

**Minutes of 1043rd Meeting of the
Town Planning Board held on 18.10.2013**

Present

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

Chairman

Mr Stanley Y.F. Wong

Vice-chairman

Professor S.C. Wong

Mr Timothy K.W. Ma

Mr Rock C.N. Chen

Professor P.P. Ho

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Julia M.K. Lau

Mr Laurence L.J. Li

Mr Roger K.H. Luk

Ms Bonnie J.Y. Chan

Professor K.C. Chau

Dr Wilton W.T. Fok

Mr Sunny L.K. Ho

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Mr Dominic K.K. Lam

Mr Patrick H. T. Lau

Mr H. F. Leung

Mr Stephen H.B. Yau

Mr F.C. Chan

Principal Assistant Secretary for Transport and Housing
Miss Winnie Wong

Deputy Director of Environmental Protection
Mr C.W. Tse

Director of Lands (a.m.)
Ms Bernadette H.H. Linn

Deputy Director of Lands (p.m.)
Mr Jeff Y.T. Lam

Director of Planning
Mr K.K. Ling

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

Secretary

Absent with Apologies

Professor Edwin H.W. Chan

Mr Maurice W.M. Lee

Mr Clarence W.C. Leung

Ms Anita W.T. Ma

Dr W.K. Yau

Mr H.W. Cheung

Mr Ivan C.S. Fu

Ms Christina M. Lee

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

In Attendance

Assistant Director of Planning/Board
Ms Brenda K.Y. Au

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

Senior Town Planner/Town Planning Board
Ms Amy M.Y. Wu (a.m.)
Mr Raymond H.F. Au (p.m.)

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1042nd Meeting held on 4.10.2013

[This item was conducted in Cantonese.]

1. The minutes of the 1042nd Meeting held on 4.10.2013 were confirmed without amendments.

Agenda Item 2

Matters Arising

[This item was conducted in Cantonese]

- (i) Matters Arising (i)

[Closed Meeting]

2. This item was recorded under confidential cover.

- (ii) Draft Tin Fu Tsai Outline Zoning Plan No. S/TM-TFT/C - Preliminary Consideration of a New Plan

[Open Meeting]

3. The Secretary reported that on 4.10.2013, the Board gave preliminary consideration to the draft Tin Fu Tsai Outline Zoning Plan (OZP) No. S/TM-TFT/B. The Board noted that Tin Fu Tsai was a recognized village within the Planning Scheme Area (the Area). While there were village type houses with inhabitants within the Area, as the Area fell with the upper direct water gathering ground (WGG) and there was no existing or planned public sewerage, the Water Supplies Department (WSD) considered that new village type developments within the Area would increase the risk of pollution to the WGG. The Board decided that the existing village type houses with inhabitants in the Area be covered by “V” zone.

4. Following the decision of the Board, the seven existing village type houses with inhabitants were rezoned from “Green Belt” (“GB”) to “V” on the draft OZP. The “V” zones covered an area of about 0.03 ha in total. The area of the “GB” zone was reduced correspondingly from about 53.43 ha to about 53.40 ha. In addition, the Notes of the draft OZP were revised by adding the Notes for the “V” zones, and the Explanatory Statement was revised to include information on the “V” zones. To cater for the special circumstances of the Area, the Notes and planning intention of the “V” zone were tailor-made. The planning intention for the “V” zone was only to reflect the inhabited village type houses. To reflect such planning intention, ‘Eating Place’, ‘Library’, ‘School’ and ‘Shop and Services’ on the ground floor of a New Territories Exempted House (NTEH) were deleted from Column 1 of the Notes of the “V” zone, while only ‘Eating Place’, ‘House (not elsewhere specified)’, ‘Residential Institution’, ‘Shop and Services’ and ‘Social Welfare Facility’ were retained under Column 2.

5. The Secretary raised the following points for Members’ consideration:

- (a) in general, the planning intention for “V” zone was to designate both existing recognized village and areas of land suitable for village expansion and for Small House development by indigenous villagers. The proposed “V” zones in the Area with an intention to cover only the existing village type houses with inhabitants were in fact not recognizing the indigenous village in the Area, not respecting the right of indigenous villagers for Small House development and not allowing for village expansion. The proposal was expected to meet with strong objection from the villagers;
- (b) in addition, under the Covering Notes of the draft OZP, rebuilding of NTEH and replacement of existing domestic building by NTEH were always permitted (paragraphs (8)(e) and (8)(f) of Covering Notes at Appendix II of the Paper). Hence, the seven existing village type houses within the proposed “V” zones could be rebuilt/redeveloped under the Covering Notes, whether or not they were covered by the “V” zones; and

- (c) the proposed “V” zones on the draft OZP could be regarded as a kind of spot zoning and might be subject to legal challenge.

6. The Chairman said that at the last meeting, the Board considered that the existing village type houses should be respected as they existed before the designation of the WGG. However, noting that these existing village type houses could be rebuilt/redeveloped under the Covering Notes of the OZP (whether or not they were covered by the “V” zones), the Chairman invited Members to consider whether the scattered “V” zones as shown on the revised draft OZP No. S/TM-TFT/C and its Notes and Explanatory Statement (Appendices I, II and III of the Paper respectively) should be adopted.

7. After consideration, Members generally agreed that the draft OZP No. S/TM-TFT/B (with no “V” zone), its Notes and Explanatory Statement as attached in Appendices I, II and III of TPB Paper No. 9459 considered by the Board on 4.10.2013 were suitable for submission to the Tuen Mun District Council, the Tuen Mun Rural Committee and the Yuen Long District Council for consultation. Their views would be reported to the Board in due course.

- (iii) Approval of Draft Outline Zoning Plans (OZP) and Development Permission Area (DPA) Plan
[Open Meeting]

8. The Secretary reported that on 8.10.2013, the Chief Executive in Council (CE in E) approved the following draft OZPs and DPA Plan under section 9(1)(a) of the Town Planning Ordinance (the Ordinance):

- (a) Lai Chi Kok OZP (to be renumbered as S/K16/16);
- (b) Pak Shek Kok (East) OZP (to be renumbered as S/PSK/11); and
- (c) Yi O DPA Plan (to be renumbered as DPA/I-YO/2).

9. The approval of the above plans would be notified in the Gazette on 18.10.2013.

- (iv) Reference Back of Approved Outline Zoning Plan (OZP)
[Open Meeting]

10. The Secretary reported that, on 8.10.2013, CE in C referred the approved Ma On Shan OZP No. S/MOS/18 to the Board for amendment under section 12(1)(b)(ii) of the Ordinance. The reference back of the OZP would be notified in the Gazette on 18.10.2013.

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

Agenda Item 3

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations to the Draft Tsuen Wan Outline Zoning Plan No. S/TW/30

(TPB Paper No. 9449)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

11. Ms Christina M. Lee had declared her interest on this item as her company had properties in the Tsuen Wan area. Members noted that Ms Lee had tendered apology for not being able to attend the meeting.

12. The Chairman said that other than those attending the meeting, other representers had either indicated that they would not attend the hearing or had made no reply. As sufficient notice had been given to the representers, Members agreed to proceed with the hearing in the absence of other representers.

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

- Mr Wilson Chan - District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), PlanD
- Mr K.T. Ng - Senior Town Planner/Tsuen Wan, PlanD
- Ms Yvonne Leong - Town Planner/Tsuen Wan, PlanD
- Dr Alice Cheung - Air Ventilation Assessment (AVA) Advisor, PlanD

R2 - Chan Han-pan, Legislative Council Member and Tsuen Wan District Council Member

R6 – Tsang Suk Hing

- Hon Chan Han-pan - Representer and representer’s representative
- Mr Kam Ho Kai - Representer’s representative

R8 – Green Sense

- Ms Gabe Ho - Representer’s representative

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

15. With the aid of a Powerpoint presentation, Mr K.T. NG, STP/TW of PlanD, made the following main points as detailed in the Paper:

- (a) the background to the proposed amendments as set out in paragraph 1.1 of the Paper – on 16.5.2013, the draft Tsuen Wan Outline Zoning Plan (OZP) No. S/TW/30 was exhibited for public inspection under section 7 of the Town Planning Ordinance (the Ordinance). The OZP had incorporated the following amendments:
- (i) the rezoning of Tsuen Wan Town Lot (TWTL) 393 (the Site) from “Undetermined” (“U”) to “Comprehensive Development Area (7)” (“CDA(7)”) (Amendment Item A) with the stipulation of building height (BH) restrictions and the designation of a non-building area (NBA) within the zone; and

- (ii) the rezoning of two pieces of land at Sheung Kwai Chung Village from “Open Space” to “Village Type Development” (Amendment Item B);

- (b) a total of 24 representations and no comment were received. All the 24 representations received were related to Amendment Item A. Except one representation (R1) supporting the amendment, the remaining 23 representations (R2 to R24) opposed the amendment. The adverse representations were submitted by Hon Chan Han-pan, Green Sense, residents of Harmony Garden Block 1 (with 238 signatures) and Block 2 (with 78 signatures), and 19 individuals;

- (c) the background relating to the Site under Amendment Item A as detailed in paragraphs 2.1 to 2.4 of the Paper were summarised as follows:
 - (i) the Site (about 1.42 hectare) was located to the west of the junction of Yeung Uk Road and Ma Tau Pa Road in Tsuen Wan. It was originally zoned “Commercial” (“C”) and subject to a maximum plot ratio (PR) of 9.5 on the Tsuen Wan OZP No. S/TW/19;

 - (ii) in response to public aspiration for lower development intensity in the waterfront areas of Tsuen Wan, PlanD commissioned a consultancy study on AVA for the Site (PlanD’s AVA Study) in 2008, which recommended reducing the development intensity of the Site to a PR of 7.6 and accommodating 2 building blocks of about 180.6 metres above Principal Datum (mPD) and 114.1mPD and designation of 3 NBAs to enhance air ventilation in the area (PlanD’s AVA Option);

 - (iii) in 2010, the Tsuen Wan District Council (TWDC) commissioned a separate AVA consultancy study for the area which recommended re-configuring the proposed development at the

Site to maximize the building separations between the proposed buildings (TWDC's Option). TWDC also requested for inclusion of recreational and open space elements in the Site;

- (iv) in view of TWDC's views, the Site was rezoned from "C" to "U" under the draft Tsuen Wan OZP No. S/TW/29 on 24.2.2012 pending review of its land use and development parameters;
- (v) a comprehensive review of the proposed land uses and development parameters of the Site and the surrounding areas was subsequently undertaken by PlanD. The Site was recommended to be rezoned to "CDA" for comprehensive residential cum commercial development with an overall PR of 7.556, designation of a 20m-wide NBA aligned with Chung On Street and a 2-tier BH restrictions of 100mPD and 130mPD respectively for the western and eastern parts of the Site on the two sides of the NBA (Revised Option);
- (vi) on 26.3.2013, TWDC was consulted on the Revised Option. TWDC in general did not object to the proposed "CDA" approach comprising commercial and residential elements but some members had grave concern on the air ventilation impact of the future development and suggested the development of a single tall slim building block at a lower PR. TWDC also requested the provision of not less than 13,000 ft² (about 1,208 m²) public open space (POS) within the Site;
- (vii) taking into account the views of TWDC, PlanD proposed to further refine the development parameters of the Site including reducing the overall PR from 7.556 to 7, widening the NBA from 20m to 38m, increasing the maximum BH for the eastern side of the NBA from 130mPD to 150mPD and the provision of 1,300m² POS (Recommended Option);

- (viii) on 3.5.2013, the Recommended Option together with the views of TWDC were submitted to the Board for consideration. The Board agreed to the Recommended Option and to rezone the Site from “U” to “CDA(7)” with the stipulation of the relevant BH and GFA restrictions, the designation of a NBA as well as the POS provision at the Site (Amendment Item A) ;
- (d) the amendments to the OZP were presented to TWDC on 28.5.2013 and discussed by the Community Building, Planning and Development Committee (CBPDC) of TWDC on 20.6.2013. There were concerns on the creation of ‘wall effect’ and that the 38m-wide NBA at the Site might not be effective. Besides, there were also concerns on the adequacy of parking provision and adequate space for construction of footbridge. A new community hall was proposed at the southwest of the Site;

Grounds of Representations and Representers’ Proposals

- (e) the main grounds of the representations and representers’ proposals as detailed in paragraph 3.2 of the Paper were summarised as follows:

Supportive Representation (R1)

- (i) R1 supported Amendment Item A and requested for early implementation of the proposed development at the Site;

Adverse Representations (R2 to R24)

- (ii) R2 to R24 opposed the rezoning of the Site on the following grounds:

Air Ventilation and ‘Wall Effect’

- the future development at the Site would generate adverse

impact on air ventilation and create 'wall effect';

NBA

- there were concerns on the effectiveness of the 38m-wide NBA at the Site;
- there was a contrary view that the imposition of the NBA was a waste of scarce land resource;

PR/BH

- the PR of the Site (overall PR of 7) was too high;
- the maximum BH of the Site should be at 100mPD or 10 storeys (about 30m);

Need for Commercial /Residential Floor Space

- there was no need to provide commercial use at the Site;
- there was a contrary view that the Site should be for pure commercial development;

Traffic Impact

- the capacity of transport infrastructural facilities in Tsuen Wan had already saturated and any further excessive development in the area would affect the living quality of people;

Representers' Proposals

Use of the Site

- (iii) the whole or part of the Site should be used for open space, park, leisure and cultural facilities;
- (iv) the Site should be developed for a complex building, community facilities, flea market and market building;
- (v) the Site should be used wholly for commercial development;

PR/BH

- (vi) only one building block at a PR of 4.87, or a PR of less than 3 or a lower development intensity should be developed;
- (vii) the BH should be 100mPD or should not exceed 10 storeys (about 30m);

NBA

- (viii) there should be at least two air ventilation breezeways (minimum width of 38m to 40m) with one in the direction of southwest/ towards the waterfront;
- (ix) the 38m-wide NBA at the Site should be removed/reduced in width;

Footbridge Connection

- (x) a footbridge should be provided connecting the Site and nearby residential/commercial developments and the Mass Transit Railway (MTR) West Rail Tsuen Wan West Station;

Responses to Grounds of Representations and Representers' Proposals

- (f) PlanD's responses to the grounds of representations as detailed in paragraph 4.4 of the Paper were summarised as follows:

Supportive Representation (R1)

- (i) R1's support for Amendment Item A was noted;

Adverse Representations (R2 to R24)

Air Ventilation and 'Wall Effect'

- (ii) a 38m-wide NBA was designated at the Site, which was based on PlanD's AVA Study conducted in 2008, to facilitate the penetration of south-westerly wind from the Tsuen Wan waterfront through the Site and Chung On Street to Tsuen Wan Town Centre. The future developer would be required to conduct an AVA based on the latest circumstances and data to demonstrate that their design scheme was no worse-off than that under PlanD's AVA Option;
- (iii) with regard to the concern on 'wall effect', the future development would be required to submit a Master Layout Plan (MLP) with supporting Visual Impact Assessment (VIA) to demonstrate that the building layout, bulk, height, etc. of the proposed scheme were acceptable in visual terms;
- (iv) the 2-tier BH restrictions of 100mPD and 150mPD for the Site was not incompatible with the surroundings from the urban design and visual perspectives;

NBA

- (v) the 38m-wide NBA designated at the Site tallied with PlanD's AVA Option in 2008 in terms of alignment and width. The Expert Evaluation on AVA for the Tsuen Wan Area conducted in 2012 had confirmed the importance of the NBA on the air ventilation of the area. With a width of 38m and in alignment with the direction of the inner streets to the north (e.g. Chung On Street), the NBA would allow south-westerly wind to blow through the Site and inner streets into the Tsuen Wan Town Centre;
- (vi) regarding the view that the Site was separated into two parts by the NBA, the whole Site including the NBA should be designed and developed in a comprehensive and well-integrated manner based on a MLP;

PR/BH

- (vii) given the pressing need for housing and commercial land, a lower PR of 4.87 or below would not optimize the utilization of the land resources. After balancing TWDC's views and optimal utilization of scarce land resources to meet the residential and commercial needs, the overall PR of 7 for the "CDA(7)" zone was considered sustainable on visual, air ventilation, traffic and infrastructure aspects;
- (viii) if the permitted PR of 7 for the zone was to be accommodated in a single block, it would result in an excessively tall building (BH of about 350mPD) with mixed commercial and residential uses. The resultant BH would fall short of achieving the intended stepped BH profile for the area;
- (ix) the BH restrictions for the Site were formulated after due

consideration of a number of relevant factors, including topography, existing BH profile, local characteristics, urban design principles, site constraints, development potential of the land involved, etc. The 2-tier BH restrictions of 100 and 150mPD for Site was considered not incompatible with the surrounding developments;

Need for Commercial /Residential Floor Space

- (x) the Site was proposed for residential and commercial development in order to optimize the utilization of scarce land resources to meet the pressing need for housing and commercial floor space;
- (xi) the integration of commercial and residential uses at the Site was considered generally compatible with the land use character in the surrounding areas;

Traffic Impact

- (xii) according to the Commissioner for Transport's assessments, the capacity of roads and junctions in the vicinity should be able to cope with the traffic generated from the development, noting that local improvement works might be required if identified in the Traffic Impact Assessment to be conducted by the future developer;
- (g) PlanD's responses to the representers' proposals as detailed in paragraph 4.5 of the Paper were summarised as follows:

Use of the Site

- (i) the Director of Leisure and Cultural Services advised that there was no imminent need for provision of leisure and cultural facilities at the Site due to the adequate provision in the long term.

