantee the future users would not be people not familiar to the subject industrial building, or even if a planning condition was to be imposed to limit the nature of the future users, the enforceability of the condition. This Member did not support this application. Other Members concurred.

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

- (a) the proposed private club was not compatible with the industrial uses in the subject industrial building; and
- (b) the proposed private club was considered not acceptable in an industrial building from the fire and building safety points of view.

Agenda Item 4

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comments to the Draft Pak Shek Kok (East)

Outline Zoning Plan No. S/PSK/10

(TPB Papers No. 9383)

[The hearing was conducted in English and Cantonese.]

34. The following Members had declared interest on the item:

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|-----------------------|---|---|
| Mr. Dominic K.K. Lam |) | Had business dealings with Sino Land |
| Mr. Patrick H.T. Lau |) | Company Ltd. which was a parent company |
| Mr. Ivan C. S. Fu |) | of King Regent Limited (R1) |
| Mr. Stanley Y.F. Wong | - | Co-owned with his spouse a flat on Deerhill Bay near Pak Shek Kok |
| Dr. W. K. Yau | - | Owned a house and land in Cheung Shue Tan Tsuen near Pak Shek Kok |
| Mr. Roger K.H. Luk | - | Being the Treasurer of the Chinese University of Hong Kong |

35. Members noted that Mr. Patrick H.T. Lau had left the meeting while Mr. Dominic K. K. Lam had left the meeting temporarily. Mr. Stanley Y.F. Wong, Mr. Ivan C.S. Fu and Dr. W.K. Yau had not yet arrived at the meeting. Members also noted that the interest of Mr. Roger K.H. Luk was indirect and insubstantial, and that he should be allowed to stay at the meeting.

[Mr. Patrick H.T. Lau left the meeting while Mr. Dominic K. K. Lam left the meeting temporarily at this point.]

Presentation and Question Session

36. The Chairman said that other than those attending the meeting, other representers and commenters had either indicated that they would not attend the hearing or had made no reply. As sufficient notice had been given to the representers and

commenters, Members agreed to proceed with the hearing in the absence of other representers and commenters.

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

- Ms. Jacinta Woo - District Planning Officer/Shu Tin, Tai Po and North (DPO/STN), Planning Department (PlanD)
- Mr. C. T. Lau - Senior Town Planner/Tai Po (STP/TP), PlanD

R1 (Top Gallant Ltd./King Regent Ltd.)

- Mr. Barry Will)
- Mr. Kim Chan)
- Ms. Kerry Lee)
- Mr. Gordon Lee)
- Mr. Yuen Siu Fai) Representer's representatives
- Ms. Cello Chan)
- Mr. Edmond Lo)
- Mr. Nelson Tang)
- Ms. Stephanie Lee)

R3 (Designing Hong Kong Ltd.)

- Mr. Ian Brownlee)
- Mr. Paul Zimmerman) Representer's representatives
- Ms. Chan Ka Lam)
- Ms. Cynthia Chan)

R7 (Hong Kong Canoe Union)

- Mr. Luk Wai Hung - Representer's representative

R121 (David Neish)

- Mr. David Neish - Representer
- Mr. Ryan Swift - Representer's representative

R206 (Jonathan Wong), C29 (Wong Hon Keung)

Mr. Wong Hon Keung - Representer/Commenter

R230 (Heidi Wong)

Ms. Heidi Wong - Representer

R280 (David Robinson)

Mr. David Robinson - Representer

R299 (Man Chi Chiu)

Mr. Man Chi Chiu - Representer

C39 (Hardy Chan)

Mr. Hardy Chan - Commenter

C74 (Michael Franco)

Mr. Michael Franco - Commenter

38. The Chairman extended a welcome and explained the procedures of the hearing. He then invited the representatives from the Government to brief Members on the background to the representations. Members noted that a replacement page for the Paper had been tabled by PlanD at the meeting.

39. Mr. Ian Brownlee (R3) noted from the Paper that the representations were not attached to the Paper for Members' consideration. The Secretary clarified that a copy of all the representations and comments was sent to Members before the meeting.

40. With the aid of a Powerpoint presentation, Mr. C.T. Lau, STP/TP of PlanD, made the following main points as detailed in the Paper:

- (a) the background of the proposed amendments as set out in paragraphs 1 and 3 of the Paper - the draft Pak Shek Kok (East) Outline Zoning Plan (OZP) No. S/PSK/10 (the Plan) was exhibited for public inspection

under section 5 of the Town Planning Ordinance (the Ordinance). The OZP had incorporated amendments mainly related to:

- (i) the rezoning of a site of 3.8 ha from “Recreation” (“REC”), “Open Space” (“O”) and ‘Road’ to “Residential (Group B) 5” (“R(B)5”) for medium-density private housing development;
 - (ii) the rezoning of a site of about 8 ha from “REC”, “O” and “Road” to “Other Specified Uses” annotated “Science Park” (“OU(SP)”) to reserve land for future expansion of Hong Kong Science Park (the Science Park);
 - (iii) other minor amendments to reflect the existing Government, Institution and Community (GIC) facilities, i.e. a public transport interchange and a sewerage pumping station at Chong San Road; and
 - (iv) non-building areas (NBA) designated in the “Residential (Group B)4” (“R(B)4”) and “R(B)5” zones so as to improve air ventilation of the area;
- (b) a total of 349 representations (including one subsequently withdrawn) and 89 comments were received. The Board would consider all the representations and comments collectively in one group;
- (c) the representations were received from members of the public, a major land owner in Pak Shek Kok and organisations including Designing Hong Kong Limited (DHK) and other water sports clubs. There was one representation (R1) supporting the amendments whereas 346 representations (R2 to R87 and R89 to R348) opposed the amendments and one representation (R349) was not related to any amendment;

Grounds of Representations and representers’ proposals

- (d) the main grounds of the representations and representers’ proposals as detailed in paragraph 2.3 of the Paper were summarised as follows:

Supporting Representation

- (i) R1 supported the proposed amendments but pointed out that the proposed “R(B)5” zone would significantly increase the building density and change the physical nature of the area. The Government should be transparent in land-use planning and disclose adverse information to investors. The Board should reconsider the proposed amendments with respect to its concerns;

Adverse Representations

- (ii) R2 to R87 and R89 to R348 objected to the rezoning of the “REC” and “O” sites to “R(B)5”. R2 and R3 also objected to the rezoning a site from “Road” to “R(B)5”. R3 also objected to the rezoning of a site from “REC”, “O” and “Road” to “OU(SP)”. R349 mainly objected to a rezoning application (No. Y/PSK/1) for marine centre development submitted by DHK (R3) and was not related to amendment items incorporated in the OZP;

Justifications for Rezoning of the “REC” and “O” zones

- (iii) one of the original intentions for the Pak Shek Kok reclamation area was to provide significant areas for recreation and public open space. There had been no assessment on why the original planning intention of the “REC” zone was not achieved;
- (iv) the substantial reduction of “REC” and “O” sites would impinge on the regional recreational role of Pak Shek Kok and would have a negative impact on social development and local tourism;
- (v) the current facilities for sports, leisure and recreational marine uses in the vicinity were at capacity;

- (vi) potential public benefit of improving access to waters of Tolo Harbour, which were significantly under-utilised in terms of public recreation, had been omitted;

Existing Regional Function of Pak Shek Kok

- (vii) there was no analysis on the existing capacity and use of the promenade/cycle park or the use of the area as a recreational focal point;

Potential Impact of the Proposed Residential Development and Science Park Expansion

- (viii) there was insufficient visual assessment on the impact of the “Residential” zone which would have an impact on the amenity of the surrounding environment;
- (ix) allowing Science Park to expand would freeze the potential for other uses to be located in the vicinity;
- (x) Tolo Harbour must remain accessible to the public. The development of a marine centre was a better use of special public resources than private luxury housing;

Provision of GIC facilities and Railway Station

- (xi) there were insufficient GIC facilities to support the residential development in the area. There was no railway connection to the Science Park;

Public Consultation

- (xii) no prior consultation was undertaken with the District Councils.