Also, there was surplus provision of local open space and district open space in the Tsuen Wan area in the long term. A POS of 1,300m² was already required to be provided at the Site;

- (ii) the Director of Health advised that they would not consider establishing a new health centre in Tsuen Wan District as there was no deficit of such provision in the area;
- (iii) the Director of Social Welfare advised that there was no welfare requirement for additional children and youth centre at the Site;
- (iv) the District Officer/Tsuen Wan, Home Affairs Department considered that it might be more effective and efficient to construct a community hall at the “G/IC” site to the southwest as no rezoning was required;
- (v) the Director of Food and Environmental Hygiene did not support the provision of flea market and market building at the Site as a public market was located in close proximity;

PR/BH

- (vi) the current PR of the “CDA(7)” was considered sustainable. The proposed lower PR of 4.87 or below would not be able to fully utilize the scarce land resources. If an overall PR of 7 had to be accommodated in a single block, it would result in a much taller building which would fall short of achieving a stepped BH profile intended for the area;
- (vii) on the proposal to cap the BH of the proposed development at 100mPD or not exceeding 10 storeys (about 30m), it could not fully utilize the site development potential;

NBA

- (viii) the proposal to remove/reduce the width of the 38m-wide NBA at the Site was not supported. A wider NBA (i.e. about 38m-wide), which corresponded to wider frontage in alignment to the prevailing winds, could improve the directional air ventilation at Chung On Street as compared to the other design options with a narrower NBA;

Footbridge Connection

- (ix) there was a planned footbridge system connecting the MTR Tsuen Wan Station, Tsuen Wan West Station and the nearby developments. The provision of a footbridge to connect the Site with the existing footbridge at the junction of Yeung Uk Road and Ma Tau Pa Road and The Dynasty would form part of the concerned comprehensive footbridge system connecting with the MTR stations; and
- (h) PlanD's views – the support of R1 for Amendment Item A was noted. PlanD did not support R2 to R24 for reasons as detailed in paragraph 6.2 of the Paper.

16. The Chairman then invited representers and their representatives to elaborate on their representations.

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

R2 - Chan Han-pan, Legislative Council Member and TWDC Member

R6 – Tsang Suk Hing

17. Hon Chan Han-pan made the following main points:

- (a) as shown on Plan H-3 of the Paper, there were many planned

comprehensive developments above MTR Tsuen Wan West Station and on the Tsuen Wan waterfront including Sites TW5, TW6 and TW7. Upon completion of all these developments, there would be a total of about 20 building blocks and 6,000 flat units on the waterfront. The locals had repeatedly raised concerns on the ‘wall effect’ and traffic congestion created by these intensive developments. The “CDA(7)” site was the remaining air ventilation opening allowing wind flow into the inner area, which would vanish upon development of the site;

- (b) the 38m-wide NBA at the Site would not be able to direct prevailing wind from the waterfront to the inner area, as it was not oriented towards the waterfront and the wind flow had already been blocked by the development at Site TW7;
- (c) according to the AVA Study conducted by the Hong Kong University of Science and Technology (HKUST) for TWDC, air ventilation in Tsuen Wan would be adversely affected by the planned developments in the area. In particular, the development at the “CDA(7)” site would worsen air ventilation along Yeung Uk Road, Sha Tsui Road and Luen Yan Street by 40%;
- (d) the “CDA(7)” site was the remaining site available for public use. TWDC previously proposed to use the Site as a park for public enjoyment; and
- (e) the single-tower scheme with a PR of 4.87 under TWDC’s Option was recommended and backed up by HKUST’s AVA Study. It would have least impact on air ventilation. However, it was not accepted by PlanD. The development scheme under PlanD’s Recommended Option did not address the public concern on air ventilation. There was no change in PlanD’s scheme in the past 10 years except a reduction in BH which would result in more bulky buildings and could not solve the air ventilation problem.

[Professor P.P. Ho left the meeting at this point.]

R8 – Green Sense

18. With the aid of a Powerpoint presentation, Ms Gabe Ho made the following main points:

- (a) the Site was located in the densely built-up area in Tsuen Wan and lied in the remaining air ventilation corridor in the area. In 2007, the Site was deleted from the Application List for Land Sale in view of the public concern on ‘wall effect’ and air ventilation. However, the Site was recently included in the Land Sale Programme again without any significant reduction in the BH and PR of the proposed scheme. Without a decrease in PR, the imposition of BH restriction would only lead to lower and bulkier buildings intensifying the ‘wall effect’;
- (b) since 2007, the representer had raised concern on the ‘wall effect’ of the intensive developments in Tsuen Wan and the impact on the air ventilation of the inner Tsuen Wan area. With more intensive developments in the future, two ‘walls’ would be created on the Tsuen Wan waterfront, i.e. the first ‘wall’ comprising developments above Tsuen Wan West Station Sites TW5 (part), TW6 and TW7, and the second ‘wall’ comprising Site TW5 (part), Nina Tower, The Dynasty, Chelsea Court, Indihome and the Site (all more than 40 storeys);
- (c) the old built-up area in Tsuen Wan was now surrounded by the new intensive developments. These new buildings were usually two to five times taller than the old buildings. The air ventilation and living quality of the local residents in the inner district were adversely affected;
- (d) the stepped BH concept adopted by PlanD was unreasonable. Higher BH restrictions were imposed on waterfront sites whereas lower BH restrictions were imposed on sites in the inner district (descending from 175mPD, 150mPD, 100mPD to 80mPD);

- (e) without reducing the development intensity of the Site, the effectiveness of imposing a 38m-wide NBA was doubtful. Future developer would try to modify the scheme to maximise the development intensity irrespective of PlanD's requirements, as in the case of the ex-North Point Estate site;
- (f) the Board should take into account the cumulative impact of the development of the Site together with other developments in the vicinity. According to the findings of the AVA Study conducted by HKUST for TWDC, the cumulative impact on air ventilation arising from the four developments at TW5, TW6, TW7 and the Site would be much bigger than the sum of the individual impact of these developments; and
- (g) the Site should be used for open space or low-density development with a PR of less than 3. Only one building block should be allowed at the Site so as to ensure better air ventilation to the inner area.

19. As the presentations from the representer and representers' representatives had been completed, the Chairman invited questions from Members.

Development Schemes

20. The Chairman noted that there was consensus among the general public on the scarcity of land resources and pressing housing need. It was also the Government policy to optimise scarce land resources. In this regard, he asked PlanD whether there were other development options for the Site that could attain the same PR/GFA as stipulated on the "CDA(7)" zone while addressing the concerns of the representers on 'wall effect' and air ventilation.

21. In response, Mr Wilson Chan, DPO/TWK, made the following points:

- (a) over the years, a series of consultations with TWDC were held and PlanD had reviewed and modified the scheme for the Site to address the

concerns and suggestions raised by TWDC and local residents. The proposed development intensity of the Site had been reduced from a maximum PR of 9.5 under the “C” zone to a PR of about 7.6, and then further down to a PR of 7 under the “CDA(7)” zone on the current draft OZP. Also, to address the local concern on the air ventilation impact of the future development, a 38m-wide NBA based on PlanD’s AVA Study was imposed on the Site. The NBA would direct wind flow from the waterfront through the Site to the inner area. Its width was much wider than those of many major roads (excluding pavements), e.g. Yeung Uk Road (about 25m to 36m), Tai Chung Road (about 23m to 32m) and Nathan Road (22m);

- (b) the proposed uses and development parameters for the Site had duly taken into account various factors including the compatibility with the surrounding developments, the recommendation of PlanD’s AVA Study, and the need to optimise the use of land available to meet the pressing needs for housing and commercial floor spaces, as well as the views of TWDC. It was considered appropriate to rezone the Site to “CDA(7)” (with the stipulation of restrictions on BH, GFA and designation of a NBA) to provide proper planning control over the Site. The future development at the Site would be guided by a Planning Brief (PB) which would set out the detailed development parameters and planning requirements. TWDC would be consulted on the draft PB;
- (c) under the Notes of the “CDA(7)” zone, the future developer would be required to submit MLP and supporting technical assessments including AVA for the proposed development to the Board for consideration. Through the planning application mechanism, the development scheme of the Site could be further refined and improved to the satisfaction of the Board. As in the cases of the two “CDA” sites at TW5 and TW6, wider building gaps were proposed on the latest MLPs when compared with the approved schemes adopted in both PlanD and TWDC’s AVA studies; and

- (d) in view of the pressing housing need, R2's proposal for a single-block design with a lower PR of 4.87 and R8's proposal with a PR of less than 3 could not fully optimise the utilization of the land resources. However, if the permitted PR of 7 was to be accommodated in one building block based on a building footprint of 1,378m² as recommended under TWDC's Option, it would result in an excessively tall building as high as 350mPD as shown in a hypothetical scheme displayed at the meeting. The building would be incompatible with the surrounding area and even taller than the existing landmark, i.e. Nina Tower, in Tsuen Wan.

22. Hon Chan Han-pan (R2) made the following points:

- (a) the 38m-wide NBA designated on the "CDA(7)" Site would not be able to direct wind flow from the waterfront to the inner area as the wind corridor towards Chung On Street had already been blocked by the proposed development at Site TW7 and Waterside Plaza. Similarly, another major wind corridor towards Chuen Lung Street had also been blocked by The Dynasty;
- (b) TWDC and the public had not been consulted on PlanD's hypothetical scheme with one building block at a BH of 350mPD. However, he anticipated that local residents would not object to the scheme as a tall and slim building would allow more open space on ground level; and
- (c) TWDC's Option with a PR of 4.87 and a single-block design was backed up by a professional AVA Study conducted by HKUST.

23. In response to a Member's question on the assumptions for the hypothetical scheme with a BH of 350mPD, Mr Wilson Chan said that the scheme had assumed certain percentage of GFA concessions (i.e. 20% for residential and 25% for commercial) and the provision of refuge floors. A building footprint of 1,378m² which amounted to less than 10% site coverage (SC) as recommended under TWDC's Option was adopted. If a 20% SC was adopted as suggested by the Chairman, the BH could theoretically be reduced to

about half.

24. The same Member considered that by adjusting the mix of the commercial and residential floor spaces (i.e. reducing the amount of commercial floor space with higher typical floor height), increasing the building footprint and reducing the percentage of GFA concessions, one building block with a much lower BH of about 200mPD might be possible and this might help address TWDC's concern.

25. Mr Wilson Chan said that the Site was proposed for residential and commercial development in order to optimise the utilisation of scarce land resources to meet the pressing needs for housing and commercial floor spaces. The hypothetical scheme adopted the same GFA restrictions as stipulated under the "CDA(7)" site (i.e. a GFA of not less than 39,365m² for domestic use and a GFA of not less than 59,755m² for non-domestic use) and reasonable typical floor heights of 4m and 3.15m for commercial and residential floors respectively. He said that there was a genuine demand for office floor space in Tsuen Wan as the vacancy rate for office premises in Tsuen Wan (3%) was lower than the territorial average (6%) and some commercial centres (e.g. Nan Fung Centre) were already fully occupied.

26. Hon Chan Han-pan, however, said that there was currently no shortfall of commercial floor space in Tsuen Wan, given that there were two new office buildings at Chai Wan Kok Street and other upcoming commercial developments in the "CDA" sites at Wang Wo Tsai Street. Mr Wilson Chan clarified that the two new buildings at Chai Wan Kok Street were in fact industrial buildings under the approved building plans.

27. Mr Wilson Chan said that under PlanD's Recommended Option, the commercial building was located at the eastern part of the Site so as to serve as an environmental buffer against noise and air pollutant for the residential building in the western portion. Hon Chan Han-pan, however, considered that the commercial building with a BH of 150mPD at the eastern part of the Site would create 'wall effect' to the surrounding developments.

28. In response to a Member's query on the size of building footprint for the "CDA(7)" site, Mr Wilson Chan said that the size of the building footprint would be

subject to detailed design by the future developer. The “CDA” zone only stipulated GFA restrictions.

29. Hon Chan Han-pan said that under PlanD’s AVA Option in 2008, there was a SC restriction of 20% for future development. However, no SC restriction was imposed on the current “CDA(7)” zone and this would result in bulky and short buildings at the Site.

30. In response to a Member’s query, Hon Chan Han-pan advised that there was no detailed design for the single block development under the TWDC’s Option. The block layout was used to conduct the AVA.

AVA

31. In response to the Chairman’s question, Dr Alice Cheung, PlanD’s AVA Advisor, said that the width and alignment of the 38m-wide NBA at the Site was to reflect the recommendation of PlanD’s AVA Study in 2008. Given the low wind velocity ratio (VR) in the inner Tsuen Wan area, such NBA was considered important in directing wind flow from the waterfront area via Chung On Street to the inner Tsuen Wan area. She commented that although the tall building with a BH of 350mPD under the hypothetical scheme might not have adverse air ventilation impact on its immediate surroundings, generally such tall building would create adverse air ventilation impact in the area farther apart. Hon Chan Han-pan, however, did not agree and said that it would be premature to comment on the air ventilation impact of a tall building block at the Site without conducting an AVA.

32. A Member asked whether R2 considered that the AVA Study conducted by HKUST for TWDC was more reliable than that of PlanD. Hon Chan Han-pan said that Computational Fluid Dynamics (CFD) adopted by PlanD in its AVA Study was only computer simulations based on different assumptions and parameters. The assumptions and findings were less accurate as compared with the Wind Tunnel test conducted by HKUST for TWDC which was based on a more realistic model. Dr Alice Cheung, however, said that both CFD and Wind Tunnel test were modelling methods based on different assumptions and parameters. In determining the assumptions for CFD, PlanD’s

AVA expert had made reference to international practices and literature. Similarly, it would also be necessary for HKUST to make assumptions in setting up the model for the Wind Tunnel test. Due to two different modelling methods, wind pattern and wind direction were shown in PlanD's CFD analysis whereas wind velocity of specific test points at street level were provided in HKUST's Wind Tunnel test. In any event, their accuracy would depend on the assumptions and information used in the assessment.

33. A Member asked whether HKUST had adopted the most up-to-date information in conducting the AVA Study for TWDC, given that there were latest changes on the MLPs for the neighbouring developments at Sites TW5 and TW6 as shown by PlanD. Hon Chan Han-pan said that the AVA Study conducted by HKUST was based on the old MLPs at the time of the AVA Study. However, he considered that the changes on the latest MLP for Site TW6 were negligible as the building gap was only widened from 15m to 20m.

34. In reply to a Member's question, Hon Chan Han-pan replied that there was no NBA requirement under HKUST's AVA Study. The AVA Study only recommended a single-block design at either Position 1 or Position 2 of the Site (Drawing H-2 of the Paper).

35. Another Member asked whether a two-block design scheme had been tested by HKUST in the AVA Study. Hon Chan Han-pan replied that the AVA Study had originally assessed a two-block design scheme but concluded that it would worsen air ventilation of the area by 40%. HKUST recommended that a single-block design would have the least adverse impact on air ventilation and the scheme was accepted by the locals. He said that the public did not object to development of the Site in view of the scarce land resources but wanted to ensure a better designed scheme.

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

36. Two Members asked how air ventilation impact could be quantified and whether there were any performance criteria for assessing different development options in the AVA studies. Dr Alice Cheung said that air ventilation impact normally referred to the thermal comfort enjoyed by the pedestrians related to wind velocity and air temperature.

In an AVA, VR, instead of absolute velocity, would be used to assess the relative impact of different options. Two levels of air ventilation impact would be compared, i.e. the immediate area and the surrounding areas. There were currently no standard performance criteria in terms of absolute velocity or VR for assessing development options under the Technical Guide for AVA for Developments in Hong Kong. However, an AVA should be able to identify the best option by comparing VRs under different design options. Hon Chan Han-pan said that according to his measurement in 2010 and 2011, air temperature during summer in Tsuen Wan was as high as 40°C.

37. Another Member asked whether PlanD had assessed the air ventilation impact if the NBA was shifted westward to align with the Tsuen Wan Park and more space was provided for building development at the eastern portion of the Site abutting Ma Tau Ma Road. Dr Alice Cheung said that five development options had been assessed under PlanD's AVA Study, and it was concluded that the option with two building blocks above a podium would hinder air ventilation. Hence, a two-block design without podium together with a 38m-wide NBA aligning Chung On Street was recommended. This NBA aligning with Chung On Street would direct prevailing wind from the waterfront via the NBA and Chung On Street to the inner area. Apart from summer prevailing wind from the south-west, wind from other directions might also pass through this NBA into the inner area. In addition, a 25m wide and 20m high opening was proposed for the residential block under PlanD's Recommended Option to act as an air path at pedestrian level to improve the ventilation at Tsuen Wan Park under northerly and easterly winds.

38. A Member asked whether special design measures could be adopted on the lower levels of the two building blocks so as to facilitate wind permeability. The Chairman said that future developers could incorporate special design measures as they wished in their future development scheme for the Board's approval. The Secretary remarked that no building structures above ground would be allowed within the NBA. Mr Wilson Chan said that in order to facilitate air ventilation, no podium design would be permitted in the future development of the Site and this requirement would be stipulated into the PB.

39. As the representer and representers' representatives had finished their presentations and Members had no further questions, the Chairman said that the hearing

procedure had been completed and that the Board would deliberate on the representations in their absence and inform the representers of the Board's decision in due course. The Chairman thanked them and the Government's representatives for attending the hearing. They all left the meeting at this point.

Deliberation Session

40. 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.

41. Noting that the scheme under the TWDC's Option with a SC of only 10% would not be able to optimize the use of scarce land resources, the Chairman invited Members to consider whether there were other development options to address the local concerns. Besides, he also asked the Secretary whether the current planning mechanism could provide more flexibility for the future development of the Site. The Secretary said that as long as the Board could determine the planning intention and requirements for the future development of the Site, appropriate provisions could be made under the OZP and its Notes.

42. A Member said that a development option with one building block at a BH of about 260mPD (75 storeys), a PR of about 7.25 (50% domestic and 50% non-domestic) and a SC of 15% might be possible to address the concerns of the local public.

43. A Member asked whether there was any precedent case for the development of one building block with mixed commercial/residential use. In response, another Member advised that mixed office/hotel buildings could be found in Hong Kong (e.g. The Cullinan at Kowloon Station) and overseas, but it was uncommon to have development of mixed office/residential buildings. This was because the office use involved public realm whereas the residential use involved private realm. It was thus unlikely that the two uses could be put together in one building. This Member added that a building footprint of 2,000m² or more would normally be required for an office building but the same footprint would be too large for residential use. As such, a mixed office/residential building for the Site might not be feasible. Generally speaking, a building for a dedicated use would be

more efficient than a mixed-use building.

44. The Secretary said that the Site was proposed by PlanD for residential and commercial development in different blocks to optimize the utilization of scarce land resources to meet the pressing need for both housing and commercial floor spaces. Hence, a pure commercial building with a PR of 7 at the Site was not supported by PlanD.

45. A Member did not support the development of one building block with a PR of 7 at the Site as there was no information to demonstrate that it would be better than a two-block design. Besides, from developers' perspective, it might not be commercially viable to construct another landmark building next to Nina Tower. However, this Member had no objection if flexibility would be given to the future development of the Site.

46. Mr K. K. Ling, Director of Planning, said that according to DPO/TWK, no podium design would be permitted for the future development of the Site and this requirement would be stipulated in the future PB. Hence, in addition to the designated NBA, there would be more open space on ground level to facilitate air ventilation.

47. A Member said that with different AVA methodologies and assumptions, it would not be meaningful to compare the findings of the AVA studies under the TWDC's Option and PlanD's Recommended Option. The findings of the AVA to be undertaken by the future developer might also vary when more detailed design came up. Also, PlanD's AVA Advisor had confirmed that there were no standard performance criteria under the Technical Guide for AVA for assessment of different options. Under such circumstances, this Member supported the imposition of a 38m-wide NBA on the "CDA(7)" site which could provide a broad control for the Site. The NBA aligning with Chung On Street would direct prevailing wind flow from the waterfront via Chung On Street to the inner Tsuen Wan area. With this broad control, this Member had no strong view on whether a one-block or two-block design should be adopted for the future development of the Site.

48. A Member supported the current development control on the "CDA(7)" zone including the imposition of a 38m NBA to direct the wind flow from the waterfront via

Chung On Street to the inner Tsuen Wan area. Besides, a two-block design was preferred to a single-block design.

49. A Member noted that the location of the NBA was a determining factor governing the design of the future development at the Site (i.e. one block or two blocks). This Member considered that the NBA should not be too rigid and suggested shifting its location to align with Tsuen Wan Park so that wind flow could be directed from the waterfront via Tsuen Wan Park to the inner Tsuen Wan area. As compared with the wind flow via Chung On Street, the wind quality via the open space at Tsuen Wan Park might be much better.

50. The Vice-chairman did not support the development of one building block with a BH of 260mPD at the Site. There might also be strong public objection against the ‘wall effect’ of such tall building. In view of the scarce land resources, he considered the current development parameters for the “CDA(7)” zone and the imposition of the 38m-wide NBA had already taken due consideration of all relevant factors and a good balance had been struck. Through the planning application mechanism, future developers could submit their own creative scheme with the support of relevant technical assessments including an AVA for the Board’s consideration. Besides, there was also a provision for minor relaxation of the NBA restriction under the Notes of the OZP.

51. The Chairman concluded that Members generally considered that the current development parameters for the “CDA(7)” zone based on PlanD’s Recommended Option were appropriate and no amendment on the OZP was required.

52. After deliberation, Members noted the support of Amendment Item A by R1. Members did not support R2 to R24 and considered that the draft plan should not be amended to meet these representations. Members then went through the reasons for not upholding Representations No. R2 to R24 as stated in paragraph 6.2 of the Paper and considered that they were appropriate.

Representation No. R1

53. After further deliberation, the Board noted the support of Representation No.

R1.

Representations No. R2 to R24

54. After further deliberation, the Board decided not to uphold Representations No. R2 to R24 for the following reasons:

- “(a) given the strategic location of the Site near the waterfront of Tsuen Wan, it is considered appropriate to rezone the Site to “Comprehensive Development Area (7)” (“CDA(7)”) to provide proper planning control over the Site through the planning application mechanism which requires the submission of Master Layout Plan (MLP) with supporting technical assessments to the Board for approval (R2 to R24);
- (b) the uses and development parameters for the “CDA(7)” zone have taken due consideration of the surrounding land use character, the findings of previous Air Ventilation Assessment (AVA), the assessments of concerned departments and local views. The overall plot ratio (PR) of 7 for the zone is considered sustainable on visual, air ventilation, traffic and infrastructure aspects and would optimize the use of land available to meet the pressing needs for housing and commercial land (R2 to R24);
- (c) the future development at the Site will be guided by a Planning Brief (PB) which set out the detailed development parameters and planning requirements. Tsuen Wan District Council (TWDC) will be further consulted on the draft PB (R2 to R24);
- (d) the width and alignment of the 38m-wide non-building area (NBA) at the Site is to reflect the recommendation of PlanD’s AVA Study. It has taken into account the prevailing wind direction and the alignment of inner streets, and is considered effective in improving the air ventilation in the area (R2 to R24);

- (e) the building height (BH) restrictions of 100mPD and 150mPD for the Site have already taken into account the compatibility of the BH with the surrounding developments. The development potential of the Site could not be fully utilized if a BH of 100mPD or not exceeding 10 storeys (about 30m) is adopted (R2, R5, R7 and R11);
- (f) a single-block design with a lower PR of 4.87 or below cannot optimize the use of scarce land resources. If the permitted PR of 7 is to be accommodated, it will result in an excessively tall building and falls short of achieving a stepped BH profile intended for the area (R2, R5, R6, R8 and R9);
- (g) the capacity of roads in the vicinity would be able to cope with the traffic to be generated from the proposed development at the Site. A Traffic Impact Assessment will be required to be conducted by the future developer at the MLP submission stage to ascertain that the proposed development would not have negative traffic impact on the surrounding areas (R2);
- (h) a footbridge will be provided to connect the Site with the existing footbridge at the junction of Yeung Uk Road and Ma Tau Pa Road and The Dynasty as part of the comprehensive footbridge system in Tsuen Wan for linking up the MTR Tsuen Wan Station, Tsuen Wan West Station and the nearby developments. Such requirement will be stipulated in the PB for the Site (R2, R5 and R12).”

[Mr Laurence L.J. Li and Mr Rock C.N. Chen left the meeting at this point.]

Agenda Item 4

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations to the Draft Clear Water Bay Peninsula North Outline Zoning Plan No. S/SK-CWBN/5
(TPB Papers No. 9460)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

55. The Chairman said that as the meeting was running behind schedule, the representer of R1 had left already. R2 had also indicated that he would not attend the hearing. As sufficient notice had been given to the representers, Members agreed to proceed with the hearing in the absence of the representers.

56. The following representatives from the Planning Department (PlanD) were invited to the meeting at this point:

- | | |
|---------------|--|
| Mr Ivan Chung | - District Planning Officer/Sai Kung and Islands (DPO/SKIs), PlanD |
| Ms Alice Mak | - Senior Town Planner/Sai Kung (STP/SK), PlanD |

57. The Chairman extended a welcome and then invited the representatives from PlanD to brief Members on the background to the representations.

58. With the aid of a Powerpoint presentation, Ms Alice Mak, STP/SK, made the following main points as detailed in the Paper:

- (a) the background of the proposed amendments as set out in paragraph 1.1 of the Paper – on 10.5.2013, the draft Clear Water Bay Peninsula North Outline Zoning Plan (OZP) No. S/SK-CWBN/5 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the

Ordinance). The OZP had incorporated the following amendments;

- (i) the rezoning of a piece of land at the junction of Pik Sha Road and Clear Water Bay Road from “Green Belt” (“GB”) to “Residential (Group C) 10” (“R(C)10”) (Amendment Item A) subject to a maximum plot ratio (PR) of 0.6, a maximum site coverage (SC) of 30% and a maximum building height (BH) of 3 storeys (including carport); and
 - (ii) the rezoning of a piece of land at Pik Sha Road from “GB” to “Government, Institution or Community” (“G/IC”) (Amendment Item B);
- (b) the “R(C)10” site, located at the junction of Pik Sha Road and Clear Water Bay Road, was intended for housing development. It was currently largely formed, paved and vacant with some trees along its eastern and southeastern boundaries. The “G/IC” site, which was to the immediate north of the proposed housing site, was currently occupied by an existing rural-type refuse collection point (RCP), serving the residential developments nearby;
- (c) a total of 2 representations and no comment were received. R1 was submitted by Mr Paul Zimmerman (CEO, Designing Hong Kong Limited) supporting the zoning amendments, while R2 was submitted by Mr Lau Wai-cheung (a Sai Kung District Council Member) objecting the zoning amendments. Both representations were related to the “R(C)10” and “G/IC” sites under Amendment Items A and B;

Grounds of Representations and Representers’ Proposals

- (d) the main grounds of the representations and representers’ proposals as detailed in paragraph 3.2 of the Paper were summarised as follows:

Supportive Representation (R1)

- (i) R1 supported Amendment Items A and B but was concerned that the RCP would create environmental nuisances to the future residents and render the provision of a vehicular access to the “R(C)10” site at Pik Sha Road difficult. Also, the narrow configuration of the “G/IC” site would limit its usable area;

- (ii) R1 proposed to:
 - set back the “R(C)10” site to allow for widening of the section of footpath along Clear Water Bay Road to standard width, and to designate a non-building area within the “R(C)10” site to avoid blockage of sightlines of vehicles leaving Pik Sha Road;

 - rezone the “G/IC” site to “R(C)10”; and

 - identify a new site nearby (e.g. at Pik Sha Road) to accommodate the RCP;

Adverse Representation (R2)

- (iii) R2 opposed Amendment Items A and B as only a small number of flats could be built on the “R(C)10” site. The new flats would be luxury residences and could not meet the housing needs of ordinary citizens. The rezoning proposals would bring difficulties for the future widening of Clear Water Bay Road;

Responses to Grounds of Representations and Representers’ Proposals

- (e) PlanD’s responses to the grounds of representations and representers’ proposals as detailed in paragraph 4.4 of the Paper were summarised as follows:

Environmental Nuisances to “R(C)10” Site (R1)

- (i) the Director of Food and Environmental Hygiene (DFEH) considered it necessary to retain the RCP to serve the existing developments in its immediate vicinity. No suitable alternative site meeting DFEH’s requirements could be identified after conducting a thorough site search for relocating the RCP and bureaux/departments concerned had agreed to retain it;
- (ii) the feasibility of incorporating the RCP into the proposed housing development had been explored. However, in view of the small scale and the low-rise, low-density nature of the proposed housing development, as well as the elongated configuration of the proposed housing site, integration of the RCP into the proposed residential development was considered not desirable;
- (iii) DFEH would enhance the cleansing services and/or upgrade the RCP as appropriate to minimize any possible nuisance to the adjoining proposed housing development;
- (iv) the Director of Environmental Protection had no objection to the zoning amendments from the environmental viewpoint;

Vehicular Access to “R(C)10” Site (R1)

- (v) the “R(C)10” site had a frontage of about 10m along Pik Sha Road, and the Commissioner for Transport (C for T) considered that it was adequate for the provision of a vehicular access from the traffic planning point of view;

Narrow Configuration of the “G/IC” Site (R1)

- (vi) the rezoning of the subject site to “G/IC” was mainly to reflect its

existing use as RCP and the required access for DFEH's refuse collection vehicles (RCVs);

- (vii) the subject RCP was a small scale rural-type facility which had served the area for almost 30 years. The scale of the subject RCP was similar to other RCPs in the vicinity;
- (viii) DFEH confirmed that the present configuration of the "G/IC" site did not pose any difficulty to its daily refuse collection operation;

Footpath Widening and Adequate Sightline for the "R(C)10" Site (R1)

- (ix) on R1's proposal to set back the "R(C)10" site to allow for widening of the section of footpath along Clear Water Bay Road to standard width, the future developer would be required to widen the footpath along this section of Clear Water Bay Road to not less than 2m under the lease;
- (x) on R1's proposal to designate a non-building area within the "R(C)10" site to avoid blockage of sightlines of vehicles leaving Pik Sha Road, C for T considered that adequate sightline could be maintained for vehicles leaving Pik Sha Road;
- (xi) details on footpath widening and provision of adequate sightline along Pik Sha Road would be further worked out amongst departments concerned and incorporated into the land sale conditions for the "R(C)10" site as appropriate;

Land Supply and Housing Need (R2)

- (xii) on 16.1.2013, the Chief Executive announced a number of measures to increase housing land supply in the short to medium-term in his 2013 Policy Address. Review of green belt areas which are devegetated, deserted or formed, and considered

suitable for rezoning for residential use was one of these measures adopted by the Administration to expand land resources;

- (xiii) as the Site was suitable for housing development and was no longer green, it was considered appropriate to rezone the Site for residential use to meet the housing needs of the community. The type of development would be determined by the future developer; and

Widening of Clear Water Bay Road (R2)

- (xiv) C for T advised that there was no traffic justification for widening of this section of Clear Water Bay Road based on the existing and planned land uses. He would keep in view the traffic conditions of the area; and
- (f) PlanD's views – the support of R1 for the Amendment Items was noted. PlanD did not support R2 and R1's proposals for reasons as detailed in paragraph 6.2 of the Paper.

59. The Chairman said that the representer of R1 (Mr Paul Zimmerman) had already left but had requested the Board to consider a note left by him. The note was presented on a visualiser for Members' consideration on which Mr Zimmerman stated that to avoid rezoning and applying for planning approval for moving the RCP by 10 metres, a "ridiculous" sales site was created by the Government with the RCP at the entrance of the town houses and it was irrational.