National Sports Associations and Sports Development Council should also have been consulted;

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

Representers' Proposals

- (xiii) R2: to rezone the "R(B)5" zone to "Government, Institution or Community" ("G/IC") for development of museum or railway station;
- (xiv) R3: to rezone the "R(B)5" site to "O" and "Other Specified Uses" annotated "Marine Centre" ("OU(MC)"); to rezone part of the "OU(SP)" site for residential development; and to extend the boundary of the OZP to cover part of Tolo Harbour and zone it as "OU(MC)";
- (xv) R4 to R87 and R89 to R348: to rezone part of the "R(B)5" site to "O" and "OU(MC)" and to extend the boundary of the OZP to cover part of Tolo Harbour and zone it as "OU(MC)";

Grounds of Comments

- (e) the main grounds of the comments as detailed in paragraph 2.3.6 of the Paper were summarised as follows:

Importance of waterfront public open space

- (i) rezoning for new private residential development was a response to short term market disruption. A rational assessment of the present situation and long term implications was required;

Justification to rezone for residential and Science Park development

- (ii) further increase in residential use was not appropriate in urban design terms. There was no suitable reprovision of the recreational and open space facilities;

Regional recreational role and focal point

- (iii) a public park at Pak Shek Kok could provide a focal point. The existing promenade, cycle track plaza and public pier supported regional recreational uses and the “REC” and “O” zones allowed these uses to expand in the future;

Potential public benefit

- (iv) Pak Shek Kok was suitable for establishment of public recreational facilities for a variety of marine based activities. The benefit of improving public access to Tolo Harbour was not considered;

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

Responses to Grounds of Representations and Comments

- (f) PlanD’s responses to the grounds of representations and comments as detailed in paragraphs 4.3 to 4.5 of the Paper were summarised as follows:

Supporting Representation - R1

Concern on transparency and information disclosure to prospective land purchasers

- (i) planning was an on-going process. Land uses of the area would

be reviewed from time to time to meet the changing needs and aspirations of the community. The subject amendments were to meet the needs for medium-density residential and the expansion of Science Park;

- (ii) prior to the gazette of the proposed amendments, Tai Po District Council (TPDC) was consulted on 9.1.2013. The plan exhibition and representation/comment procedures were part of the public consultation process prescribed by the Ordinance. The present plan-making process was transparent to the public;

Adverse Representations – R2 to R87 and R89 to R348

Justifications for Rezoning of the “REC” and “O” zones

- (iii) there was no firm programme for the implementation of the “REC” zone in Pak Shek Kok. The alternative site at Whitehead with a larger site area of 14.95 ha provided a better and more suitable environment for the development of various regional and district-wide recreational and sports facilities. The amendments would not affect the overall provision of recreational facilities in the territory. Relevant bureaux and departments including Home Affairs Bureau (HAB) and Leisure and Cultural Services Department (LCSD) had no adverse comment in this regard;
- (iv) the existing and planned open space (8.8 ha) in the area was well above the required level under the Hong Kong Planning Standards and Guidelines (HKPSG);
- (v) there was a pressing need to address the community’s general aspiration and need for housing land in the short to long terms. The proposed residential site which was formed and readily available in the short term could help ease the pressure on housing land supply;

Existing Regional Function of Pak Shek Kok

- (vi) according to the Feasibility Study for Pak Shek Kok Development Area (the Pak Shek Kok Study), Pak Shek Kok would be developed for Science Park and residential use. While a number of recreational uses had been considered before, the proposals had not been taken forward and the area had never been planned as a major recreational outlet;
- (vii) the Commissioner for Innovation and Technology (CIT) had proposed to reserve a piece of land (about 8 ha) to cater for its future expansion need. As there was limited supply of land in the vicinity that could meet the site requirement for Science Park expansion, the new “OU(SP)” site would serve as a logical and natural expansion of the existing Science Park from land-use planning viewpoint. This was also in line with the role of Pak Shek Kok as a technological hub along the major regional transport corridor as recommended under the “HK2030: Planning Vision & Strategy” (HK2030);
- (viii) the Pak Shek Kok Promenade together with a cycle track served as a waterfront linkage between Shatin and the Tai Po Waterfront Park which was an existing recreational focal point in the district. The amendments to the OZP would not affect the existing facilities nor public access to Tolo Harbour;
- (ix) there was insufficient information in the representation to demonstrate that there was a need for developing a marine centre in Pak Shek Kok, the location was suitable for such development, and the potential impact in terms of environmental, ecological, marine safety and traffic aspects could be satisfactorily addressed;

Potential impact of the proposed residential development and Science Park expansion

- (x) the potential impact of the proposed residential development and Science Park expansion on the surrounding areas had been assessed. The development parameters of the new “R(B)5” zone for residential development were compatible with those of the adjacent residential developments in the area and the surrounding environment as shown in the photomontages prepared by PlanD;
- (xi) an Air Ventilation Assessment - Expert Evaluation (AVA-EE) had been conducted and concluded that the amendments would not have unacceptable adverse impact on the air ventilation of the Area;
- (xii) the latest planned population of 11,100 and about 19,500 employment places, as per the zoning proposals on the extant OZP, were within the planned capacity and would have no adverse impacts on the existing and planned infrastructure including sewerage, drainage, water supply and transportation aspects;

Provision of GIC facilities and railway station

- (xiii) a “G/IC” site had been reserved at Fo Chun Road for a primary school while secondary school places could be provided in Tai Po and Shatin districts. The Education Bureau (EDB) had no adverse comment in this regard. For medical services, provision of medical facilities including hospital was available within Tai Po and Shatin districts to serve the residents of the area. Besides, the Notes of the OZP had stipulated that medical clinic use (being considered as “Shop and Services” use) was always permitted on the lowest three floors or in a purpose-designed non-residential portion of an existing building in the “Residential (Group B)3” (“R(B)3”) and “Residential (Group B)4” (“R(B)4”) zones;

- (xiv) the area at present was well-served by road based public transport. According to the Pak Shek Kok Study, railway station was not a prerequisite to support the development in Pak Shek Kok;
- (xv) the current amendments to the OZP were to meet the community aspiration of increasing housing land supply as well as promoting technological development in a knowledge-based economy. There was no plan for a museum in the area;

Public consultation

- (xvi) the proposed amendments to the OZP were agreed by the Rural and New Town Planning Committee (RNTPC) on 21.12.2012. Prior to the gazetting of the amendments, Tai Po District Council (TPDC) was consulted on 9.1.2013. Subsequently, the draft OZP was published on 18.1.2013 for 2 months for public comment in accordance with the Ordinance;
- (xvii) the statutory and administrative procedures in consulting the public on the zoning amendments had been duly followed. The exhibition of the OZP for public inspection and the provisions for submission and hearing of representations/ comments formed part of the statutory consultation process under the Ordinance. There were proper consultation channels for the general public and other interested groups to voice out their concerns under the present plan-making process;

Responses to Representatives' and Commenters' proposals

- (g) PlanD's responses to representatives' and commenters' proposals as detailed in paragraph 5 of the Paper were summarised as follows:

R2

Proposed Museum and Railway Station

- (i) there was no plan to develop a museum at the site as advised by the relevant bureaux/departments consulted;
- (ii) the area at present was well-served by road based public transport. Highways Department advised that the “Study on the Review and Update of the Railway Development Strategy 2000” was expected to be completed in 2013. There was currently no proposal to construct a new railway station at Pak Shek Kok;
- (iii) should there be a need to provide a railway station in the area in the future, according to section 13A of the Town Planning Ordinance, any scheme authorised under the Railways Ordinance (Cap 519) should be deemed to be approved under the Town Planning Ordinance;

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

R3 and C1 to C89

Rezoning the south-eastern portion of the residential site to “OU(MC)”

- (iv) there was insufficient information to demonstrate the need for development of a marine centre at the representation site;
- (v) HAB and LCSD advised that there was currently no plan for development of a public marine centre at Pak Shek Kok;
- (vi) there were insufficient information and technical assessments in the representation submission to demonstrate that the proposed marine centre at the subject site would not cause adverse

environmental, ecological and marine safety impacts;

- (vii) Director of Environmental Protection (DEP) advised that the marine centre development with 400 berths would be a designated project under the Environmental Impact Assessment Ordinance (EIAO) and impact on water quality, noise and land contamination aspects should be considered. Potential noise impact generated by the vessels and operational activities would need to be addressed. As there were no details that the project would comply with the EIAO, DEP did not support the proposal;
- (viii) Director of Agriculture, Fisheries and Conservation (DAFC) advised that the potential environmental impact of the proposed marine centre could not be ascertained at this stage unless the ecological status and any associated impact of the marine area to be affected and the area nearby were assessed in advance;
- (ix) Director of Marine advised that the marine traffic impact created would be dependent on the capacity of the marine centre and a Marine Traffic Impact Assessment should be conducted;
- (x) Commissioner for Transport (C for T) had reservation on the proposed marine centre from the traffic engineering point of view. The proposed marine centre consisted of two portions located along the Pak Shek Kok Promenade: one portion was on the marine area while the other was on land next to Fo Yin Road. There was no direct vehicular access provided to serve the marine portion. All marine users had to share use the existing footpath and travel through an existing pedestrian crossing on the cycle track of the Pak Shek Kok Promenade. This would limit or restrict transportation of vessels between marine area and the land-based marine centre for maintenance and dry-stacking. The proposed marine centre would generate potential conflicts amongst different road users (particularly marine centre users, cyclists and

pedestrians) in the area;

- (xi) there was a pressing need for increasing housing land supply. Residential development at the subject representation site was compatible with the surrounding land uses and could help meet the housing need and aspiration of the community. The “R(B)5” zoning of the site was considered appropriate;

Rezoning the north-western portion of the residential site to “O”

- (xii) the scarce land resource should be utilised in a prudent and efficient manner while balancing different needs of the community. The site was a piece of Government land readily available for residential development in order to meet the general aspiration and housing need of the community;
- (xiii) there was sufficient existing and planned open space in Pak Shek Kok, which was well above that set out in HKPSG. The existing “O” zone at the Pak Shek Kok Promenade was considered as a regional open space that could provide opportunities for a variety of recreational activities. LCSD advised that further provision of “O” zone in Pak Shek Kok was not required and had no objection to the rezoning of the site originally zoned “REC” and “O” for residential development;

Extending the boundary of the OZP to cover part of Tolo Harbour and zone as “OU(MC)”

- (xiv) the proposal to extend the boundary of the OZP and zone part of Tolo Harbour as “OU(MC)” was not related to the amendments incorporated into the OZP;

*Rezoning of a portion of the Science Park expansion site to
“Residential”*

- (xv) according to the CIT, a site of about 8 ha was required to be reserved for future expansion of Science Park. The detailed demand and requirements for Science Park expansion were currently being reviewed by CIT;

R4 to R87 and R89 to R348

- (xvi) responses to the proposal to rezone part of the “R(B)5” to “O” and “OU(MC)”, and to extend the boundary of the OZP to cover part of Tolo Harbour and to zone it as “OU(MC)” were the same as the above responses to R3’s proposal; and

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

- (h) PlanD’s views – R1’s support of the amendments to the Plan was noted. PlanD did not support the remaining part of R1 and R2 to R87 and R89 to R349 for reasons as detailed in paragraphs 7.2 of the Paper.

41. The Chairman then invited representers, commenters and their representatives to elaborate on their representations/comments. He reminded them that they would only be allowed to elaborate on their points contained in the representations/comments and should not present any new points and proposals at the hearing.

R1 (Top Gallant Ltd./King Regent Ltd.)

42. Mr. Kim Chan made an introduction and said that R1 fully supported Government’s policy to increase land supply but did not support the subject amendments to the Pak Shek Kok (East) OZP which were unreasonable and unfair. It affected the credibility of the Government and had significant impact on social harmony. He said that Mr. Barry Will would elaborate on the representation from an architectural point of view while he would elaborate on the representation from an urban planning perspective.

43. With the aid of a Powerpoint presentation, Mr. Barry Will elaborated on R1 and made the following main points:

- (a) R1 supported the Government's policy of increasing the supply of land for housing in Hong Kong and also the policy of presenting clear and unambiguous information (e.g. flat size, finishes, surrounding environment, infrastructure, open spaces etc.) to home buyers under the provisions of the Residential Properties (First-hand Sales) Ordinance;
- (b) R1 had purchased five residential lots in Pak Shek Kok on the understanding that these sites were planned for high-end property development surrounded by wide sea views and large open spaces. Based on this, detailed surveys and analyses of the site surroundings and the design of the buildings were undertaken and presented to the flat buyers. As a result, more than 700 flat buyers with a population of 2,800 to 3,000 had already committed to this environment;
- (c) it was a reasonable expectation that the current OZP for the Pak Shek Kok area, which was a newly reclaimed land, clearly expressed the Government's planning intention. The rapid change of the OZP was a breach of trust between the public and the Government;
- (d) the expansion of Science Park by replacing the local and regional open space was unacceptable and not justified as there had not been an overwhelming demand for the existing space in Science Park. Actually, the Government had to provide subsidies to attract industries to fill the space;
- (e) as an architect of the representer, he had designed the buildings for the representer's sites taking into account the site conditions including maximising the best views, creating internal open spaces to complement the surrounding park-like environment, and connecting to the major waterfront promenade and the associated cycle track networks. In

particular, a lot of effort and money had been spent to address the environmental constraints of the representer's sites, especially the noise problem along Tolo Highway, when preparing the conceptual design and seeking approvals from the Government. However, with the subject amendments to the OZP, all these efforts were in vain. Similarly, those section 16 applications submitted by the representer in relation to the new building height restrictions imposed for his sites had also become irrelevant; and

- (f) upon completion of the residential developments at the representer's sites, there would be about 2,340 high-end residential apartment units housing about 9,000 residents. These potential residents would have a vested interest in their future homes. Given that there would not be enough time for the residents to form their Owners' Corporation now, the Board should delay the amendments so as to allow proper discussions with the stakeholders.

44. With the aid of a Powerpoint presentation, Mr. Kim Chan continued to make the following main points:

Legitimate Expectation of the Citizens and Investors

- (a) in April 2000, the Government had openly stated that the planning work for Pak Shek Kok development had been completed in August 1998 with major land uses proposed including a Science Park, private residential and strategic recreational developments, educational and other community facilities. A stepped height concept was adopted for the proposed developments to optimise harbour views, avoid visual monotony and merge harmoniously with the natural environment. The proximity to Tolo Harbour provided a unique opportunity to create a dynamic employment and recreation-oriented waterfront community. The proposed waterfront promenade, cycle path, landing steps and the strategic recreation site were possible recreation focal points for the citizens of Hong Kong. The northern part of Pak Shek Kok was

planned to supply sites for higher income housing for the eastern New Territories;

- (b) it was also stated in the Explanatory Statement of the Pak Shek Kok (East) OZP (from January 2006 to January 2013) that several potential projects for this recreation site, namely, China ecology centre, ocean dome, aquatic centre, sports stadium, sports complex, event-based recreation ground and passive recreation use had been considered by the Government. However, the definite use on the “REC” zone would be subject to further study;
- (c) based on the above, the citizens and investors had high expectation that Pak Shek Kok, with the provision of 9.51 ha of “REC” zone, would become a dynamic recreation-oriented waterfront community. Five residential lots in Pak Shek Kok were sold by the Government between 2007 and 2009. Up to June 2013, out of a total of 2,349 flats to be provided on these sites, 734 units had been sold. It was expected that all the residential developments would be completed by end 2014;
- (d) the current OZP amendments, with the deletion of the “REC” zone, were totally against the original planning intention and had disregarded the legitimate expectation of the public and the investors for a dynamic recreation focal point. Although there was no Owners’ Corporation yet for the four residential sites, it was understood that individual owners planned to lodge objection to the amendments;
- (e) R1 purchased his lots in Pak Shek Kok at land sale on the understanding that there would be no further land supply for residential developments in the close proximity. The subject OZP amendments would, however, significantly increase the building density and physical layout of the area. If the representer had been notified before, his decision would have been different. The rezoning was therefore unfair and unreasonable to both the investor and flat buyers;

Representer's Proposals

- (f) the representer had the following proposals:
 - (i) to rezone the “OU(SP)” (Item B1) back to the original “REC” zone so as to allow time for further study of the proposed recreational use by the Government;
 - (ii) to rezone part of the “R(B)5” (Item A3) back to the original ‘Road’ use for a public transport terminus cum open car park. Such facilities were necessary to serve more than ten thousands future local population as well as numerous visitors going to Pak Shek Kok for recreational purpose during weekends. Traffic impact assessment undertaken by the representer’s consultant confirmed that such facilities were required; and
 - (iii) the Board to defer consideration of the OZP amendment in relation to “R(B)5” zone so as to allow time for the stakeholders (including the owners and investors) to assess the associated impact;
- (g) if the Board refused to defer consideration of the “R(B)5” zone, the representer had the following alternative proposals:
 - (i) to provide a setback of 20m along Fo Chun Road for use as a green buffer between the “R(B)4” and “R(B)5” zones; and
 - (ii) to reduce the development intensity of the “R(B)5” zone from a maximum plot ratio of 3.5 to 3 and a maximum building height of 52mPD to 37mPD. Together with the adjoining residential zones of different development intensity, a stepped and non-monotonous residential district could thus be created.

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

45. The Chairman noted that R1's proposals as presented by Mr. Kim Chan had not been included in R1's representation submitted to the Board within the statutory publication period. He reminded Mr. Kim Chan twice during Mr. Chan's presentation that the Board would not consider new submissions and proposals presented by the representer at the meeting given that public would not have the chance to submit comments on these new submissions and proposals beforehand for the Board's consideration. Mr. Kim Chan replied that his presentation was related to the original argument contained in R1's representation that the subject OZP amendments were unfair and unreasonable. Mr. Barry Will supplemented that he was speaking on behalf of the stakeholders including the potential residents who were deprived of their right to express their views on the OZP amendments. More transparency should be provided by the Government in the plan-making process. The Chairman replied that the OZP amendments were gazetted for public inspection in accordance with the provisions under the Ordinance, which was part of the statutory process. He reiterated that representers and commenters would only be allowed to elaborate on their points contained in the representations at the hearing, and new submissions and proposals would not be considered by the Board.

[Mr. Stanley Y.F. Wong arrived and left the meeting temporarily at this point while Professor Eddie C.M. Hui arrived to join the meeting at this point.]