60. As the presentations had been completed, the Chairman invited questions from Members.

61. The Chairman asked if there was any alternative site in the vicinity suitable for the relocation of the RCP. By referring to an aerial photo, Mr Ivan Chung, DPO/SKIs, said that the area in the vicinity was zoned "Conservation Area" ("CA") which was not suitable for the relocation of the RCP as it would have adverse impact on the existing

vegetation and areas of conservation value. Besides, FEHD had advised that the existing RCP was serving the low-rise and low-density residential developments along Pik Sha Road, and relocating it farther away would create inconvenience to the residents. In this regard, FEHD considered it necessary to retain the RCP at the present location. He said that if the RCP was to be shifted, it would also affect the existing vegetation in the “CA” zone. Similarly, relocating it to the area on the other side of Pik Sha Road, as suggested by a Member, was also not suitable as the area was zoned “GB”.

62. A Member commented that as the “R(C)10” site only had a frontage of about 10m along Pik Sha Road, it might be more appropriate to provide a vehicular access at Clear Water Bay Road for the “R(C)10” site, rather than at Pik Sha Road. Mr Ivan Chung said that during the preparation of the land sale conditions for the “R(C)10” site, C for T advised that a vehicular access at Clear Water Bay Road would affect the traffic flow along this major road and a vehicular access at Pik Sha Road was considered more suitable from the traffic engineering point of view. He said that the number of car parking spaces provided for the “R(C)10” site would be small since it was estimated that only two houses and a total of four units would be developed for the site.

63. In response to a Member’s query on the future upgrading of the RCP, Mr Ivan Chung said that FEHD would enhance the cleansing services and upgrade the building materials of the RCP as appropriate to minimize any possible nuisance to the proposed housing development at the “R(C)10” site. On the possibility to request the future developer to reconstruct the RCP, Mr Chung said that as the existing RCP was only a small scale rural-type facility serving the local area, it might not be practicable for the developer to construct an urban-type facility of a larger scale.

64. As Members had no further questions, the Chairman said that the hearing procedure had been completed. The Chairman thanked the Government’s representatives for attending the hearing. They left the meeting at this point.

Deliberation Session

65. The Vice-chairman said that the “G/IC” site was mainly to reflect the existing use as RCP and the required access for DFEH’s RCVs. The existing arrangement was

acceptable to concerned government departments. As such, he did not support R1's proposal to relocate the RCP. Other Members concurred.

66. After deliberation, Members noted the support for the Amendment Items by R1 and agreed to advise R1 on the responses to his concerns as stated in paragraph 6.1 of the paper. Members did not support R2 and R1's proposals and considered that the draft plan should not be amended to meet these representations. Members then went through the reasons for not upholding Representation No. R2 and R1's proposals as stated in paragraph 6.2 of the Paper and considered that they should be suitably amended.

Representation No. R1

67. After further deliberation, the Board noted the support of Representation No. R1 and agreed to advise R1 of the following responses to his concerns:

- “(a) the existing refuse collection point (RCP) is serving and well received by nearby residents, and no complaint on sanitary condition and odour problem has been received in the past 3 years. To further improve the condition, DFEH will enhance the cleansing services and/or upgrade the RCP as appropriate to minimize any possible nuisance to the adjoining proposed housing development. The zoning amendments will not result in environmental nuisances to the “R(C)10” site;
- (b) the frontage of the “R(C)10” site along Pik Sha Road is adequate for the provision of vehicular access to the planned residential development there; and
- (c) rezoning of the site to “G/IC” is to reflect its existing use as a rural-type RCP and the required access for refuse collection vehicles. The present configuration of the “G/IC” site does not pose any difficulty to the daily refuse collection operation.”

68. The Board decided not to uphold R1's proposals for the following reasons:

- “(a) relevant conditions on footpath of 2m wide along Clear Water Bay Road has been incorporated into the land sale conditions for the “R(C)10” site and provision of adequate sightline for the “R(C)10” site are detailed design matters that will be worked out amongst concerned departments, as appropriate; and
- (b) a thorough site search has been carried out but no suitable alternative site could be identified for relocating the existing RCP. It is also necessary to retain the RCP in-situ to continue the provision of refuse collection service to residential buildings in its vicinity.”

Representation No. R2

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

- “(a) on 16.1.2013, the Chief Executive announced a number of measures to increase housing land supply in the short to medium-term in his 2013 Policy Address. Review of “GB” areas which are devegetated, deserted or formed, and considered suitable for rezoning for residential use is one of these measures adopted by the Administration to expand land resources. As the Site is suitable for housing development and is no longer green, it is considered appropriate to rezone the Site for residential use to meet the housing needs of the community. The type of development will be determined by the future developer; and
- (b) there is no traffic justification for widening of this section of Clear Water Bay Road fronting the “R(C)10” site based on the existing and planned land uses of the area. The traffic conditions of the area will be kept in view.”

Agenda Item 5

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations to the Draft Wan Chai North Outline Zoning Plan No. S/H25/3

(TPB Papers No. 9455)

[The hearing was conducted in English and Cantonese.]

Presentation and Question Session

70. As one of the amendment items on the draft Wan Chai North Outline Zoning Plan (OZP) No. S/H25/3 related to the Exhibition (EXH) Station site of the Shatin to Central Link (SCL)/North Island Line (NIL) to be operated by the Mass Transit Railway Corporation Ltd. (MTRCL), the following Members had declared interests on this item:

- | | | |
|-----------------------------------|---|---|
| Miss Winnie Wong | - | being an assistant to the Secretary for |
| <i>as the Principal Assistant</i> | | Transport and Housing who was a |
| <i>Secretary for Transport</i> | | Non-executive Director of MTRCL |
| <i>and Housing</i> | | |
| Mr Dominic K.K. Lam |] | |
| Mr Patrick H.T. Lau |] | had current business dealings with MTRCL |
| Ms Janice W.M. Lai |] | |
| Professor S.C. Wong | - | being the Director of the Institute of |
| | | Transport Studies of the University of Hong |
| | | Kong and MTRCL had sponsored some |
| | | activities of the Institute |

[Miss Winnie Wong, Mr Patrick H.T. Lau and Ms Janice W.M. Lai left the meeting while Mr Dominic K.K. Lam left the meeting temporarily at this point.]

71. Members noted that Miss Winnie Wong, Mr Patrick H.T. Lau and Ms Janice W.M. Lai had left the meeting and Mr Dominic K.K. Lam had temporarily left the meeting for this item. Members agreed that Professor S.C. Wong's interest was indirect,

he should be allowed to stay at the meeting.

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

- Mr Louis Kau - District Planning Officer/Hong Kong (DPO/HK),
PlanD
- Miss Elsa Cheuk - Chief Town Planner/Special Duties (CTP/SD),
PlanD

R1 – Pro Plan Asia Ltd.

- Mr Phill Black - Representer's representative

73. The Chairman extended a welcome and explained the procedure of the hearing. He then invited the representatives from PlanD to brief Members on the background to the representation.

74. With the aid of a Powerpoint presentation, Miss Elsa Cheuk (CTP/SD) and Mr Louis Kau (DPO/HK) of PlanD, made the following main points as detailed in the Paper:

- (a) the background of the proposed amendments as set out in paragraph 1.1 of the Paper – on 24.5.2013, the draft Wan Chai North OZP No. S/H25/3 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The OZP had incorporated mainly the following amendments:
 - (i) to rezone the EXH Station site of the SCL/NIL from “Government, Institution or Community (1)” (“G/IC(1)”), “Other Specified Uses” (“OU”) annotated “Railway Station Facilities”, “OU” annotated “Railway Ventilation Building”, “OU” annotated “Amenity Area”, “OU” annotated “Landscaped Elevated Walkway” and areas shown as ‘Road’ to “Comprehensive Development Area” (“CDA”) to preserve the flexibility for allowing the topside development at the EXH

Station site. A new set of Notes was incorporated for the “CDA” zone (Amendment Item A);

- (ii) to rezone a site occupied by the Harbour View International House at 4 Harbour Road from “G/IC” to “G/IC(5)” with the inclusion of ‘Hotel’ and ‘Residential Institution’ under Column 2 of the Notes for the “G/IC(5)” zone (Amendment Item C) in the light of the decision of the Metro Planning Committee (MPC) on a section 12A planning application (No. Y/H25/1); and
 - (iii) to revise the Notes in accordance with the Revised Master Schedule of Notes to Statutory Plans (MSN) and minor boundary adjustment;
- (b) the OZP amendments were presented to the Wan Chai District Council (WCDC) and the Task Force on Harbourfront Developments on Hong Kong Island (the Task Force) of the Harbourfront Commission on 14.5.2013 and 7.6.2013 respectively and their views and PlanD’s responses at the meetings were summarised as follows:

WCDC

- (i) some WCDC members expressed concern on the traffic impact arising from the topside development for convention and meeting facilities. Besides, as the construction of the topside development would only be commenced after the completion of the EXH Station in 2020, some members considered that the rezoning was conducted too early;
- (ii) PlanD responded that the site was well-served by public transport. With the opening of the SCL, Central-Wan Chai Bypass (CWB) and the completion of the road works associated with the Wan Chai Development Phase II (WDII) project, the traffic condition of the area would be improved. The future project proponent was

required to submit a traffic impact assessment as a part of the Master Layout Plan (MLP) submission for approval of the Board at the planning application stage. Besides, the rezoning was to preserve flexibility to allow the topside development at the EXH Station site and it was necessary to tie in with the schedule for detailed design of the station which was underway;

Task Force of the Harbourfront Commission

- (iii) the Task Force in principle supported the rezoning of the EXH Station site to “CDA” to allow more land uses and make the harbourfront vibrant. Some members raised concern on the traffic impact of convention and meeting facilities at the site to the nearby road junctions and the capacity of the existing footbridge system to cater for the pedestrian flow;
 - (iv) PlanD’s responded that the construction of the topside development would be commenced after the completion of the EXH Station in 2020, and the traffic condition of the area would be improved by that time after the opening of the SCL and the completion of road works. Besides, to facilitate pedestrian circulation, a public passageway was proposed at the podium level of the topside development with convenient links to the Hong Kong Convention and Exhibition Centre (HKCEC) Extension, the nearby buildings and the proposed landscaped elevated walkway to be constructed under the WDII project to enhance the north-south and east-west connectivity between the waterfront and the Wan Chai hinterland;
- (c) one representation and no comment were received. The representation (R1) was submitted by Pro Plan Asia Ltd. R1 opposed the Notes of the “CDA” zone and the “G/IC(5)” zone, and the revision to the Notes of the “G/IC” zone in accordance with the Revised MSN;

Grounds of Representation

- (d) the main grounds of the representation as detailed in paragraph 4.2 of the Paper were summarised as follows:

Notes of the “CDA” zone

- (i) R1 opposed the Notes of the “CDA” zone because neither the Notes nor the Explanatory Statement (ES) mentioned that a Planning Brief (PB) setting out the planning parameters and government requirements would be prepared to guide the implementation of the proposed development in the “CDA” zone. However, a PB was required for the smaller and less significant residential/commercial sites in the “CDA(1)” and “CDA(3)” zones on the approved North Point OZP No. S/H8/24;

Notes of the “G/IC(5)” zone

- (ii) R1 opposed the absence of maximum BH restriction for the “G/IC(5)” zone and other “G/IC” zones. Selective imposition of BH restrictions on “G/IC” zones would introduce discrimination and uncertainty into the statutory planning system;
- (iii) all “G/IC” sites on the Wan Chai North OZP occupied visually important sites. Being on the path of prevailing winds, existing/future developments on these “G/IC” zones affected district and local air ventilation. A maximum BH should be applied to all “G/IC” zones, not just the four “G/IC” sites (i.e. “G/IC(1)” to “G/IC(4)”) on the OZP;

Notes of the “G/IC” zone

- (iv) R1 opposed the revision to the Notes of the “G/IC” zone in accordance with the Revised MSN as many uses proposed in

Column 1 were inappropriate due to their nature and significant planning impacts, particularly the inclusion of 'Exhibition or Convention Hall' as a Column 1 use allowing development as of right;

- (v) 'Exhibition or Convention Hall' was once a Column 1 use in the Notes of the "G/IC" zone of the then Wan Chai North OZP No. S/H25/1. Since there were many public objections to the inclusion of 'Exhibition or Convention Hall' as a Column 1 use, the use was moved to Column 2 in the subsequent OZP. It appeared that the amendment was a result of wholesale adoption of the generic uses under the Revised MSN;
- (vi) the principles stated in the guidelines for deciding whether a use should be a Column 1 use included that it should achieve the planning intention, be in line with the planning intention and would support the zoned use locally, be compatible with the zoned use and had no major planning implications. The inclusion of 'Exhibition or Convention Hall' use in Column 1 of the "G/IC" zone did not comply with the above principles;

Green Clause in the "G/IC(1)" zone

- (vii) rezoning of the EXH Station site to "CDA" zone had substantially reduced the size of the "G/IC(1)" zone. To minimize the potential visual impact of the future convention building to the adjoining sites when viewed from Harbour Road, existing trees should be retained, additional tree planting should be introduced and green roofs should be provided for the new Harbour Road Sports Centre (HRSC) and Wan Chai Swimming Pool (WCSP) in accordance with sustainable building design;

Representer's Proposals

- (e) the representer's proposals as detailed in paragraph 4.3 of the Paper were summarised as follows:
- (i) to specify the requirement for a PB to be prepared and approved for the proposed convention and meeting facilities, EXH Station of the SCL/NIL, public transport interchange (PTI) and related facilities in the "CDA" zone;
 - (ii) to specify the maximum BH (i.e. height of existing hotel structure) in the Remarks of the Notes of the "G/IC(5)" zone;
 - (iii) to rezone the Wan Chai Sports Ground site to "G/IC(2)" with a maximum BH of 20mPD;
 - (iv) to transfer 'Exhibition or Convention Hall' use in the Notes of the "G/IC" zone from Column 1 to Column 2; and
 - (v) to add reference to the Notes of the "G/IC(1)" zone which required the provision of sustainable building features such as green roofs and peripheral landscaping within and around the site;

Responses to Grounds of Representation and Representer's Proposals

- (f) PlanD's responses to the grounds of representation and representer's proposals as detailed in paragraph 4.4 of the Paper were summarised as follows:

Notes of the "CDA" Zone

- (i) as set out in TPB-PG No. 17 on 'Designation of "CDA" Zones and Monitoring the Progress of "CDA" Developments', PlanD would prepare a PB for consideration and approval of the Board.

The PB would set out detailed planning requirements to guide the development of the “CDA” site. WCDC and the Harbourfront Commission would be consulted on the PB in accordance with TPB-PG No. 39 on ‘Consultation with District Councils on Planning Briefs’;

- (ii) since the requirement to prepare the PB had already been set out in the TPB Guidelines, it was not absolutely necessary to specify the requirement in the ES. Nevertheless, there was no objection to spell out the requirement in the ES to clearly reflect the above practice;

Notes of the “G/IC(5)” Zone

- (iii) BH restrictions had already been imposed on “G/IC(1)” to “G/IC(4)” since 2007, taking into account the Recommended Outline Development Plan (RODP) of the Wan Chai Development Phase II Planning and Engineering Review (WDII Review). The current amendment to the OZP relating to the “G/IC(5)” zone was to reflect the previous decision of the MPC of the Board on a section 12A planning application (No.Y/H25/1). BH restriction was not part of the amendment to the “G/IC(5)” zone;
- (iv) PlanD would undertake a review with a view to incorporating BH restrictions to guide future development/redevelopment in the entire Wan Chai North area in due course. This was to provide better planning control on the BH upon development/redevelopment and to meet public aspirations for better environment, better air ventilation, and greater certainty and transparency in the statutory planning system. Before such a review was completed, it was premature to stipulate BH restrictions on specific sites;

Notes of the “G/IC” zone

- (v) when the draft Wan Chai North OZP No. S/H25/1 was gazetted in April 2002, no objection was received in respect of putting ‘Exhibition or Convention Hall’ use under Column 1 of the Notes of the “G/IC” zone per se. However, the Board had to re-consider the draft OZP and all objections in view of the Court’s decision on the judicial review of its decision with respect to the reclamation proposals in 2003. In 2007, the Board agreed to adopt the draft revised Wan Chai North OZP No. S/H25/1C incorporating the proposed amendments based on the RODP as a basis for the preliminary consideration of the previous objections;

- (vi) on 29.7.2007, after hearing the objections, the Board decided to propose amendments to the OZP to meet or partially meet the previous objections. ‘Exhibition or Convention Hall’ use was moved from Column 1 to Column 2 use under the Notes of the “G/IC” zone to ensure proper planning control. This was subject to one further objection who opposed to put a wide range of uses, such as ‘Exhibition or Convention Hall’, ‘Flat’, ‘Hotel’ and ‘Office’ in Column 2 of the “G/IC” zone as these uses would intensify the traffic generation in the area. After hearing the objection, the Board decided to partially meet the further objection by deleting some Column 1 and Column 2 uses from the Notes of the “G/IC” zone. Nevertheless, in view of the commercial and business character of Wan Chai North, it was considered appropriate to retain ‘Exhibition or Convention Hall’ and ‘Office’ uses under Column 2 to provide flexibility;

- (vii) in the current OZP amendment, the Notes of the “G/IC” zone were amended to follow the revised MSN in which ‘Exhibition or Convention Hall’ is under Column 1 of the “G/IC” zone. Noting the concerns of the representer, PlanD had reviewed the suitability of putting ‘Exhibition or Convention Hall’ use in Column 1 of the

“G/IC” zone for the Wan Chai North area. Given the unique planning history of the OZP and that the exhibition or convention hall could be a heavy traffic generator, PlanD had no objection to move ‘Exhibition or Convention Hall’ from Column 1 to Column 2 of the “G/IC” zone so as to ensure proper planning control;

Green Clause in the “G/IC(1)” zone

(viii) as the “G/IC(1)” zone was not the subject of amendments incorporated in the OZP, this part of representation was considered invalid. Leisure and Cultural Services Department (LCSD) advised that the design of the HRSC and WCSP to be reprovisioned in the “G/IC(1)” zone had already included greening elements such as green roof and vertical greening; and

(g) PlanD’s views – the part of R1 concerning addition of green clause for “G/IC(1)” zone was considered invalid. PlanD had no objection to R1’s proposal of specifying the PB requirement in the ES of the “CDA” zone and moving ‘Exhibition or Convention Hall’ from Column 1 to Column 2 under the Notes of the “G/IC” zone. PlanD did not support the remaining part of R1 for the reason as detailed in paragraph 6.3 of the Paper.

75. The Chairman then invited the representer’s representative to elaborate on R1’s representation.

76. Mr Phill Black agreed with PlanD’s recommendation that the draft OZP should be amended to partially meet the representation by specifying the requirement for preparation of a PB in the ES of “CDA” zone and amending the Notes of the “G/IC” zone to move ‘Exhibition or Convention Hall’ use from Column 1 to Column 2. Regarding the proposal to specify a maximum BH for the “G/IC(5)” site, he noted that an overall review of the BH restrictions on the draft OZP would be undertaken by PlanD in due course and hence had no further comment to make.

77. As the presentation from the presenter's representative had been completed, the Chairman invited questions from Members.

78. As Members had no questions, the Chairman said that the hearing procedure had been completed. The Chairman thanked the government's representatives and the presenter's representative for attending the hearing. They all left the meeting at this point.

Deliberation Session

79. Members noted that the part of R1 concerning addition of green clause for "G/IC(1)" zone was invalid as it was not the subject of amendments incorporated in the OZP. Members agreed that the draft OZP should be amended to partially meet R1's representation by specifying the requirement for preparation of a PB in the ES of "CDA" zone and amending the Notes of the "G/IC" zone to move 'Exhibition or Convention Hall' use from Column 1 to Column 2 and that the proposed amendments to the Notes and the ES as set out in Annexes VI and VII of the Paper respectively were suitable for exhibition for public inspection under section 6(C)2 of the Ordinance. However, Members did not support the remaining part of R1 and considered that the draft OZP should not be amended to meet the representation. Members then went through the reason for not upholding the remaining part of Representation No. R1 as stated in paragraph 6.3 of the Paper and considered that it was appropriate.

Representation No. R1

80. After further deliberation, the Board noted that the part of Representation No. R1 concerning addition of green clause for "G/IC(1)" zone was invalid as it was not the subject of amendments incorporated in the OZP. The Board agreed to partially meet Representation No. R1 by specifying the requirement for preparation of a PB in the ES of "CDA" zone and amending the Notes of the "G/IC" zone to move 'Exhibition or Convention Hall' use from Column 1 to Column 2. The Board decided not to uphold the remaining part of Representation No. R1 for the following reason:

“the review of the BH restrictions on the OZP will be undertaken in due course.

Before such a review is completed, it is premature to stipulate BH restrictions on specific sites within the area.”

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

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

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

Mr Thomas Chow Chairman

Mr Stanley Y.F. Wong Vice-Chairman

Professor S.C. Wong

Mr Timothy K.W. Ma

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Julia M.K. Lau

Mr Roger K.H. Luk

Ms Bonnie J.Y. Chan

Professor K.C. Chau

Mr Sunny L.K. Ho

Mr Lincoln L.H. Huang

Mr Dominic K.K. Lam

Mr H.F. Leung

Mr Stephen H.B. Yau

Mr F.C. Chan

Deputy Director of Lands (General)

Mr Jeff Y.T. Lam

Deputy Director of Environmental Protection
Mr C.W. Tse

Director of Planning
Mr K.K. Ling

82. As the attendees of agenda items 7 and 9 to 11 had arrived, Members agreed to proceed with items 7 to 11 first.

Sai Kung and Islands District

Agenda Item 7

[Open Meeting (Presentation and Question Session only)]

Further Consideration of Review of Application No. A/DPA/I-TOF/5
Proposed Columbarium in “Government, Institution, or Community” Zone, Lot
47(part) in D.D. 313, 47 Wang Hang Village, Tai O, Lantau Island
(TPB Paper No. 9463)

[The hearing was conducted in Cantonese.]

83. The following Government representatives and the applicant’s representative were invited to the meeting at this point:

Mr Ivan Chung - District Planning Officer/Sai Kung and
Islands, Planning Department (DPO/SKIs,
PlanD)

Mr Cyril K.M. Lui - Engineer/Islands, Transport Department
(E/Is, TD)

Mr Ng Ho Yuen - Applicant’s representative

84. The Chairman extended a welcome and explained the procedure of the

review hearing. Members noted that a letter from Mr Lee Chi Fung, Chairman of the Tai O Rural Committee (TORC), was tabled at the meeting. He then invited DPO/SKIs to brief Members on the application.

85. With the aid of a powerpoint presentation, Mr Ivan Chung, DPO/SKIs, presented the application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission to use an existing 2-storey building (the Premises) in Lung Ngam Monastery (the Monastery) at the application site for columbarium use. The site fell within an area zoned “Government, Institution or Community” (“G/IC”) on the then approved Tai O Fringe Development Permission Area (DPA) Plan No. DPA/I-TOF/2 at the time of the submission of the section 16 application. It was still zoned “G/IC” on the draft Tai O Fringe Outline Zoning Plan (OZP) No. S/I-TOF/1 currently in force;
- (b) on 20.3.2012, the Rural and New Town Planning Committee (RNTPC) of Town Planning Board (the Board) rejected the application for the following reasons:
 - (i) the proposed columbarium did not comply with Town Planning Board Guidelines No. 16 for Application for Development/ Redevelopment within “G/IC” Zone for Uses other than Government, Institution or Community Uses under Section 16 of the Town Planning Ordinance (the Ordinance) in that the applicant failed to demonstrate that the proposed columbarium was sustainable in terms of the capacities of existing and planned transport infrastructure of the area. There was no Traffic Impact Assessment (TIA) in the submission to demonstrate that the proposed columbarium would have no adverse pedestrian and vehicular traffic impact on the surrounding area, particularly during the Ching Ming and Chung Yeung Festivals; and

- (ii) approval of the proposed development would set an undesirable precedent for similar applications within the “G/IC” zone on the DPA Plan. The cumulative impact of approving such similar applications would result in an adverse impact on the capacities of the existing and planned transport infrastructure of the area;
- (c) on 7.5.2012, the applicant applied for a review of the planning application under section 17(1) of the Ordinance. On 19.7.2012, the applicant submitted further information on traffic arrangement for the proposed columbarium in support of the review application;
- (d) on 12.10.2012, the Board considered the review application and noted that the number of niches to be provided was not substantial and the area was only accessible by public transport or private cars with permit. However, the applicant had not provided such information as the estimated number of visitors by different modes of transport, the capacity of ferry services, roads and footpaths, and the proposed traffic and transport arrangements especially crowd control arrangements during Ching Ming and Chung Yeung Festivals. The Board agreed that it was appropriate to consider the application with the support of a TIA so that the traffic impact generated by the proposed columbarium and the mitigation measures could be properly addressed. The Board decided to defer a decision on the application pending submission of a TIA by the applicant;
- (e) on 22.7.2013, the applicant indicated that he would not submit a TIA in support of the review application as he could not afford the fees quoted by the traffic consultants. He requested the Board to exempt the TIA requirement for the application;
- (f) departmental comments – the Commissioner for Transport (C for T) advised that TD was not in a position to comment on the fees

quoted by the traffic consultants for TIA as they were commercial considerations based on a lot of prevailing factors. She concurred with the Board's previous decision that the applicant should submit a TIA to support the application. Other relevant government departments had no objection to or no adverse comment on the application;

- (g) previous application – there was no previous planning application on the site;
- (h) similar applications – there was no similar application for columbarium use within the “G/IC” zone;
- (i) public comments – three public comments were received, including one submitted by the Association for Tai O Environment and Development (ATOED) and two submitted by Green Lantau Association (GLA) which supported/had no objection to the application. ATOED considered that the proposed columbarium would change the local customs and burial traditions by reducing the number of local coffin burials. GLA requested for improvement of toilet provision, incinerator facilities and perimeter fence in Lung Ngam Monastery should the application be approved; and
- (j) PlanD's view – PlanD did not support the review application based on the planning considerations and assessments set out in paragraph 4 of the Paper, which were summarised below:
 - (i) the proposed columbarium use was within an existing two-storey building in Lung Ngam Monastery. Adjacent to the Premises within the “GIC” zone was an existing columbarium building of the Monastery, which had about 1,800 niches and was in existence immediately before the first publication of the draft DPA Plan on 4.6.2010. To the north

of the Monastery were burial grounds for indigenous villagers and Tai O Cemetery. Lung Tin Estate, a major residential development in Tai O and Wang Hang Village, the nearest village, were located about 300m to the west and 70m to the south respectively of the Monastery. The proposed columbarium which formed part of the Monastery was considered not incompatible with the existing GIC facilities within the Monastery and the surrounding areas;

- (ii) with the proposed 1,600 niches in the Premises and the existing 1,800 niches in the 2-storey columbarium building at the immediate northeast, the Monastery would accommodate a total of about 3,400 niches. Although the applicant stated that the proposed columbarium was for non-commercial purpose and would be restricted to serve the residents of Tai O, the grave-sweepers could include other residents living outside Tai O. The Premises was mainly accessible by a local footpath with average width of about 2m leading from Tai O Road in the south and a footbridge leading from Lung Tin Estate in the west. Tai O Road was connected to South Lantau Road which was subject to Closed Road Permit system and there was only limited provision of public transport to the Tai O area. The existing road network, public transport provision and footpaths leading to the Monastery might not be able to accommodate the visitors and grave-sweepers during festive seasons;

- (iii) the applicant stated that no significant traffic flow would be generated by the proposed columbarium and the ferry company, bus company and the responsible District Council members would propose solutions to tackle the crowd increase during Ching Ming and Chung Yeung festivals. However, no concrete traffic management measures were put forth by the applicant in support of the review

application;

- (iv) according to C for T, a TIA was required and the traffic arrangement information submitted had not included any survey data nor addressed the possible traffic impact on the existing vehicular and pedestrian conditions;
- (v) on 12.10.2012, the Board considered that it was more appropriate to consider the application with the support of a TIA despite that the number of niches to be provided was not substantial and the area was only accessible by public transport or private cars with permit;
- (vi) the applicant indicated that he would not submit a TIA to the Board for consideration. C for T concurred with the Board's previous decision that the applicant should submit a TIA to support the application;
- (vii) affordability of the applicant to carry out a TIA was not a relevant planning consideration. In the absence of a TIA, there was insufficient information to address the Board and C for T's concerns and to demonstrate that the proposed columbarium would have no adverse traffic impact on the existing transport infrastructure and provision in the area; and
- (viii) approval of the proposed development would set an undesirable precedent for similar applications within the "G/IC" zone. The cumulative impact of approving such similar applications would result in an adverse impact on the capacities of the existing and planned transport infrastructure of the area.

[Mr Roger K.H. Luk returned to join the meeting at this point.]

86. The Chairman then invited the applicant's representative to elaborate on the review application in particular on traffic issue given that the review hearing was previously deferred by the Board in the absence of a TIA.

87. Mr Ng Ho Yuen, the applicant's representative, made the following main points:

- (a) he was the descendent of one of the founders of the Monastery;
- (b) there was an existing columbarium building built in 1980 within the Monastery. There were about 1,600 niches in the existing columbarium building and about 200 of them were not yet sold and unoccupied;
- (c) after the previous review hearing, fee quotations for conducting a TIA for the proposed columbarium had been obtained from traffic consultants and the fees ranged from about \$250,000 to \$300,000. The fees were not affordable to the Monastery;
- (d) the columbarium of the Monastery was not under private commercial operation. The income from the sale of niches had mainly been used for funding charitable activities, and the repair and maintenance of the Monastery. Relevant government departments had confirmed that no business registration was required for the existing columbarium within the Monastery as it was not a private business operation;
- (e) the Monastery and the columbarium were part of the heritage of the Tai O boat people and the niches were only sold to the local people of Tai O. As stated in the letter of the TORC Chairman, who was also a District Council member, about 80% of the grave-sweepers were residents of Tai O who did not require any vehicle transport to visit the columbarium. Given that Tai O people had the tradition of sweeping several graves of related ancestors at one time, the traffic

flow generated from the grave-sweeping activities would not be significant. There had not been any traffic problem arising from the existing columbarium within the Monastery during Ching Ming and Chung Yeung Festivals. The District Council members would propose solutions to help resolve the traffic problem, if required;

- (f) the increase in traffic flow in Tai O during Ching Ming and Chung Yeung Festivals was mainly caused by tourists visiting Tai O during public holidays but not grave-sweepers;
- (g) at the previous review hearing, the representative of New Lantao Bus Company Limited (New Lantao Bus) had already explained that during festive periods, additional bus services to and from Tai O would be provided by the New Lantao Bus; and
- (h) traditionally, local residents in Tai O preferred burial than cremation. However, as the Tai O Cemetery was located uphill with difficult access and there was frequent hill fire, more elderly people in Tai O accepted cremation nowadays and hence the demand for columbarium had increased in recent years.

88. As the presentation was completed, the Chairman invited questions from Members.

Traffic Aspect

89. In response to the enquiry of the Chairman on the traffic information submitted by the applicant, Mr Ivan Chung said that at the previous hearing, the applicant stated that the ferry company, bus company and local District Council members would propose solutions if traffic problems arose during Ching Ming and Chung Yeung Festivals. There was however no concrete information submitted on the proposed transport arrangement as well as the estimated number of visitors by different modes of transport, the capacity of ferry services, etc. The applicant only indicated that the grave-sweepers were mainly Tai O residents with no other

information on traffic and transport arrangement in support of the review hearing.

90. A Member said that since many in the younger generation of Tai O people had moved out from Tai O, their grave-sweeping activities might entail traffic impacts on the pedestrian access as well as bus and ferry services during Ching Ming and Chung Yeung Festivals. Mr Ng Ho Yuen said that the columbarium would only be used by the people of Tai O. The estimated 20% of grave-sweepers coming from outside Tai O as stated in the letter of the TORC Chairman was considered useful to demonstrate that there should be no significant traffic impacts.

91. The Chairman asked whether the applicant could provide concrete traffic and pedestrian figures to assess the traffic implications of the proposed columbarium. Mr Ng Ho Yuen said that the number of descendents visiting the columbarium would not be substantial given their tradition of sweeping several graves of related ancestors at one time. According to past experience, not many of them would choose to sweep the graves during Ching Ming and Chung Yeung Festivals. The number of visitors to the Monastery would not be more than 200 people at any time during the festive periods. There had not been any traffic problem arising from the existing columbarium within the Monastery in the past.

Need for the Proposed Columbarium

92. Noting that only 1,400 niches in the existing columbarium building had been occupied over the past 30 years and there were still unoccupied niches in the building, the Vice-chairman asked why the proposed columbarium with 1,600 new niches was required. Mr Ng Ho Yuen said that only about 200 niches were unoccupied in the existing columbarium and they were at unfavourable positions of the building such as on the first floor which was not easily accessible for the elderly people, or close to the burner which was not preferred by the worshippers. Since the Tai O Cemetery was located uphill which was not convenient to the elderly people and there was frequent hill fire, more people in Tai O accepted cremation and hence the demand for columbarium had been rising in recent years. Mr Ng continued to say that the Monastery was operated as a tribute to their ancestors and was not making profit from the columbarium. The columbarium would only be used by Tai O people and the

niches would not be sold to the general public even though they were on high demand.