R3 (Designing Hong Kong Limited)

46. With the aid of a Powerpoint presentation, Mr. Ian Brownlee elaborated on R3 and made the following main points:

No prior public consultation

- (a) there was no adequate consideration nor prior public consultation on the OZP amendments to remove the original planning intention for Pak Shek Kok which was an important area of public recreation and open space. None of the public bodies involved in sports or recreation had been consulted. Even though consultation was carried out with the DC, no serious consideration was given to any proposals submitted as recorded

in the DC minutes at Annex II of the Paper;

Importance of the “REC” zone in Pak Shek Kok

- (b) R3 was a Non-Government Organisation (NGO) promoting better use of the waterfronts and harbour. It objected in-principle to the removal of the “REC” zone without adequate re-provisioning. The site had long been seen by sports bodies as an important area for expansion of sports facilities in the North East New Territories. Both the Hong Kong Rugby Football Union and the Hong Kong Cricket Association had applied for the use of the site before;
- (c) the National Sports Association and Sports Development Council, which were responsible to advise on the provision of sports facilities, had not been consulted on the removal of the “REC” zone;
- (d) Pak Shek Kok was an important venue for sports such as triathlon races which were held on a regular basis, though there was inadequate land there to accommodate the supporting services and people had to make use of closed roads and unused public land. It was also a famous spot for sports cycle training at night and in the early morning. Such public function of the area had not been taken into account in the deletion of the “REC” zone;
- (e) it was wrong for PlanD to state that Pak Shek Kok had never been planned as a major recreational outlet. Such intention was clearly stated in the previous OZP;

Inadequate Justification for Science Park Expansion

- (f) no information was submitted to the Board to justify the expansion of the Science Park. Rather, it was stated in the Paper that the detailed demand and requirements for Science Park expansion was currently being reviewed by CIT;

- (g) an assessment should be carried out to demonstrate to the Board the actual value and need for allocating such a large area for the expansion of the Science Park, bearing in mind that Phase 3 had not yet been completed;
- (h) as revealed by some press and publications, majority of the tenants of Science Park were sales and marketing offices that could be located in commercial buildings, rather than legitimate technology tenants. Besides, it was found that the main benefit to incubator companies at the Science Park was cheap rent, instead of the “clustering effect” arising from pooling of resources and centralised functions like training and networking;
- (i) there was an under-utilisation of land in Science Park. In fact, the same GFA could be obtained within a smaller site by increasing the plot ratio of the development;
- (j) it was premature for the Science Park expansion and the area should remain as “REC” zone until such expansion was well justified;

Housing

- (k) the Chief Executive’s (CE) Policy Address stressed not only the need to provide additional housing supply in Hong Kong but also the need for land for other public uses such as sport and recreation. It encouraged the development of a good quality of life for Hong Kong people;
- (l) there was already a large provision of residential sites in Pak Shek Kok. The provision of public open space in a waterfront location was more important than selling the prime public area for private use. Rezoning of other sites, instead of the prime waterfront, for housing should be considered. The same number of flats and GFA could be achieved;

Open Space and Urban Design

- (m) as shown by the photomontages prepared by PlanD in the Paper, the whole Pak Shek Kok area would become a monotonous built-up area with wall buildings along the waterfront. There was no significant public open space proposed;
- (n) the “O” zone proposed by the representer would re-inforce the importance of a focal space along the waterfront and break the wall effect by intruding greenery and contrast into the built-up area;

Land- Water Interface and Marine Centre

- (o) the OZP amendments had ignored the potential public benefit of improving public access to Tolo Harbour. No consideration had been given to the planning of land uses around the harbour to provide supporting facilities for boating and other public water access requirements;
- (p) there were few locations as suitable as Pak Shek Kok for the development of public water-based recreational facilities. A small site of only 1.8 ha for a marine centre would enable the whole Tolo Harbour to become available for use for a wide range of public water-based recreational opportunities. If the site was sold for private housing, the accessibility of Tolo Harbour would be significantly and adversely affected;
- (q) the proposed marine centre would not reduce the provision of space for Science Park and residential use. While it was stated in the Paper that the proposed marine centre did not relate to the amendments to the OZP, the proposed “OU(MC)” zone provided an alternative means for meeting the original intention of the “REC” zone by moving the focus from the land to the water;

Prioritisation

- (r) the OZP amendments only put emphasis on Science Park and private housing and the other two public uses, i.e. open space and recreational uses were ignored. R3's proposal still ranked Science Park and private housing as the most important uses without overlooking the importance of the other two public uses; and
- (s) the Board had previously amended an OZP after the representation hearing by reducing the area of a residential site in Ho Man Tin so as to save the King's Park Sports ground, which was currently a major focal point for sports. The same approach could be applied here in Pak Shek Kok.

[Mr. Jeff Y.T. Lam left the meeting at this point.]

47. With the aid of a Powerpoint presentation, Mr. Paul Zimmerman elaborated on R3 and made the following main points:

- (a) R3 supported the Government's policy to increase land for housing supply and had demonstrated to the Board how all the four uses including residential, open space, Science Park and a public marine centre could be accommodated in Pak Shek Kok;
- (b) it was noted that PlanD had not consulted the Transport and Housing Bureau (THB) on R3's representation which was related to marine issues;
- (c) it was disappointed that there was no authority nor government bureau/department that could give professional advice on marine related uses and the provision of marine and water sports facilities such as berthing spaces for boats along the waterfront. He was told that the Marine Department (MD) was only responsible for matters concerning the operation/safety of vessels and marine traffic;

- (d) the China Year of Marine Tourism in 2013 showed that the National Government was investing more money and resource in marine infrastructure in cities. Nevertheless, the same did not apply in Hong Kong;
- (e) a lot of studies had been undertaken in relation to the need and provision of marine facilities in Hong Kong in the past ten years, e.g. by Harbourfront Enhancement Committee, Harbour Business Forum, Hong Kong Marine Industry Association, World Wide Fund, etc. They were all public documents. It was not true for PlanD to state that there was insufficient information on the matter;

Need and Provision of Marine Facilities

- (f) it was a common perception that leisure marine activities were for rich people because there was a lack of marine facilities and private moorings in Hong Kong. Majority of the people could not afford to pay for the high membership fee of marinas to berth or store their boats. Few people had a car to transport equipment, or a yard or shed to store equipment and any ordinary flat was not suitable for storage of even the smallest crafts like surfboard and canoe. Hong Kong had over 280 islands and a 800-kilometres long natural coastline. There was a need for public marine centres and piers along the waterfront so that the community could enjoy Hong Kong's magnificent waters at a low cost;
- (g) according to the information provided by the Development Bureau (DEVB) to Harbourfront Commission in 2013, the 12 marinas in Hong Kong provided around 2,280 berthing spaces for pleasure vessels. However, there was a rising trend in the number of licenced pleasure vessels in Hong Kong over the last decade, from 4,719 in 2003 to 7,920 in 2012 with an average increase of around 6% per annum. Hence, there was a big gap between the demand and supply of berthing/mooring spaces;

- (h) according to the MD's website, there were currently a total of 16,400 licenced vessels, including 7,920 pleasure vessels, 5,849 sampans and the remaining working boats in Hong Kong. At present, there was a long waiting list of 383 applications for a private mooring and most of the private marinas were full;
- (i) if we compared the profile of vessels owned in Hong Kong and other countries where low costs public berths were available, it would indicate that there was another latent demand for 13,000 low cost berths to cater for affordable small vessels (16-25 ft);
- (j) insufficient moorings in Hong Kong had led to severe problems including improper mooring of over-length boats exceeding the designated length of the private mooring, sub-letting and unlawful moorings which sometimes damaged ecologically sensitive areas and illegal moorings at unsafe locations which were not well-protected from wind. Various photographs taken at the waterfronts of Kwun Tong, Yau Tong, Tseung Kwan O, Tsing Yi, Ma On Shan, Hoi Ha showed that there were many improper and illegal moorings/storage of boats and water sports equipment along the coast of Hong Kong due to a shortage of berths and storage facilities;
- (k) there was an under-provision of private mooring spaces in Tolo Harbour. There were currently only 78 private mooring spaces in Tolo Harbour out of a total of about 2,000 private mooring spaces in Hong Kong;

Location of Marine Facilities

- (l) not every place in Hong Kong was suitable for the provision of marinas. The Board had previously rejected a s.12A application for a proposed marina at Lamma Island. R3 agreed that the proposed location at Lamma Island was not a suitable place for a marina as it was situated at the busiest shipping channel and would destroy the conservation area

there. However, it was noted that both the Commission of Tourism and the Secretary of Home Affairs supported marina development as it would enrich Hong Kong's destination offers by promoting it as an internal hub for sports event and would provide a venue for training athletes and hosting sports events on an open and regular basis and at low cost to the public;

- (m) a public marine recreation centre was necessary for the public to enjoy water sports, e.g. boating, sailing, wind surfing, canoeing, fishing, etc. and would provide affordable mooring for boats on the water and storage of water sports equipment on the land. It would be built by Government and/or by a NGO with grant and donations and managed by Government and/or non-profit making organisation;
- (n) a public marine centre/boat club was needed in each major water body including Tolo Harbour, Sai Kung and Clear Water Bay, Victoria Harbour and Junk Bay, Hong Kong Island South, Western New Territories and Lantau and Islands;
- (o) there were several site selection criteria for a public marine centre including (i) minimal impact on commercial marine traffic; (ii) minimal ecological impact; (iii) support for existing leisure marine activities; (iv) proximity to transport; (v) land availability; and (vi) large catchment area;

[Ms. Christina M. Lee left the meeting at this point.]

- (p) R3 had explored various sites along the Hong Kong waterfront which might provide opportunities for the development of a marina and marine facilities. However, it seemed that there were slim opportunities for developing a public marine centre in other parts of the Hong Kong waterfront, except Tolo Harbour. The findings were summarised as follows:

Victoria Harbour

- (i) *Kwun Tong waterfront and typhoon shelter*: in respect of the proposed public marine recreation centre and mooring area for smaller boats (e.g speedboats, canoes) in the Kwun Tong typhoon shelter, MD advised on 3.5.2013 that it was not the practice of the Government to provide berthing space for a specific group of local vessels in normal day, preferential treatment for the use of any typhoon shelter to a particular type of local vessel was not recommended;
- (ii) *Yau Tong Bay*: although there were various proposals put forward by developers, there was no policy support for a proposed marina in Yau Tong Bay;
- (iii) *Wanchai and Causeway Bay*: proposals for enhancement of water sports and leisure marine facilities in the Causeway Bay typhoon shelter and new facilities along the Wanchai shore and former cargo working area and basin were being drawn up;

Junk Bay

- (iv) *East Channel*: there would be regularisation of the existing boat rental services and the current usage of the channel for the anchorage of small vessels. However, not many additional new mooring spaces could be provided;
- (v) *Junk Bay (adjacent to Pak Shing Kok and LOHAS Park)*: there was difficulty in the proposals to construct a breakwater and to zone an area of land and water for a marine centre as the concerned waterfront was required to provide access for the existing industrial uses in the area;

Sai Kung

- (vi) *Port Shelter and Hebe Haven*: there was opportunity to increase the number of berths there by rationalising the existing pontoon system in Hebe Haven. Besides, with the proposed redevelopment of the Sai Kung Sewage Treatment Work and possible construction of a new breakwater, about 200 new berthing spaces might be provided;

Tai Tam Harbour and Stanley

- (vii) *Shek O Ex-quarry*: adaptive re-use of the ex-quarry as a marine centre was supported by the Southern District Council. However, it could only provide an additional 200 berthing spaces;
- (viii) *Tai Tam Reservoir Pumping Station*: adaptive re-use of the historic pumping station for water sports had been proposed to the Board, Southern District Council, and Antiquities and Monuments Office. However, if a breakwater was constructed there to create protection for the boats, there would likely be an adverse impact on the current water flow and the nearby Site of Special Scientific Interest, and hence might not be acceptable;
- (ix) *Stanley Bay*: due to the size of the bay, there would be technical difficulty to construct a massive breakwater there;

Aberdeen Harbour

- (x) *Po Chong Wan*: expansion of the typhoon shelter to increase space for moorings was proposed;
- (xi) *Ap Lei Chau Praya Road and Shum Wan Road*: upgrading of land lease conditions of the shipyards to include display, sales, storage, maintenance and repair of small vessels was proposed;

Tung Chung

- (xii) *Tung Chung*: there were existing moorings of pleasure crafts in the areas and future sheltered mooring area for local boats was included in the Civil Engineering and Development Department's plan for the extension of the New Town;

Government Promotion of Recreation at Pak Shek Kok and Tolo Harbour

- (q) the North East New Territories Development Strategy Review (1995) considered Ma Shi Chau, Wu Kai Sha and Yim Tin Tsai around the Tolo Harbour suitable for recreational yachting;
- (r) the Northern New Territories Green Tourism Development Programme (2005) advocated that water sports be extended to Tolo Harbour;
- (s) the designation of Tolo Harbour as a water quality zone with "Secondary Recreational Waters" suitable for sailing, surfing and similar activities;

Pak Shek Kok – an ideal location for a marine centre

- (t) *harbour* - the Tolo Harbour was sheltered and was ideal for water sports. It was deep (over 5 metre), allowing large and deep draught yachts to enter;
- (u) *support for existing leisure activities* - the waters in Sai Kung which were accessible from Pak Shek Kok were characterised by Country Parks, Marine Parks, the Hong Kong Geo Park and the cruising grounds at Mirs Bay. With the possible demolition of the existing Ma Liu Shui pier upon future reclamation, if any, a replacement at Pak Shek Kok was suitable;
- (v) *catchment* - the proposed marine centre could serve the population in Sha Tin, Ma On Shan, Tai Po and the North East New Territories. It

would also be a good place to accommodate the existing Tai Po boat club located in Tai Mei Tuk which was under Short Term Tenancy as the site might soon be taken over by the Government;

- (w) *accessibility* - Pak Shek Kok was readily accessible to the public with the site located near the Tolo Highway, MTR and public transport;
- (x) *marine environment* - the ecological value of the Pak Shek Kok area was limited as the land was recently reclaimed and the shoreline was made-made. As Tolo Harbour was deep, dredging and excavation would not be necessary. Tidal levels and storm surges, wind and wave climate were relatively mild and a floating breakwater would be suitable. No fixed structure or reclamation was therefore required. There were no submarine pipelines in the proximity. There would unlikely be any impact on the seabed, marine habitat, biodiversity and water quality;
- (y) *marine traffic* – the current marine traffic was only generated by the Ma Liu Shiu pier. The proposed layout would not adversely affect the use of the existing public pier by boats. Marine traffic generated by the proposed marine centre would be low;
- (z) *car parking and traffic impact* – traffic generation by other uses in the vicinity was relatively low at weekends. Existing public car parking facilities were available at Hong Kong Science Park, which generally had vacancies at weekends and would be available to accommodate the car parking demand generated by the Marine Centre;
- (aa) *cross-traffic issue* – as shown in a cross-section of the proposed marine centre, the boat entry and exit to the dry-stacking building would pass under the existing promenade and cycle path and hence there would be no impact on the pedestrians and cyclists on the promenade, which was one of the concerns of government departments;
- (bb) *public support* – the proposed marine centre was supported by various

water sports associations including Tai Po Boat Club, Hong Kong China Rowing Association, Hong Kong Canoe Union and Hong Kong Sailing Federation; and

- (cc) if the Board did not accept the proposed marine centre at Pak Shek Kok, there would be no more suitable land available in Hong Kong for the development of such facilities.

48. With the aid of a Powerpoint presentation, Mr. Ian Brownlee continued to make the following main points:

- (a) adequate and cogent information were available in the representations and comments to show that there was demand for a marine centre at Pak Shek Kok. The expansion of the OZP boundary to include the proposed marine centre was justified;
- (b) to conclude, R3's proposals had the following merits:
 - (i) it made equally good use of scarce land resources for housing and other public uses. The under-developed Science Park was a waste of prime land;
 - (ii) it prevented a wall of buildings and a densely built environment with little public greening and open space as a focal point;
 - (iii) adequate technical information had been provided in support of the proposed marine centre. This proposal had been discussed for many years and the shortage of such facilities was well documented and recognised;
 - (iv) the proposed "OU(MC) and "O" zones would retain the provision of regional recreational facilities by focusing on water activities; and

- (v) the proposed “OU(MC)” zone was related to the OZP amendments as the amendments to rezone the waterfront sites from “O” and “REC” zone to residential would adversely affect public access to Tolo Harbour, thus affecting the chance for providing facilities for marine related uses.

R299 (Man Chi Chiu)

49. Mr. Man Chi Chiu made the following main points:

- (a) he was an indigenous villager in Tai Po and had been engaging in water-sports activities for many years. He used to own a power boat before and currently owned a yacht together with his friends;
- (b) many years ago before reclamation, Ma Liu Shui was a common place for boating and sailing by local residents and the general public. He supported R3’s proposal for a public marine centre at Pak Shek Kok to rehabilitate the area;
- (c) there was a lack of berthing spaces for boats and supporting facilities for water sports in Hong Kong. High membership fees of private marinas were unaffordable by the general public and there were always problems in finding space to store boats. A public marine centre at Pak Shek Kok would allow the public to enjoy water sports at low cost;
- (d) he did not agree with LCSD and HAB that there was no need to provide additional water recreational and marine facilities in Hong Kong. He said that the current water sports facilities in Tai Mei Tuk were under pressing demand. Besides, there were always problems of traffic jam and shortage of car parking spaces during weekends due to large number of visitors, tourists and increase in local residential population there. The development of a public marine centre at Pak Shek Kok would help ease the current problems in Tai Mei Tuk;

- (e) regarding TD's concern on the share use of the existing footpath and cycle track along the Pak Shek Kok Promenade by the marine users, pedestrians and cyclists, he considered that future marine users passing through the cycle track would not affect the pedestrians and cyclists, and elevated cycle tracks could be constructed as an alternative route for the cyclists as in the Tai Po Industrial Estate; and
- (f) the proposed marine centre would not have any significant impact on the existing ecological habitat as there were already on-going water sports activities carried out by the Chinese University of Hong Kong and the Marine Police Base.

R206 (Jonathan Wong)

C29 (Wong Hon Keung)

50. Mr. Wong Hon Keung made the following main points:

- (a) he basically concurred with the views of Mr. Paul Zimmerman (R3);
- (b) in considering the rezoning of the Pak Shek Kok area, both R3 and PlanD needed to take into account the land issue arising from the rapid development of Hong Kong;
- (c) the rezoning and granting of land for the proposed marine centre should be temporary and the proposed marine centre should be movable and could be relocated when necessary to cater for future land use changes; and
- (d) in future, there was scope for the Tolo Harbour and the future reclamation of area, which amounted to about a few thousands hectares of land, to be developed into a marine village.