93. In response to a Member's question on the demand for new niches from Tai O people, Mr Ng Ho Yuen said that although there were still unoccupied niches in the existing columbarium, the people of Tai O preferred to wait for the sale of niches in the proposed columbarium which building was completed in 2000. Since the subject columbarium had been included in Part B of the list of private columbaria, planning permission was required. There was a genuine need for the proposed columbarium and a list of potential purchasers for niches in the columbarium had already been drawn up.

94. The Chairman said that if all people would only choose niches at ground floors of columbaria, there would be an ever increasing huge demand for land for columbarium use. Mr Ng Ho Yuen said that the columbaria of the Monastery would only be used by people of Tai O and they would have to accept niches at whatever locations assigned by the manager of the Monastery. Mr Ng also said that there was no plan to develop a third columbarium building within the Monastery.

Price of Niches

95. A Member asked about the sale price and management fee of the niches in the columbarium of the Monastery. Mr Ng Ho Yuen said that he had no information on the price of the niches as that was not part of his work. The columbarium was not operated on commercial basis and the niches were not for sale to the general public. The income arising from the sale of niches would cover the construction cost of the columbarium as well as for maintenance of the Monastery and organising charitable activities such as free vegetarian meals for local people.

96. As the applicant's representative had no further comment to make and Members had no further question, the Chairman informed him that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application in his absence and inform the applicant of the Board's decision in due course. The Chairman thanked the Government representatives and the applicant's representative for attending the meeting. They all

left the meeting at this point.

Deliberation

97. Members considered that the applicant had not provided information on TIA in response to the concern of the Board after the deferment of the hearing on 12.10.2012.

98. A Member supported the application on sympathetic consideration as the proposed columbarium was intended to serve only the people of Tai O. The subject application was a unique case and the traffic impact of the proposed columbarium would be different from other planning applications for columbarium use since Tai O was not accessible by private cars without Closed Road permit. Noting that not more than 200 people would visit the Monastery at any time during festive periods, the traffic impact of the proposed columbarium might not be significant.

99. A Member, while being sympathetic, did not agree to approve the application in the absence of a TIA. Approval of the application might set an undesirable precedent for other similar applications to follow.

100. Another Member said that there was no guarantee that the management of the Monastery would continue to restrict the sale of niches to the people of Tai O in future. Moreover, as there were still some 200 unoccupied niches in the existing columbarium, the need for a new columbarium to meet the demand of local Tai O people was not well justified. Approval of the application without the justification of a TIA would set an undesirable precedent for other similar applications. This Member did not support the review application.

101. The Vice-chairman said that he was sympathetic but the applicant had not provided any information to fulfill the requirement of a TIA. He said that the non-profit making nature of the proposed columbarium was not a relevant consideration as the operation of the columbarium might change in future. As such, it was more appropriate to consider the application with the support of a TIA so that the traffic impact generated by the proposed columbarium and the mitigation measures

could be properly addressed.

102. A Member said that the application was previously deferred by the Board pending submission of a TIA by the applicant. However, except a letter from the Chairman of TORC, no TIA nor any additional traffic information had been submitted by the applicant to support the review application. The Member said that information provided by the applicant was not adequate to address the concern of the Board on the possible traffic impact of the proposed columbarium.

103. A Member said that the public transport service to and from Tai O had improved substantially in recent years and the number of local people living outside Tai O had been increasing. The current operation of the columbarium which was intended for use only by Tai O people might change in future. A TIA would help the applicant to review the traffic condition in the area and identify measures to mitigate. This Member did not agree to approve the application in the absence of a TIA as this was not in line with the Board's practice in considering similar applications.

104. Another Member said that the applicant had not demonstrated effort to submit information on traffic and transport arrangements to meet the concerns of the Board, let alone a TIA. This Member did not support the application.

105. Members also had doubt on the claim of the applicant's representative that worshipping mostly took place outside the two festivals. After further discussion, the Chairman concluded Members' discussion that the application should be rejected on review as the applicant failed to provide a TIA to demonstrate that the proposed columbarium would have no adverse pedestrian and vehicular traffic impact on the surrounding area, particularly during Ching Ming and Chung Yeung Festivals. Approval of the application would set an undesirable precedent for similar applications. Members agreed.

106. After deliberation, the Board decided to reject the application on review. Members then went through the reasons for rejection of the review application as stated in paragraph 5.1 of the Paper and considered that they were appropriate. The reasons were:

- “(a) the proposed columbarium does not comply with the Town Planning Board Guidelines (TPB PG-No.16) for “Application for Development/Redevelopment within “G/IC” Zone for Uses other than Government, Institution or Community Uses under Section 16 of the Town Planning Ordinance” in that the application fails to demonstrate that the proposed columbarium is sustainable in terms of the capacities of existing and planned transport infrastructure of the area. There is insufficient information in the submission to demonstrate that the proposed columbarium would have no adverse pedestrian and vehicular traffic impact on the surrounding areas; and
- (b) approval of the proposed development would set an undesirable precedent for similar applications within the “G/IC” zone. The cumulative impact of approving such similar applications would result in an adverse impact on the capacities of the existing and planned transport infrastructure of the area.”

[Professor K.C. Chau left the meeting at this point.]

Hong Kong District

Agenda Item 8

[Open Meeting]

Request for Deferment of Review of Application No. A/H21/136

Proposed Religious Institute (Redevelopment of Temple) in “Green Belt” Zone,
Government Land, King’s Road, Quarry Bay, Hong Kong

(TPB Paper No. 9448)

[The meeting was conducted in Cantonese.]

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

- Professor S.C. Wong - co-owned a flat with his spouse at Kornhill
- Mr Roger K.H. Luk - owned a flat at Kornhill
- Ms Janice W.M. Lai - owned a flat at Yick Fat Building and two flats at Tai Hing House, Quarry Bay
- Dr Wilton W.T. Fok - owned a flat at Taikoo Shing Road near Taikoo Place
- Mr Dominic K.K. Lam - his office was located in Taikoo Place
- Ms Winnie Wong - owned a flat at Parkvale, Quarry Bay
- Mr K.K. Ling - his brother owned a property at Kornhill

108. As the application was a deferral request submitted by the applicant, Members agreed that the above Members should be allowed to stay in the meeting for this procedural item. Members noted that Ms Janice W.M. Lai, Dr Wilton W.T. Fok and Ms Winnie Wong had left the meeting.

109. The Secretary reported that on 27.9.2013, the applicant wrote to the Secretary of the Town Planning Board (the Board) requesting the Board to defer making a decision on the review application for a period of two months in order to allow time to prepare a geotechnical report to address the slope issues. This was the first request from the applicant for deferment of the review hearing.

110. Members noted that the justifications for deferment met the criteria for deferment as set out in Town Planning Board Guidelines No. 33 on Deferment of Decision on Representations, Comments, Further Representations and Applications (TPB PG-No. 33) in that the applicant needed more time to prepare further information to address technical issues, the deferment period was not indefinite and the deferment would not affect the interests of other relevant parties.

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

Sha Tin, Tai Po & North District

Agenda Item 9

[Open Meeting (Presentation and Question Session only)]

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

House (Private Garden Ancillary to New Territories Exempted House) in “Village Type Development” and “Green Belt” Zones, Government Land Adjoining Lot 595S.A in D.D.14, Tung Tsz, Tai Po

(TPB Paper No. 9445)

[The hearing was conducted in Cantonese.]

112. Mr Stanley Y.F. Wong had declared interest on this item as he co-owned with his spouse a property at Deerhill Bay, Tai Po. Since the property of Mr Wong was located at some distance away from the application site and would not be affected by the application, Members agreed that his interest was indirect and Mr Wong should be allowed to stay in the meeting.

113. The following representative from the Planning Department (PlanD), the applicant and her representative were invited to the meeting at this point:

Mr C.K. Soh - District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), PlanD

Ms Ma Wai Sim - Applicant

Mr Ho Kun Wing - Applicant's representative

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

115. With the aid of a powerpoint presentation, Mr C.K. Soh, DPO/STN, presented the application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission to use the site adjoining a New Territories Exempted House (NTEH) at Lot 595 S.A in D.D. 14 for private garden. The site fell within an area partly zoned "Village Type Development" ("V")(about 85%) and partly zoned "Green Belt" ("GB")(about 15%) on the approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/17;
- (b) on 21.6.2013, the Rural and New Town Planning Committee (RNTPC) of Town Planning Board (the Board) rejected the application for the following reasons:
 - (i) the development was not in line with the planning intention of the "Green Belt" zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. The applicant failed to provide strong planning justifications in the submission for a departure from this planning intention; and
 - (ii) the approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative impacts of approving such applications would

result in general degradation of the natural environment in the area.

- (c) on 23.7.2013, the applicant applied for a review of the planning application under section 17(1) of the Town Planning Ordinance (the Ordinance). The applicant had not submitted any written representation in support of the review;
- (d) the relevant government departments consulted had no objection to or no adverse comment on the application. District Lands Officer/Tai Po (DLO/TP) advised that most of the site was covered by Short Term Tenancy (STT) No. 1383 for private garden purpose with the applicant as one of the tenants. DLO/TP had informed the STT tenants to set back the tenancy area to the area zoned “V”, or otherwise the STT would be terminated. Follow-up action was withheld pending the result of the subject application;
- (e) previous applications – there were five previous applications (A/NE-TK/202, 205, 238, 244 and 337) covering the site for the private garden on temporary basis submitted by the same applicant. Applications No. A/NE-TK/202, 205, 238 and 244 were approved with conditions by the RNTPC on a temporary basis for a period of three years between 2006 and 2008. The planning permission for three of these applications (No. A/NE-TK/202, 205 and 238) were subsequently revoked due to non-compliance with approval conditions. In considering Application No. A/NE-TK/202, sympathetic consideration was given by RNTPC to tolerate the private garden on a temporary basis as the portion of the private garden encroaching onto the “GB” zone was small. Application No. A/NE-TK/337 was rejected by the Board on review on 13.5.2011 for being not in line with the planning intention of the “GB” zone and the applicant’s failure to provide strong planning justifications in the submission for a departure from this planning intention, even on a temporary basis. On 19.7.2011, the applicant filed an appeal to the

Appeal Board Panel (Town Planning)(ABP (Town Planning)) against the Board's decision on Application No. A/NE-TK/337. The appeal was dismissed by the ABP (Town Planning) on 21.9.2012 on grounds similar to the reasons of rejection in the Board's decision;

- (f) similar applications – there were three similar applications (No. A/NE-TK/206, 240 and 399). Applications No. A/NE-TK/206 and 240 were approved by RNTPC between 2006 and 2007 on a temporary basis for a period of three years. Application No. A/NE-TK/399 was rejected by the Board upon review on 30.11.2012;
- (g) public comment – one public comment was received from Designing Hong Kong Limited which objected to the application. The main grounds were that the proposed development was not in line with the intention of “GB” zone; there was no planning justification in support the application; and approval of the application would set an undesirable precedent; and
- (h) PlanD's view - PlanD did not support the review application based on the planning considerations and assessments set out in paragraph 6 of the Paper, which were summarised below:
 - (i) the encroachment of the private garden onto the “GB” zone was not in line with the planning intention of “GB” zone. There was a general presumption against development within this zone. From land use planning point of view, areas zoned “GB” should be retained for public enjoyment rather than be fenced off for private use. The applicant failed to provide strong planning justifications in the submission for a departure from the planning intention of the “GB” zone;
 - (ii) approval of the application would set an undesirable precedent for other similar applications and the cumulative impacts of approving such applications would undermine the planning

intention of the “GB” zone; and

- (iii) whilst four previous applications were approved with conditions by RNTPC on a temporary basis, the last Application No. A/NE-TK/337 was rejected by the Board on review on 13.5.2011. The appeal lodged by the applicant was dismissed by the ABP (Town Planning) on 21.9.2012 mainly on the grounds that using Government land for the applicant’s own private garden was contrary to the planning intention of the “GB” zone; area zoned “GB” should be preserved for passive recreational outlets; and the consequences of allowing the application would set a bad precedent. Since the dismissal of the appeal, there was no change in planning circumstances and no strong planning justifications were provided in the submission to warrant a departure from the decisions of the Board and the ABP (Town Planning).

116. The Chairman then invited the applicant and her representative to elaborate on the review application. Ms Ma Wai Sim, the applicant, made the following main points:

- (a) she was one of the owners of the NTEH adjoining the application site;
- (b) the private garden with hard paving had already existed on the site when she and her husband bought the NTEH more than 10 years ago. Only a small portion in the eastern part of the private garden that encroached onto the “GB” zone required planning permission from the Board;
- (c) as the planning application was to reflect the private garden use which had existed on the site for years, there should be no contravention of the planning intention;
- (d) she had no intention to change the private garden use of the site.

Any change of the existing garden use to other uses might have impact on the ecology of the adjoining wooded areas within the “GB” zone;

[Mr Dominic K.K. Lam left the meeting at this point.]

- (e) approval of the application would not set an undesirable precedent as four previous applications for temporary private garden use on the site had been approved;
- (f) there was no adverse comment on or no objection to all previous applications and the current application from all relevant government departments except PlanD;
- (g) she had been regularly paying rent to LandsD for the subject private garden which was on STT. As the private garden was an existing use and the STT had been in force for over 8 years, it was unreasonable to require submission of planning application for the private garden upon every renewal of the STT;
- (h) there should be Government records on the site for private garden use so that a court ruling on the existing use of the site should not be necessary;
- (i) the Paper did not truly reflect the history of planning applications for the site. The planning permission of Application No. A/NE-TK/238 was not revoked by the Board but was withdrawn of her own accord due to incorrect information provided by government departments. Another fresh application No. A/NE-TK/244 was therefore submitted and subsequently approved by RNTPC with all approval conditions complied with; and
- (j) a public comment from a company objecting to the application was received by the Board but the name and post of the commenter were

not given. The public comment should be disregarded by the Board.

117. Mr Ho Kun Wing, the applicant's representative, made the following main points:

- (a) he was the husband of the applicant and one of the owners of the NTEH adjoining the application site;
- (b) they had been good citizens abiding the laws. They had regularly paid rent to LandsD for the STT and there were no unauthorised building works within the site;
- (c) the application was submitted with the intention to continue the use of the site for the existing private garden;
- (d) some previously approved applications were revoked because he had forgotten to submit an already prepared tree preservation proposal. However, they had complied with the approval conditions of another previously approved application No. A/NE-TK/244;
- (e) after obtaining planning approval for Application No. A/NE-TK/244, he had been reminded by staff of PlanD to comply with the approval conditions and to renew the permission prior to its expiry. He did not understand the reasons why the Government had subsequently changed its stance and rejected application No. A/NE-TK/337, without any change in circumstances;
- (f) the private garden was in good condition and had blended in well with the surrounding environment. He had paid much effort in up-keeping the garden and preserving the trees outside the site within the "GB" zone. He also undertook to remove the fallen leaves and debris from the drainage channel within the "GB" portion of the site to prevent flooding, saving the need for the Government to fix any problems associated with the channel;

- (g) apart from private garden use, the site could not be put to other uses as it was too close to the neighbouring houses. Moreover, any development in the eastern portion of the site might adversely affect the wooded areas in the adjoining “GB” zone;
- (h) he did not understand why such a small-scale application would attract an objection from a commenter. Since the post and signature of the commenter were not given, the public comment should be disregarded by the Board; and
- (i) the Board was requested to give favourable consideration to the application given its background.

118. As the presentation was completed, the Chairman invited questions from Members.

119. The Vice-chairman referred to Plan R-4a of the Paper and asked for the location and zoning of a structure erected beside the garden. Mr C.K. Soh said that the structure was located in the south-eastern part of the application site and fell mainly within the “V” zone with a small part encroaching onto the “GB” zone. Mr Ho Kun Wing said that the structure was only a wall providing a gate access and with a small canopy providing shelter from rain.

120. The Chairman asked when the applicant purchased the NTEH and the land status and condition of the site at that time. Mr Ho Kun Wing said that they bought the NTEH in late 1990s and the site had already been fenced up for garden use at that time. While the previous owner of the NTEH had claimed that the garden was covered by the lease of the NTEH, they only realised that the garden was located on Government land after they bought the NTEH. They then applied to DLO/TP for a STT for using the site as private garden.

121. The Chairman asked if the applicant would consider retreating the boundary of the private garden to within the area zoned “V”. Ms Ma Wai Sim said

that when they purchased the NTEH, they did not know that part of the garden had fallen with the “GB” zone. As they all along intended to maintain the existing private garden use on the site, all the planning applications were submitted based on the boundary and condition of the existing private garden including four previously approved applications. If the portion within the “GB” zone was excluded from the garden, the surrounding environment would be adversely affected.