R7 (Hong Kong Canoe Union)

51. Mr. Luk Wai Hung made the following main points:

- (a) he was the Chairman of the Hong Kong Canoe Union and also a member of the Board of Directors of the Hong Kong Water Sports Council;
- (b) there had been a long history of the development of canoe activities in Hong Kong. Their association had arranged many training courses and races for students in Shatin and Tai Po districts who did not have their own boats. Trainees from other parts of Hong Kong also came to their training centre at Shek Mun for training after school/work;
- (c) however, there was currently not enough space for the storage of canoes in their training centre at Shek Mun and the site was under Short Term Tenancy. This hindered the future development of canoe activities in Hong Kong; and
- (d) he supported the proposed marine centre at Pak Shek Kok which was an appropriate place for water sports activities and was easily accessible by public. As noted in the LCSD's website, the usage rate of the existing water sports centre at Tai Mei Tuk was very high. The provision of a new marine centre in Pak Shek Kok, which would only occupy a 1.8 ha of land, would help promote and foster the development of water sports in Hong Kong.

R121 (David Neish)

52. Mr. Ryan Swift made the following main points:

- (a) he was the Editor-in-chief of the Asia-Pacific Boating magazine in Hong Kong. He supported the proposed marine centre at Pak Shek Kok;
- (b) there was a long maritime history in Hong Kong but the city

development had taken away opportunities for developing marine and water sports facilities for people in Hong Kong who actually enjoyed the waters; and

- (c) the Board should seriously consider the proposed rezoning for the marine centre as there was no real commercial value and need for the expansion of Science Park. Even though there was a need to increase housing supply, the proposed marine centre would enhance the enjoyable living space and environment which was equally important for the property buyers.

[Mr. Stephen H.B. Yau left the meeting at this point.]

53. As the presentations from the representers, commenters and their representatives had been completed, the Chairman invited questions from Members.

Legitimate Expectation of R1

54. Members had the following questions in relation to the claimed legitimate expectation by R1:

- (a) whether R1 could provide any evidence for his claim that the Government had committed that there would be no further land supply for residential developments in Pak Shek Kok when it purchased its lots at land sale?
- (b) whether R1 considered that there should not be any change to the zonings of the OZP after the development sites had been sold by the Government?
- (c) with the considerable size of the original “REC” zone at Pak Shek Kok, it was expected that recreational facilities serving the territorial population would be provided, and there would likely be changes in the surrounding environment and infrastructure with the implementation of

these recreational facilities. What was the implication of such planning intention on R1's legitimate expectation?

55. On question (a), Mr. Kim Chan (R1) said that R1's claim was based on the OZP prevailing at the time of land sale which was equivalent to a Government commitment to the public. He said that the Government openly announced the development plan in Pak Shek Kok in April 2000, and the proposals in the development plan including the "REC" zone were subsequently reflected on the OZP in 2006. With the subject OZP amendments, the Government was not acting fairly or justly as the amendments affected the interest of the existing and potential flat buyers and investors especially when R1 had spent a lot of effort and resources to address the noise problem in planning and developing its residential developments in the area. The Government needed to ensure the integrity of its development plan when making OZP amendments.

56. On question (b), Mr. Barry Will (R1) said that under the Residential Properties (First-hand Sales) Ordinance, developers and architects were required to present clear and correct information including the zonings and surrounding environment and infrastructure on the sale brochures to home buyers. Since the sites on Pak Shek Kok were newly formed sites, R1 would not expect that zonings on the OZP would change suddenly. As a result, they had to rectify the information on the brochures within a short period of time in order to meet the requirements under that Ordinance. He accepted that the OZP could change but it should be made within a reasonable time span. It was unacceptable that the change was made in the middle of the development process and all the efforts and time spent by R1 in preparing the building design and seeking approvals from the Government on the residential projects had become futile. Furthermore, time should be allowed for the potential residents to move into their new homes so that they could form their Owners' Corporation to voice out their concerns on the OZP amendments. He therefore requested the Board to defer consideration of the OZP amendments so that relevant parties had time to make their submissions.

57. On question (c), Ms. Jacinta Woo, DPO/STN, said that unlike "O" zone, building developments were allowed on the "REC" zone. She was not in a position to comment on whether there was any legitimate expectation by R1 on this aspect. On this point, Mr. Kim Chan (R1) said that the plot ratio restriction of the original "REC" zone

was 0.2 whereas that for the new “R(B)5” zone under the subject OZP was 3.5. Hence, the substantial increase in development intensity of the area was against the legitimate expectation of R1. The Secretary clarified that according to the previous OZP, the plot ratio restriction of 0.2 for the original “REC” zone only applied to residential institution use e.g. holiday accommodation. There was no plot ratio restriction for development of recreational facilities in the “REC” zone.

Proposed Marine Centre by R3

58. A Member had the following questions in relation to the proposed marine centre:

- (a) was there any requirement for the development of a public marine centre under the HKPSG?
- (b) had PlanD seriously considered including the proposed marine centre as part of the OZP amendments?
- (c) who would be responsible for the management of a public marine centre?

59. On questions (a) and (b), Ms. Jacinta Woo had the following responses:

- (a) there was no standard under the HKPSG for the setting up of a marine centre based on certain population figure;
- (b) PlanD had already consulted relevant policy bureau and government departments on the public marine centre proposed by R3. HAB and LCSD, instead of THB, were consulted on the proposal as it was considered that the proposed marine centre was a recreational facility which did not relate to transport policy; and
- (c) three important elements had been taken into account when assessing the marine centre proposal, i.e. whether there was a need; whether the

location was suitable and whether there were technical assessments demonstrating that the proposal was feasible. Regarding the need, HAB and LCSD advised that there was no plan for the development of a public marine centre. For the location, even if there was policy support for a public marine centre and a territorial need was justified, PlanD still needed to carry out a study covering the whole of Hong Kong in order to identify a suitable site, instead of just focusing on Pak Shek Kok. As regards the technical feasibility, there was no detailed technical assessment submitted by R3 to confirm the feasibility of the proposed marine centre at Pak Shek Kok.

60. On questions (b) and (c), Mr. Paul Zimmerman (R3) had the following responses:

- (a) when presenting his plan for marine facilities for the entire Hong Kong to the PlanD in 2010, he was told that there was no policy bureau taking over the subject and it would be difficult for the Government to find funding to do a study for the entire Hong Kong. Hence, at that time, PlanD suggested that he pursued his proposals on individual site basis. Contradictorily, PlanD was saying that a study had to be carried out for the whole of Hong Kong at this meeting;
- (b) while HAB and LCSD advised that there was no plan to develop a marine centre, it did not mean that there was no need for such facilities;
- (c) PlanD said that there was insufficient information in R3's submission to demonstrate that the proposed marine centre was suitable or feasible. However, PlanD had never asked R3 for more information or clarifications; and
- (d) there were alternative ways to manage the proposed marine centre in Pak Shek Kok. Water Sports Council and Tai Po Boat Club would be possible management agents. Besides, the Government could also ask private developers to build the public marine centre when selling other

development sites in Pak Shek Kok. Such requirement could be included in the land sale conditions and the cost could be reflected in the premium. The marine centre could be let out to public organisations after completion and the proposed marine centre could be in place within two years or so. This approach had always been adopted by the Government in the planning and development of Public Transport Interchange.

61. Mr. Ian Brownlee (R3) supplemented that there were many planning proposals with relevant zonings shown on the OZPs but their policy support and implementation mechanism were still not yet confirmed.

[Mr. Rock C.N. Chen and Mr. Timothy K.W. Ma left the meeting at this point.]

Proposed Residential Zone by R3

62. A Member asked if R3 had considered the possible noise impact on the new residential site proposed by them noting that it was near Tolo Highway.

63. Mr Paul Zimmerman (R3) replied that no noise impact would be generated by the proposed marine centre as there would not be any manufacturing and repairing activities and the operation of boats would be subject to various ordinances and controls.

64. Mr. Ian Brownlee (R3) said that adequate noise mitigation measures would be designed by the future developer for the proposed residential site along Tolo Highway similar to other existing residential developments along the same road. He said that R3's proposal was only one of the options for the Board to consider. If necessary, the Board might defer the consideration of the representations and examine their proposal in more detail.

Original "REC" Zone

65. A Member noted in paragraph 7.2.3(f) of the Paper that the sports training facility planned by HAB at the original "REC" zone at Pak Shek Kok would be relocated

to a more suitable site in Whitehead and asked DPO/STN about the nature of the sport training facility and the details of the relocation plan.