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

Deliberation

123. A Member said that if the applicant could adjust the site boundary and confine the private garden within the “V” zone, planning permission from the Board would not be required. The Member said that the applicant should be advised to seek professional advice on the matter.

124. Another Member said that the applicant had indicated that she would continue to use the site for private garden use with no intention to make any adjustment to the site boundary. Since the private garden had encroached onto the “GB” zone, the application should not be approved as it was not in line with the planning intention.

125. A Member said that the applicant’s appeal against the decision of the Board to reject Application No. A/NE-TK/337 was dismissed by the ABP (Town Planning) in 2012. It was noted by the ABP (Town Planning) that the applicant had already enjoyed the private garden at the expense of the general public and it was time for the applicant to surrender the site. For the current application, there had been no change in planning circumstances and no strong justifications were provided by the applicant to support a departure from the ABP (Town Planning)’s decision. This Member said that the application should be rejected.

126. To conclude, the Chairman said that Members' views were that the application should be rejected on review as the private garden use was not in line with the planning intention of the "GB" zone and approval of the current application would set an undesirable precedent for similar applications. Members agreed.

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

- “(a) the development is not in line with the planning intention of the “Green Belt” zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. The applicant fails to provide strong planning justifications in the submission for a departure from this planning intention; and
- (b) the approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative impacts of approving such applications would result in general degradation of the natural environment in the area.”

Agenda Item 10

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/DPA/NE-MKT/1

Temporary Open Storage of Construction Materials for a Period of 3 Years in “Agriculture” Zone, Lots 71 S.A RP, 72, 74, 76 (Part), 84 (Part), 94 (Part) and 97 (Part) in D.D.86 and Adjoining Government Land, Muk Wu, Man Kam To (TPB Paper No. 9446)

[The hearing was conducted in Cantonese.]

128. Ms Julia M.K. Lau had declared interest on this item as she had current business dealing with Aikon Development Consultancy Limited, the applicant's consultant. As Ms Lau had no involvement in the subject application, Members agreed that her interest was indirect and Ms Lau should be allowed to stay in the meeting.

129. The following representative from the Planning Department (PlanD), the applicant and his representative were invited to the meeting at this point:

- | | | |
|-----------------|---|--|
| Mr C.K. Soh | - | District Planning Officer/Shu Tin, Tai Po and North (DPO/STN), PlanD |
| Mr Man Sun Ming | - | Applicant |
| Mr Wong Chi Wai | - | Applicant's representative |

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

131. With the aid of a powerpoint presentation, Mr C.K. Soh, DPO/STN, presented the application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for temporary open storage of construction materials on the application site for a period of 3 years. The site fell within an area zoned "Agriculture" ("AGR") on the then approved Man Kam To Development Permission Area (DPA) Plan No. DPA/NE-MKT/3 at the time of the submission of the section 16 planning application. The draft Man Kam To Outline Zoning Plan (OZP) No. S/NE-MKT/1 was currently in force and the "AGR" zoning of the application site remained unchanged;
- (b) on 3.5.2013, the Rural and New Town Planning Committee (RNTPC)

of Town Planning Board (the Board) rejected the application for the following reasons:

- (i) the development was not in line with the planning intention of the “AGR” zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the submission to merit a departure from such planning intention, even on a temporary basis;
 - (ii) the development was incompatible to the surrounding environment which was dominated by rural landscape character with farmlands, pig farm and vegetated hillslopes; and
 - (iii) approval of the application would set an undesirable precedent for other similar applications within the “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area;
- (c) on 5.6.2013, the applicant applied for review of the planning application under section 17(1) of the Town Planning Ordinance (the Ordinance). The justifications put forth by the applicant in support of the review application were highlighted in paragraph 3 of the Paper and summarised below:
- (i) the application site was already utilised for open storage use long before it was zoned “AGR” on the first draft Man Kam To DPA Plan;
 - (ii) it was not viable to rehabilitate the site to agricultural use

from economic and technical viewpoints;

- (iii) the temporary nature of the subject application would not jeopardise the planning intention of the “AGR” zone;
 - (iv) allowing the proposed use could optimise valuable land resources;
 - (v) the proposed use would not be incompatible with the surrounding land uses due to its far distance from sensitive receivers and the newly planted trees along the periphery of the site;
 - (vi) approving the application would not set an undesirable precedent for similar applications due to the distinctive characteristics and background of the application site; and
 - (vii) no other major comments were received from relevant government departments and key local representatives;
- (d) departmental comments – comments from relevant government departments were detailed in section 5 of the Paper and summarised below:
- (i) the Director of Agriculture, Fisheries and Conservation (DAFC) maintained his previous view of not supporting the application from an agricultural development perspective as agricultural life in the vicinity was active and the application site was of high potential for rehabilitation of agricultural activities;
 - (ii) the Chief Town Planner/Urban Design & Landscape, PlanD (CTP/UD&L, LandsD) maintained her reservation on the application from the landscape planning point of view.

Although significant disturbance to the existing landscape resources and character was not anticipated, the proposed use was incompatible to the surrounding rural landscape. Approval of the application might set an undesirable precedent of spreading open storage in the area and would thus erode the rural landscape character and the adjacent vegetated “GB” zone; and

- (iii) other relevant government departments had no objection to or no adverse comment on the application;
- (e) previous application – there was no previous application on the site;
- (f) similar application – there was no similar application within the same “AGR” zone on the OZP;
- (g) public comments – seven public comments were received:
 - (i) two public comments were from a North District Council (NDC) member supporting the planning application;
 - (ii) five public comments, including two from Kadoorie Farm & Botanic Garden and Designing Hong Kong Limited each and one from a villager of Muk Wu Nga Yiu, objected to the application. The main grounds were that the proposed use would be in conflict with the surrounding land uses, setting of undesirable precedent, adverse drainage impact, agricultural land should not be further reduced to safeguard food supply, not in line with the planning intention of the “AGR” zone, and the proposed development would promote a “destroy first, develop later” attitude; and
- (h) PlanD’s view – PlanD did not support the review application based on the planning considerations and assessments set out in paragraph 7

of the Paper, which were summarised below:

- (i) although the application site was largely paved at the time of the gazetting of the draft DPA Plan in July 2010, there was no evidence to support that the site was genuinely used for open storage at the time;
- (ii) the development was not in line with the planning intention of the “AGR” zone, which was intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. The applicant had not provided any strong planning justification in the submission to merit a departure from such planning intention, even on a temporary basis. DAFC did not support the application from an agricultural development standpoint;
- (iii) although significant disturbance to the existing landscape resources and character was not anticipated, the use under application was incompatible to the surrounding rural landscape. Moreover, sensitive receivers were found in the vicinity of the proposed development, including temporary domestic structures to the northwest of the application site across Lin Ma Hang Road and to the west of the application site. CTP/UD&L, PlanD had reservation on the application from the landscape planning point of view;
- (iv) approval of the application would set a precedent resulting in a general degradation of the environment of the area and encourage other similar applications for open storage use within the “AGR” zone. Proliferation of open storage use into this area would defeat the planning intention of the “AGR” zone; and
- (v) while there was support from a NDC member, public

comments against the review application were received.

132. The Chairman then invited the applicant and his representative to elaborate on the review application. Mr Man Sun Ming, the applicant, made the following main points:

- (a) the site had been used for open storage purpose with a few containers deposited on it since 2007 before the first publication of the draft Man Kam To DPA Plan in 2010;
- (b) the agricultural sector had been in decline as demonstrated by the closing down of two vegetable collection depots in the vicinity including one in Sha Ling. Food supply to Hong Kong was mainly provided from China nowadays and fewer people were engaged in agricultural activities for a living;
- (c) it was appropriate for open storage use to locate in rural areas away from residential districts. The open storage use would not entail any adverse environmental impact. No complaints against the subject open storage use from government departments and the public had been received during its operation;
- (d) even the proposed new town developments were incompatible with the rural landscape. A proper balance between development and environmental protection should be struck;
- (e) the area designated for open storage and port back-up uses had been diminishing. The open storage use on the site could provide the necessary support to the building sector; and
- (f) there was no adverse comment on or no objection to the application from most of the Government departments.

133. Mr Wong Chi Wai, the applicant's representative, made the following

main points:

- (a) the site was formed and paved with a few containers deposited on it since 2007 before the first publication of the draft Man Kam To DPA Plan in 2010. The current open storage use of the site should be regarded as an existing use which did not require planning permission from the Board. Since it was the intention of the applicant to comply with all the relevant government requirements, planning permission from the Board was sought;
- (b) it was unreasonable to retain the site for agricultural use as food supply to Hong Kong was mainly provided from China. As only a small population of elderly people were still engaged in agricultural practice, the agricultural sector could not be sustained in the long term. The younger generation would not like to become farmers given the harsh working conditions; and
- (c) as the site was a piece of formed land, its use should be optimised to prevent a waste of scarce land resources. The site could be used as a port back-up area to support the future developments in Yuen Long and North East New Territories.

134. As the presentation was completed, the Chairman invited questions from Members.

135. In response to the question of a Member on the existing use of the site, Mr C.K. Soh said that according to the Chief Town Planner/Central Enforcement and Prosecution of PlanD, the current condition of the site, i.e. formed, paved with bitumen and with a few containers deposited on it, was similar to the site condition recorded when the first draft Man Kam To DPA Plan was gazetted in 2010. There was however no information on whether the site had been actively used for open storage purpose.

136. Mr Man Sun Ming said that since the site was located within the Frontier

Closed Area (FCA) and not readily accessible, it had only been used for storage of those tools which were needed occasionally. Since there had been request from his clients for renting the site for open storage use to support the development of the Lin Tong/Heung Yuen Wai Border Crossing Facilities, the planning application, as a good practice, was submitted to seek approval from the Board. Mr Wong Chi Wai supplemented that while the existing open storage use of the site should not require planning permission from the Board, the planning permission would be useful to facilitate the application for the FCA permit from the Hong Kong Police Force by the applicant.

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

Deliberation

138. A Member said that the open storage use was incompatible with the surrounding rural landscape and not in line with the planning intention of the "AGR" zone. The Member did not support the application.

139. The Chairman said that if the proposed development was an existing use, planning permission from the Board would not be required. Other than seeking planning permission for the open storage use on the site for facilitating the FCA permit application, the applicant could also liaise with the relevant government departments for evidence to support his application for the FCA permit.

140. A Member said that if a FCA permit was granted, the site might be more fully utilised for open storage use, thus resulting in intensification of use on the site. The Secretary said that while the existing use of land would be tolerated provided such use had continued since it came into existence, any intensification of use on the site would constitute a material change in the use and require planning permission from the

Board.

141. Members generally agreed that the applicant had not provided any new information that would merit a change in RNTPC's decision. After discussion, Members agreed that the application for review should be rejected.

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

- “(a) the development is not in line with the planning intention of the “Agriculture” (“AGR”) zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission to merit a departure from such planning intention, even on a temporary basis;
- (b) the development is incompatible to the surrounding environment which is dominated by rural landscape character with farmlands, pig farm and vegetated hillslopes; and
- (c) approval of the application would set an undesirable precedent for other similar applications within the “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.”

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

Tuen Mun & Yuen Long District

Agenda Item 11

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-ST/431

Temporary Retail of Second-Hand Private Cars for a Period of 1 Year in “Village Type Development” Zone, Lots 125 S.C RP (Part), 220 RP (Part), 231 RP (Part) and 306 RP (Part) in D.D.102 and Adjoining Government Land, San Tin, Yuen Long (TPB Paper No. 9447)

[The hearing was conducted in Cantonese.]

143. The following representative from the Planning Department (PlanD), the applicant and his representative were invited to the meeting at this point:

- | | | |
|-------------------|---|--|
| Mr W.S. Lau | - | District Planning Officer/Tuen Mun & Yuen Long (DPO/TMYL), PlanD |
| Mr Man Hok Yin | - | Applicant |
| Ms Cheng Yuk Fung | - | Applicant’s representative |

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

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

- (a) the applicant sought planning permission to use the application site for temporary retail of second-hand private cars for a period of 1 year. The site fell within an area zoned “Village Type Development” (“V”) on the approved San Tin Outline Zoning Plan (OZP) No. S/YL-ST/8 at the time of the section 16 planning application and currently in

force;

- (b) on 19.4.2013, the Rural and New Town Planning Committee (RNTPC) of Town Planning Board (the Board) rejected the application for the following reasons:
 - (i) the planning intention of the “V” zone was to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. The development was not in line with the planning intention of the “V” zone. There was no strong planning justification provided in the submission for a departure from the planning intention, even on a temporary basis;
 - (ii) the development did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (the Ordinance)(TPB PG-No. 13E) in that the site fell within Category 4 areas where application for open storage use would normally be rejected. There were no exceptional circumstances that warranted sympathetic consideration of the application; and
 - (iii) the approval of the application even on a temporary basis would set an undesirable precedent for similar application within the “V” zone. The cumulative effect of approving such application would result in a general degradation of the rural environment of the area;
- (c) on 16.5.2013, the applicant applied for a review of the planning application under section 17(1) of the Ordinance. The justifications put forth by the applicant in support of the review application were

highlighted in paragraph 3 of the Paper and summarised below:

- (i) rejecting the review application would result in 5 number of unemployment;
 - (ii) the services provided, i.e. retail of second-hand private cars, vehicle insurance, vehicle licensing services and driving licence application, etc., were unique in the area and saved the time of local residents from having to travel to Yuen Long town for the services;
 - (iii) the development helped tidying up the once abandoned land with hidden safety issue to the area;
 - (iv) the development was beneficial to local residents and villagers; and
 - (v) a letter from the San Tin Rural Committee (STRC) and a member of Yuen Long District Council (YLDC) supported the review application;
- (d) departmental comments – the relevant government departments consulted had no objection to or no adverse comment on the application;
- (e) previous applications – the application site was the subject of six previous applications (Applications No. A/YL-ST/18, 127, 243, 334, 385 and 428). Four applications (No. A/YL-ST/18, 127, 243 and 334) were approved by RNTPC between 1996 and 2007 for temporary car park or retail of metal-ware. Application No. S/YL-ST/385 for temporary retail of second-hand private cars submitted by the same applicant was approved by RNTPC on 29.1.2010 for a period of two years mainly on the grounds that there were previous permissions at the site and there was no objection from

government departments concerned. The last application No. A/YL-ST/428 for temporary retail of second-hand private cars submitted by the same applicant was rejected by RNTPC on 21.12.2012 on the grounds of not in line with planning intention of the “V” zone, not complying with TPB-PG No. 13E and setting of undesirable precedent. The considerations were that the site fell within Category 4 areas of TPB PG-No. 13E where open storage use would normally be rejected except under exceptional circumstances. Since the applicant did not provide information in the submission to demonstrate that he made effort to identify suitable site to relocate the development, there were no exceptional circumstances that warranted sympathetic consideration;

- (f) similar applications – there were three similar applications within the same “V” zone on the OZP. Two applications (No. A/YL-ST/261 and 320) were approved by the Board upon review in 2004 and 2007 respectively, and one application (No. A/YL-ST/293) was rejected by the Board upon review in 2006;
- (g) public comment – one public comment was received from a YLDC member who supported the application on the grounds that the business of the development provided much needed services to the residents in the area and saved the time of the residents in travelling to the urban area to acquire the services. A similar comment was also relayed by the District Office (Yuen Long); and
- (h) PlanD’s view – PlanD did not support the review application based on the planning considerations and assessments set out in paragraph 7 of the Paper, which were summarised below:
 - (i) the application did not comply with TPB PG-No. 13E in that the site fell within the Category 4 areas where application for open storage use would normally be rejected except under exceptional circumstances;

- (ii) the open storage of private cars prior to sale was not in line with the planning intention of the “V” zone. There was no strong planning justification provided in the review submission for a departure from the planning intention, even on a temporary basis;
- (iii) the application site was in the vicinity of residential dwellings, a school, a temple and open space. The area was of rural character. The continued permission of open storage of vehicles at the site would set an undesirable precedent and attract similar open storage applications within the “V” zone. The cumulative effect would cause degradation of the rural environment of the area;
- (iv) the applicant had not demonstrated that he had made effort to relocate the development both in section 16 and 17 stages. There remained no exceptional circumstances for approving the application;
- (v) since 2008, RNTPC had not approved other similar applications within the same “V” zone; and
- (vi) for the public comment which supported the application, the application should be assessed in accordance with the criteria set out in TPB PG-No. 13E and the nature of the development against the rural character of the surrounding area.