66. Ms. Jacinta Woo explained that according to the findings of the Feasibility Study for Pak Shek Kok Development Area (the Pak Shek Kok Study) in 1998, the planning intention of the original “REC” zone was primarily for recreational developments for the use of the general public. Seven types of recreational uses including China ecology centre, ocean dome, aquatic centre, sports stadium, sports complex, event-based recreation ground and passive recreation use (which did not relate to any marine and water sports activities) had been preliminarily considered under the Pak Shek Kok Study. It was considered that uses which would generate noise impact and glare effect or attract a large number of public were not suitable for Pak Shek Kok. The China ecology centre was considered one of the most suitable uses in view of its potential for scientific linkages with the nearby Science Park and the Chinese University of Hong Kong but the proposal had not been taken forward. Subsequently in 2010, the “REC” site at Pak Shek Kok was considered suitable by HAB for the development of team sport venues and training facilities. In 2012, after a land use review conducted by PlanD, another “REC” zone of about 15 ha in Whitehead was identified and considered more suitable by HAB for the development of district-wide recreational and sports facilities. According to the paper submitted by LCSD to DC in April 2013, public consultation was currently undertaken for the proposed uses of the “REC” site in Whitehead including the cycling training complex, cricket ground, baseball ground and water sports centre with storage areas for surfboards, sailing boats, canoes, etc. The site at Whitehead was considered suitable for water sports centre as there were already existing water sports activities in Wu Kai Sha. LCSD would further consult relevant associations on the proposals.

67. Mr. Ian Brownlee (R3) said that the public demand for water sports facilities could not be satisfied by HAB and LCSD alone. Other bodies should also be allowed to take up part of the responsibility. He considered that both the proposed marine centre at Pak Shek Kok and the recreation site at Whitehead were necessary for the benefit of the public.

68. Mr. Paul Zimmerman (R3) considered that the Whitehead site would not be appropriate for water sports activities as it was surrounded by sensitive coastline. There

would be possible adverse environmental and ecological impact. He added that although LCSD was considering expanding its water sports facilities for training of kids in Tai Mei Luk, it would not provide berthing area for boats.

Expansion of Science Park

69. A Member had the following questions in relation to Science Park:

- (a) what was the current utilisation rate of Science Park and how long would the proposed expansion of Science Park be expected to be fully utilised?
- (b) whether R3 could provide any information on his claim that the majority of the occupants of Science Park were not related to scientific research?

70. On question (a), Ms. Jacinta Woo said that she had no readily available information on the current utilisation rate of the Science Park. She said that Phases 1 and 2 of the Science Park had already been completed and occupied while Phase 3 was due for completion by 2016. According to CIT's advice, a site of about 8 ha at Pak Shek Kok was reserved for the future expansion of Science Park. The detailed requirements for the expansion of Science Park were being reviewed by CIT.

71. Mr. Barry Will (R1) said that according to the latest public announcement of Science Park, the occupancy rate of Science Park in August 2012 was near 50% and it was difficult to attract overseas companies to fill up the space. Hence, he said that the Science Park was now under-utilised and there was no need for further expansion.

72. On question (b), the Chairman pointed out that the information on the types of occupants of the Science Park was extracted from one of the newspapers according to R3's presentation.

73. Mr. Ian Brownlee (R3) said that the Government was now subsidizing the science and technology industries within Science Park by using public land which was not justified. The Government should consider moving these industries to other areas such as the new business district in East Kowloon.

74. As the representers, commenters and their representatives had finished their presentations and Members had no further questions, the Chairman said that the hearing procedures had been completed and that the Board would deliberate on the representations in their absence and inform them of the Board's decision in due course. The Chairman thanked them and the Government's representatives for attending the hearing. They all left the meeting at this point.

[The meeting adjourned for a five-minute break.]

Deliberation Session

75. The Chairman invited Members to consider the representations taking into consideration all the written submissions and the relevant oral representations and materials presented at the meeting. However, he reminded Members that since the proposals put forward by R1 at the hearing had not been included in the original representation submitted within the statutory publication period, they should be considered as new submissions and should not be taken into consideration by the Board. This was because the public and government departments did not have a chance to comment on these new proposals. Members concurred.

76. On the proposed public marine centre, the Chairman said that after consultation with relevant bureau/departments including HAB, LCSD and MD, there was no policy bureau to champion the provision of a public marine centre. Hence, if a site was designated for marine centre use on the OZP without policy support, it would only be left vacant and thus lead to a waste of land resources. For the original "REC" zone, since the new site in Whitehead was considered more suitable for the proposed recreational facilities by HAB, it would be prudent for the Government to release the site in Pak Shek Kok for other uses such as housing. Members concurred.

77. A Member said that there was a need to clarify which bureau/department was responsible for the review of the need for a public marine centre, since LCSD was only responsible for training of kids while MD was only concerned with the technical implementation issues. This Member noted R3's claim that he had been raising the issue

for more than ten years. Locationwise, this Member said that there seemed not many sites suitable for the provision of a public marine centre for boat mooring along the coastline of Hong Kong. Unlike Kai Tak or Kwun Tong with strong waves and busy marine traffic, Pak Shek Kok could provide a sheltered and safe berthing place for small boats.

78. The Chairman said that the demand for a public marine centre for boat mooring was raised from time to time. However, there was always competition for use of the scarce land resources among different uses. Since the DEVB had been promoting harbourfront enhancement policy, he suggested and Members agreed to request DEVB to consult THB and HAB on the need for a review of the need and provision of a public marine centre in Hong Kong as a matter separate from today's deliberation on the case.

79. A Member did not support R1 but tended to see the need for a public marine centre in Hong Kong. Noting that there were not many vacant sites along the coastline and the Whitehead site might not be appropriate due to sensitive coastline, Pak Shek Kok could be a suitable site for the development of a public marine centre. It would not only serve the residents in Sha Tin and Tai Po but also the territorial population. The proposal would have some planning gains by creating a synergy with the adjacent Science Park and enhancing the landscape value of the area. In terms of feasibility, this Member considered that further technical assessments would need to be undertaken to address the concerns of MD and EPD on marine traffic, environmental and ecological aspects. This Member also considered that the public marine centre and residential development could co-exist in Pak Shek Kok. If necessary, the plot ratio and building height restrictions of the residential sites could be relaxed to increase housing supply so as to compensate for the land taken up by the marine centre. In this regard, this Member suggested that the Board might consider deferring consideration of the representations so as allow more time for the bureau/departments to consider and assess the matter.

80. Other Members considered that there was a need to seek policy support for the proposed public marine centre and, should that be confirmed, a territorial study should be carried out so as to identify a suitable site for the use. It would not be prudent for the Board to designate a site for such use in Pak Shek Kok only based on the presentations of the representations as it might not be the most suitable site. A Member then asked

whether there would be any flexibility for the Board to review the zonings on the OZP if Pak Shek Kok was later identified as the most suitable site for a public marine centre. The Chairman replied that it was unlikely that the “R(B)5” zoning could be further revised as the residential site might have already been sold by the Government by then. The Secretary clarified that the public marine centre proposed by R3 had two portions, namely the land area for dry-stacking building and the water area for the berthing of boats. The water area was not covered by any OZP and hence was outside the jurisdiction of the Board. However, if necessary, there would still be opportunity to accommodate the proposed marine centre on the water side by extending the OZP boundary. The Chairman said that as long as there was policy support for the provision of a public marine centre, there were many development options for such facilities, even within Tolo Harbour. Another Member agreed and said that Tolo Harbour was very large and there were sites, other than Pak Shek Kok, which might be suitable for the proposed public marine centre. In this regard, the Member who earlier considered that there might be a need to locate a public marine centre at Pak Shek Kok also agreed that, should policy support be granted, a territorial site search should be considered to identify the best location for it.

81. A Member said that the Town Planning Ordinance did not give the Board the power to determine Government policy. This Member agreed that it would not be prudent for the Board to designate a site for the proposed public marine centre at Pak Shek Kok without policy support. This Member said that planning was an on-going process and amendments to the OZP could always be undertaken so as to cater for changing planning circumstances and development needs.

82. The same Member did not support R1 and considered it illogical for R1 to say that there should not be any change to the zonings of the OZP after the development site was sold by the Government. Besides, this Member supported the current “R(B)5” zone on the OZP in view of the pressing demand for housing. The same Member did not support the residential site proposed by R3 along Tolo Highway as the site would be susceptible to traffic noise.

83. Another Member noted that the proposed public marine centre would have public benefit and agreed with the Chairman’s suggestion for DEVB to take it up with the relevant bureau/department separate from the current Board’s deliberation on the case.

84. A Member agreed that there was a need to determine which bureau/department was responsible for the provision of water sports facilities and that the Board should not designate a site in Pak Shek Kok without policy support as there might be other sites more suitable for the proposed marine centre. The same Member did not support R1 and considered that it was the responsibility of the developers and architects to update the sales brochures under the Residential Properties (First-hand Sales) Ordinance, in particular when the development might involve many phases and take a long time to complete.

85. The Chairman summarized Members' views that planning was an on-going process and the land uses of the area had to be reviewed from time to time to meet the changing needs and aspirations of the community. The current OZP amendments with rezoning to residential zones were to meet the pressing need for housing land supply. For Science Park, a site was reserved on the OZP for its future expansion based on the advice of CIT and detailed demand and requirements for such expansion were being examined by CIT. Subject to the findings of CIT, the use of the site could be reconsidered if necessary. As regards public consultation on the OZP amendments, the statutory and administrative procedures for public inspection and submission of representations and comments had been duly followed and there were proper channels for the general public to voice out their concerns under the plan-making process. For the original "REC" zone, the site was no longer required by HAB as the sports training facilities would be relocated to a more suitable site in Whitehead and the Pak Shek Kok site could be released to serve other social needs such as housing, and innovation and technological development. Besides, the provision of GIC facilities would not be adversely affected by the OZP amendments. For the proposed public marine centre, the Board would request DEVB to consult relevant bureau for a review of the need and provision of the marine and water sports facilities including the proposed public marine centre. In view of the above, Members agreed to note the support of R1 but not to support the remaining part of R1 and R2 to R87 and R89 to R349.

86. Members then went through the reasons for not upholding the remaining part of Representation No. R1 and Representations No. R2 to R87 and R89 to R349 as stated in paragraphs 7.2 of the Paper and considered that they should be suitably amended to reflect Members' views at the meeting.

Representation No. R1

87. After further deliberation, the Board noted Representation No. R1's support of the amendments to the Plan but decided not to uphold the remaining part of Representation No. R1 for the following reason:

land uses of the area would be reviewed from time to time to meet the changing needs and aspirations of the community. The present plan-making process allowed the public to make representations and comments. The statutory and administrative procedures concerned had been duly followed. The exhibition of OZP for public inspection and the provisions for submission and hearing of representations/ comments formed part of the statutory consultation process under the Town Planning Ordinance.

Representation No. R2

88. After further deliberation, the Board decided not to uphold Representation No. R2 for the following reasons:

- (a) land suitable for development in Hong Kong was scarce and there was a pressing need for increasing housing land supply. The rezoning of the sites for residential development would better utilise the land resource to meet the pressing housing needs of the community;
- (b) there was sufficient provision of GIC facilities in Tai Po and Shatin districts to meet the local needs. Rezoning of the site to "G/IC" was considered not necessary; and
- (c) Pak Shek Kok was at present well served by road based public transport. The need for provision of railway station in the area should fall under the "Study on the Review and Update of the Railway Development Strategy 2000".

Representation No. R3

89. After further deliberation, the Board decided not to uphold Representation No. R3 for the following reasons:

- (a) land suitable for development in Hong Kong was scarce and there was a pressing need for increasing housing land supply. The rezoning of the sites for residential development would better utilise the land resource to meet the pressing housing needs of the community;
- (b) the rezoning of the sites for residential development would not result in unacceptable adverse visual impact to the Area. The development parameters of the new “R(B)5” zone for residential development were compatible with those of the adjacent residential developments in the area;
- (c) there was no plan to develop a marine centre at Pak Shek Kok and there was insufficient information in the representation to demonstrate that the development of the proposed marine centre would not cause adverse impact on environmental, ecological, marine traffic and safety and pedestrian/vehicular traffic aspects;
- (d) there were sufficient existing and planned open spaces in Pak Shek Kok and rezoning for open space and recreational purpose was not required. Public access to Tolo Harbour from Pak Shek Kok Promenade would not be affected by the amendments to the OZP;
- (f) the sports training facility originally planned by HAB would be relocated to a more suitable site in Whitehead. The provision of regional recreational facilities and the regional function of Pak Shek Kok as a technological hub would not be affected by the amendments;
- (g) there were proper consultation mechanisms for the general public and other interested groups to voice out their concerns under the present

plan-making process. The statutory and administrative procedures for consulting the public on the proposed zoning amendments had been duly followed. The exhibition of OZP for public inspection and the provisions for submission and hearing of representations/ comments formed part of the statutory consultation process under the Ordinance; and

- (h) the proposal to extend the boundary of the OZP and zone part of Tolo Harbour as “OU(MC)” was not related to the amendments incorporated into the OZP.

Representations No. R4 to R87 and R89 to R348

90. After further deliberation, the Board decided not to uphold Representations No. R4 to R87 and R89 to R348 for the following reasons:

- (a) land suitable for development in Hong Kong was scarce and there was a pressing need for increasing housing supply. The rezoning of the sites for residential development would better utilise the land resource to meet the pressing housing needs of the community;
- (b) there was no plan to develop a marine centre at Pak Shek Kok and there was insufficient information in the representation to demonstrate that the development of the proposed marine centre would not cause adverse impact on environmental, ecological, marine traffic and safety and pedestrian/vehicular traffic aspects;
- (c) there were sufficient existing and planned open spaces in Pak Shek Kok and rezoning for open space and recreational purpose was not required; and
- (d) the proposal to extend the boundary of the OZP and zone part of Tolo Harbour as “OU(MC)” was not related to the amendments incorporated into the OZP.

Representation No. R349

91. After further deliberation, the Board noted the view of R349 which was related to an objection to a rezoning application for marine centre but not related to the amendments incorporated in the OZP.

[Ms. Janice W.M. Lai and Ms. Bonnie J.Y. Chan left the meeting at this point while Mr. Stanley Y.F. Wong and Mr. Dominic K.K. Lam returned to join the meeting at this point.]

Agenda Item 5

[Open Meeting]

Request for Deferment of Review Application No. A/NE-TK/432

Proposed House (New Territories Exempted House – Small House) in “Green Belt” zone, Lot 544 in D.D. 28, Tai Mei Tuk, Tai Po

(TPB Paper No. 9384)

[The meeting was conducted in Cantonese.]

92. The Secretary reported that on 9.6.2013, the applicant’s representative wrote to the Secretary of the Board requesting the Board to defer making a decision on the review application for 2 months in order to allow time for him to prepare documents on stormwater and sewage disposal proposals as well as landscape proposal. 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).

93. After deliberation, the Board decided to agree to defer a decision on the review application and the review application would be submitted to the Board for consideration within 3 months upon receipt of the further submission from the applicant. The Board also decided to advise the applicant that the Board had allowed 2 months for preparation of submission of further information and no further deferment would be granted unless under very special circumstances.

Agenda Item 6

[Open Meeting]

Submission of the Draft Fanling/Sheung Shui Outline Zoning Plan No. S/FSS/17A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance (TPB Paper No. 9398)

[The meeting was conducted in Cantonese.]

94. As the proposed amendments were concerned with sites for public housing developments by the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA), the following Members had declared interests on this item:

- | | | |
|--|---|--|
| Mr. Stanley Y.F. Wong | - | being a member of the HKHA and Chairman of the Subsidized Housing Committee of the HKHA |
| Ms. Julia M.K. Lau | - | being a member of the Commercial properties Committee and Tender Committee of the HKHA |
| Professor Edwin H.W. Chan | - | being a member of the Building Committee of the HKHA |
| Mr. Dominic K.K. Lam | - | had business dealings with the HKHA |
| Mr. H.F. Leung | - | had business dealings with the HKHA |
| Ms. Janice W.M. Lai | - | had business dealings with the HKHA |
| Ms. Ophelia Wong
<i>as Director of Planning</i> | - | being a member of the Strategic Planning Committee and the Building Committee of the HKHA |
| Mr. Jeff Y.T. Lam
<i>as Deputy Director of Lands</i> | - | Director of Lands being a member of the HKHA |
| Miss Winnie M.W. Wong
<i>as Principal Assistant Secretary (Transport),
Transport and Housing
Bureau</i> | - | being the representative of the Secretary for Transport and Housing who was a member of the Strategic Planning Committee of the HKHA |

Mr. Eric K.S. Hui - being a representative of the Director of Home
as Assistant Director, Home Affairs who was a member of the Strategic
Affairs Department Planning Committee

95. Members noted that Professor Edwin H.W. Chan, Mr. H.F. Leung, Miss Winnie Wong and Mr. Eric K.S. Hui had tendered apologies for not being able to attend the meeting while Ms. Janice W.M. Lai and Mr. Jeff Y.T. Lam had left the meeting. As the item was on procedural matter, Members agreed that the other Members should be allowed to stay at the meeting.

96. The Secretary introduced the Paper. On 25.1.2013, the draft Fanling/Sheung Shui OZP No. S/FSS/17, incorporating amendments to rezone two sites in Planning Area 27 and Planning Area 49 to “Residential (Group A)1” (“R(A)1”) and “Residential (Group A)2” (“R(A)2”) respectively to facilitate public rental housing developments, was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). Four representations and two comments were received. After giving consideration to the representations and comments on 28.6.2013, the Board decided not to propose any amendment to the draft OZP to meet any representation. Since the representation consideration process had been completed, the OZP was now ready for submission to the Chief Executive in Council (CE in C) for approval.

97. After deliberation, the Board agreed:

- (a) that the draft Fanling/Sheung Shui OZP No. S/FSS/17A and its Notes were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) to endorse the updated Explanatory Statements (ES) for the draft Fanling/Sheung Shui OZP No. S/FSS/17A as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board; and
- (c) that the updated ES was suitable for submission to the CE in C together with the draft OZP.

Agenda Item 7

98. The item was reported under confidential item.

Agenda Item 8

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

99. The Chairman and Members congratulated Mr. Stanley Y.F. Wong and Mr. Stephen H.B. Yau for having been awarded Silver Bauhinia Star, and Dr. C. P. Lau for having been appointed as Justice of Peace on 1.7.2013.

100. There being no other business, the meeting closed at 1:55 p.m.

CHAIRMAN
TOWN PLANNING BOARD