146. The Chairman then invited the applicant and his representative to elaborate on the review application. Mr Man Hok Yin, the applicant, made the following main points:

- (a) the site was located in an easily accessible area close to the Huanggang Port Control Point. A number of vehicles parks each

with hundreds of parking spaces were located in the vicinity of the site to facilitate border crossing activities;

- (b) there were tens of vehicles parked or stored on the site. As the site was mainly used for retail of second-hand private cars, majority of the cars were idle. The traffic impact of the development was therefore insignificant;
- (c) the development helped tidying up and maintaining a good condition for the site;
- (d) the business on the site encompassed a wide range of services including retail of second-hand private cars, vehicle insurance, vehicle licensing services and driving licence application. The business was unique in the area and well received by local residents and transportation companies; and
- (e) the application was supported by STRC and a member of YLDC as the business on the site was beneficial to local residents and villagers.

147. As the presentation was completed, the Chairman invited questions from Members.

148. In response to the questions of the Chairman, Mr Man Hok Yin said that the business on the site had been in operation since 2009. Apart from retail of second-hand private cars, the site was also used as an office for handling the vehicle-related documents of his clients. There were no vehicle repair activities on the site as the repair department of his company was located at another site. The condition of the site was therefore much better than those of the vehicle parks near the Huanggang Port Control Point.

149. A Member enquired about the land use information in the San Tin area and the vicinity of the site. By referring to Plans R-1 and R-2a of the Paper, Mr W.S. Lau said that the application site was located in an area of rural character in the vicinity of

residential dwellings. There were a few sites used for vehicle sale and parking of vehicle within the “V” zone which were unauthorized developments. Container vehicle parks and car parks with planning approvals previously granted by the Board were mainly located in the “Undetermined” and “Green Belt” zones in the north-east of the site near the Huanggang Port. Mr Lau said that no applications for open storage had been approved within the “V” zone since 2008 given that the area fell within the Category 4 areas where application for open storage use would normally be rejected. Since the land available within the “V” zone for Small House development was insufficient to meet the demand forecast in the long term, land zoned “V” should be reserved for Small House development.

150. Noting that the development under application was for a temporary period of one year, a Member asked the applicant whether there was any plan to relocate the development if planning permission was granted. Mr Man Hok Yin said that since the first planning application for the site submitted in 2009, all matters related to planning applications had been delegated to one of his relatives. As such, Mr Man was not aware of the details in the applications. In response to the further enquiry of the Chairman, Mr Man said that there was no plan to relocate the operation from the site.

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

Deliberation

152. Members generally noted that the application did not comply with the TPB PG-No. 13E in that the site fell within the Category 4 areas where application for open storage use would normally be rejected. Since the applicant indicated that there was no plan to relocate the operation, there were no exceptional circumstances for

approving the application for the temporary use for one year. After discussion, Members agreed that the application for review should be rejected.

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

- “(a) the planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. The development is not in line with the planning intention of the “V” zone. There is no strong planning justification provided in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development does not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13E) in that the site falls within Category 4 areas where application for open storage use would normally be rejected. There are no exceptional circumstances that warrant sympathetic consideration of the application; and
- (c) the approval of the application even on a temporary basis would set an undesirable precedent for similar application within the “V” zone. The cumulative effect of approving such application would result in a general degradation of the rural environment of the area.”

[Mr H.F. Leung left the meeting at this point.]

General

Agenda Item 6

[Open Meeting]

Briefing on the Proposed Escalator Project at Pound Lane related to the Approved Sai Ying Pun and Sheung Wan Outline Zoning Plan No. S/H3/29
(TPB Paper No. 9444)

[The meeting was conducted in Cantonese.]

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

- Professor P.P Ho - his spouse owned a flat each at Third Street and Kui Yan Lane
- Mr Clarence W.C. Leung - his mother owned a flat in Sai Ying Pun
- Mr Roger K.H. Luk - being a Council Member of St. Paul's College located in the area

155. As the item was a briefing to Members on the proposed escalator project at Pound Lane, Members agreed that the above Members should be allowed to stay in the meeting and participate in the discussion. Members noted that Professor P.P. Ho had already left and Mr Clarence W.C. Leung had tendered apology for being unable to attend the meeting.

156. The following Government representatives and representatives of the project consultant were invited to the meeting:

- Mr Y.K. Lau - Senior Engineer/Pedestrian Hillside Link, Highways Department (SE/PHL, HyD)

- | | | |
|-------------------|---|---|
| Mr F.K. Lai | - | Engineer/Pedestrian Hillside Link (2)
(E/PHL(2)), HyD |
| Mr K.L. Wong | - | Senior Engineer/Housing & Planning,
Transport Department (Acting)(SE/HP,
TD(Ag.)) |
| Mr Louis N.K. Lau | - | Atkins China Ltd. |
| Mr Ron Y.T. Yip | - | Atkins China Ltd. |

Presentation Session

157. The Chairman extended a welcome and invited the team to brief Members on the Pound Lane Escalator Project. Mr Y.K. Lau, SE/PHL, HyD, said that the study team would brief Members on the background of the project as well as the function and design of the proposed escalator at Pound Lane.

158. With the aid of a Powerpoint presentation, Mr K.L. Wong, SE/HP, TD(Ag.), introduced the background of the Pound Lane Escalator Project and made the following main points:

- (a) in 2010, the Administration received a total of 20 proposed hillside escalator and elevator proposals in various districts of Hong Kong, which included the request of Central & Western District Council for a second hillside escalator between Sheung Wan and Mid-levels West;
- (b) the initial alignment for the proposed escalator was on Ladder Street. However, since Ladder Street was a Grade 1 historic building, the Pound Lane escalator alignment was eventually selected as an alternative route to replace the Ladder Street proposal for further investigation; and

- (c) in July 2012, HyD commissioned a consultancy study on the Pound Lane Escalator Project to carry out further investigation of the proposal.

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

159. With the aid of a Powerpoint presentation, Mr Ron Yip made the following main points:

Function of the Escalator

- (a) the proposed Pound Lane escalator was a one-way covered escalator system along the section of Pound Lane between Hollywood Road and Bonham Road. The proposed escalator system would provide a more comfortable and convenient route for pedestrians travelling between Sheung Wan and Mid-levels West;
- (b) the proposed Pound Lane escalator would have an overall length of about 240 m and covered a level difference in level of about 50 m in height between Tai Ping Shan Street and Bonham Road. Comprising eight flights of covered escalators and a covered elevated walkway spanning across Hospital Road, the proposed escalator system would reduce the time taken for the journey from Hollywood Road to Bonham Road to six minutes. A total of 9 stairlifts would also be provided along the escalators to serve the wheelchair users. The projected daily usage of the escalator system would be about 10,000 pedestrian trips; and

The Proposed Escalator

- (c) for construction of the proposed escalator at Pound Lane, a number of modification and associated works would be carried out in the Pound Lane area. The affected buildings and facilities were summarised as follows:

- (i) Bonham Road Rest Garden - the existing Bonham Road Rest Garden would be acquired for construction of the escalator. It was expected that the entire garden would be permanently affected;
- (ii) No. 4 Hospital Road - the building cluster consisted of the Main Block building and a small detached building. The Main Block building was now used as the office accommodation for the Centre for Food Safety by the Food and Environmental Hygiene Department. The boundary wall of the Main Block building had to be shifted backward to make room for footpath widening to facilitate the provision of a pedestrian crossing facility;
- (iii) Po Hing Fong - the existing carriageway at the end of Po Hing Fong would be converted to footpath;
- (iv) Blake Garden - portion of the garden area would be acquired for construction of a proposed U-turn facility;
- (v) Retaining Wall of Blake Garden - a section of the existing retaining wall of Blake Garden beside Fook Chak House had to be shifted backward to make room for stairway widening;
- (vi) Pound Lane Public Toilet - the public toilet would be demolished and re-constructed at the original location to make room for construction of the proposed escalator and stairlift;
- (vii) Kwong Fook I Tsz - the temple might be affected during demolition and re-construction of the Pound Lane Public Toilet; and
- (viii) Stone Steps - along the stairway, parts of the existing granite

stone steps would be removed for the escalator construction. They would be reused in the Pound Lane Escalator Project as far as possible.

Discussion Session

160. The Vice-chairman said that one of the potential user groups of the escalator system at Pound Lane would be elderly people. Noting that the proposed escalator was a one-way system, he asked whether the operation of the escalator in terms of the operational time period would be able to meet the needs of the elderly people. Mr K.L. Wong said that the narrow configuration of Pound Lane could only accommodate a single escalator. The future operation of the escalator system at Pound Lane would make reference to the tidal flow operation adopted in the existing escalator system in Central, i.e. downhill before 10:00 am and uphill afterwards, to facilitate the school and work journeys of the local residents in the morning. Mr Wong said that the actual operation of the proposed escalator would be subject to further study at the detailed design stage taking into account the views of local stakeholders and the needs of potential users including the elderly people.

161. In response to the questions of the Vice-chairman and a Member on the provision of stairlifts, Mr K.L Wong and Mr Ron Yip said that a total of 9 stairlifts would be provided alongside the escalator to serve the wheelchair users. The stairlifts would be in the form of a folded platform attached to a rail and similar to those currently used in MTR stations. Mr Y.K. Lau supplemented that the stairlifts would be suitable for outdoor use and similar facilities had been provided in the escalator project at Centre Street. The Member suggested that more detailed information on this aspect should be provided for consultation purpose even though the project was at preliminary stage.

162. Noting that a section of the existing old retaining wall of Blake Garden would be affected by the project, a Member asked whether the granite stones of the existing wall could be reused upon rebuilding of the wall as they might be of heritage value. Mr Ron Yip said that a section of about 6m of the existing retaining wall would be removed and shifted backward to make room for stairway widening. The

granite stones would be reused in the new wall as far as possible.

163. A Member enquired about the possible impacts of the proposed escalator on Kwong Fuk I Tsz. Mr Ron Yip said that the possible impacts on the temple would mainly be noise, air and vibration impacts generated from the demolition and reconstruction of Pound Lane Public Toilet nearby. Protection measures would be implemented to avoid any damages to the structure of Kwong Fuk I Tsz.

164. Given that the proposed escalator at Pound Lane was a one-way system, a Member said that the Government should consider providing another escalator system in the vicinity to form a circular road-free route together with the Pound Lane escalator to serve the residents of the area. Mr Y.K. Lau said that the planning for the Pound Lane escalator project was still at preliminary stage and the Government remained open-minded on whether the proposed Pound Lane escalator project would be implemented. A public consultation exercise had been completed to gather public views and suggestions on the proposed escalator. The views and suggestions put forward by the public as well as the Members of the Board would be taken into account in consideration of the way forward for the project.

165. Another Member said that the experience in operating the existing escalator system in Central would be useful for improving the future design and operation of the Pound Lane escalator in order to meet the needs of the residents. Mr K.L. Wong said that the Government had been regularly reporting to the Central & Western District Council on the operation of the existing escalator system in Central. Experience on the existing escalator system would be taken on board in the Pound Lane project at the detailed design stage.

166. A Member said that there were existing hospitals and elderly facilities along Hospital Road. Noting that no direct access to the proposed escalator would be provided at Hospital Road, this Member asked whether the needs of the elderly people could be taken care of in this section of the proposal. Mr Ron Yip said that under the current proposal, Hospital Road could be accessed from both Rutter Street and Bonham Road vide the existing stairways that would be re-constructed under the Pound Lane Escalator Project. Stairlift facilities would be provided along these two

sections of stairway to serve wheelchair users.

167. The Chairman thanked the presentation team and he hoped the study team would take into account the views expressed by Members in considering the way forward for the project. The study team left the meeting at this point.

Procedural Matters

Agenda Item 12

[Open Meeting]

Submission of the Draft Peng Chau Outline Zoning Plan No. S/I-PC/11A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance (TPB Paper No. 9461)

[The meeting was conducted in Cantonese.]

168. The Secretary introduced the Paper. On 22.3.2013, the draft Peng Chau Outline Zoning Plan (OZP) No. S/I-PC/11 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the 2-month exhibition period, 57 representations were received. On 14.6.2013, the representations were published for public comments for three weeks and 2 comments were received.

169. On 13.9.2013, after giving consideration to the representations and comments, the Board decided not to uphold the representations and not to propose any amendment to the draft OZP to meet the representations.

170. Since the representation consideration process had been completed, the draft OZP was ready for submission to the Chief Executive in Council (CE in C) for approval in accordance with section 8 of the Ordinance. For submission to the CE in C, the draft Peng Chau OZP had been renumbered as S/I-PC/11A.

171. After deliberation, the Board:

- (a) agreed that the draft Peng Chau OZP No. S/I-PC/11A together with its Notes at Annexes A and B of the Paper respectively were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) endorsed the updated Explanatory Statement (ES) for the draft Peng Chau OZP No. S/I-PC/11A at Annex C of the Paper as an expression of the planning intentions and objectives of the Board for the various land-use zonings on the draft OZP and to be issued under the name of the Board; and
- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

Agenda Item 13

[Open Meeting]

Submission of the Draft Pak Sha O Development Permission Area Plan No. DPA/NE-PSO/1A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance
(TPB Paper No. 9484)

[The meeting was conducted in Cantonese.]

172. The Secretary introduced the Paper. On 7.12.2012, the draft Pak Sha O Development Permission Area (DPA) Plan No. DPA/NE-PSO/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the 2-month exhibition period, 41 representations were received. On 1.3.2013, the representations were published for public comments for three weeks and 20 comments were received.

173. On 26.7.2013, after giving consideration to the representations and comments, the Board noted the information to substantiate the ecological and heritage

values of the area provided by Representations No. R18, R21, R23 and R30, and agreed to partially uphold Representations No. R6 to R41 by amending the Notes of the DPA Plan so that any New Territories Exempted House and any demolition of or any addition, alteration and/or modification to or redevelopment of an existing building within the “Village Type Development” zone would require planning permission from the Board. The Board also decided not to uphold Representations No. R1 to R5.

174. On 9.8.2013, the proposed amendments to the DPA Plan to partially meet the representations were exhibited for public inspection under section 6(C)2 of the Ordinance. During the 3-week exhibition period, a total of 4 further representations were received. On 4.10.2013, after giving consideration to the further representations, the Board noted the supporting views of Further Representations No. FR1 to FR3 and decided not to uphold Further Representation No. FR4.

175. Since the representation consideration process had been completed, the draft DPA Plan was ready for submission to the Chief Executive in Council (CE in C) for approval in accordance with section 8 of the Ordinance. For submission to the CE in C, the draft Pak Sha O DPA Plan had been renumbered as DPA/NE-PSO/1A.

176. After deliberation, the Board:

- (a) agreed that the draft Pak Sha O DPA Plan No. DPA/NE-PSO/1A together with its Notes at Annexes I and II of the Paper respectively were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) endorsed the updated Explanatory Statement (ES) for the draft Pak Sha O DPA Plan No. DPA/NE-PSO/1A at Annex III of the Paper as an expression of the planning intentions and objectives of the Board for the draft Pak Sha O DPA Plan and to be issued under the name of the Board; and
- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft DPA Plan.

Agenda Item 14

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft Mong Kok Outline Zoning Plan No. S/K3/30

(TPB Paper No. 9465)

[The meeting was conducted in Cantonese.]

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

Ms Bonnie J.Y. Chan - her father owned properties at Ash Street, Tai Kok Tsui through a company

Ms Christina M. Lee - her company owned properties at Nathan Road, Mong Kok

178. As this was a procedural matter and deliberation was not required, Members agreed that the above Members should be allowed to stay at the meeting. Members also noted that Ms Lee had tendered apology for being unable to attend the meeting.

179. The Secretary briefly introduced the Paper. On 31.5.2013, the Secretary reported that the draft Mong Kok Outline Zoning Plan No. S/K3/30, incorporating amendments mainly to rezone the ex-Soy Street Temporary Cooked Food Market site and a site at Nos. 322-324 Reclamation Street/Nos. 445-447 Shanghai Street from “Government, Institution or Community” (“G/IC”) to “Residential (Group A)4” and “Residential (Group A)” respectively and amending the building height restriction for both sites from 2 storeys to 80mPD, was exhibited for public inspection under section 5 of the Town Planning Ordinance. During the two-month exhibition period, 4 representations were received. On 9.8.2013, the representations were published for public comments for three weeks and 3 comments were received.

180. Since all the representations and comments were related to the rezoning of

the two “G/IC” sites for residential use, it was considered to be more efficient and appropriate for the full Board to consider the representations and comments. As the representations and comments were of similar nature, it was suggested that the Board should consider the representations and comments collectively in one group. The hearing could be accommodated in the Board’s regular meeting and a separate hearing session would not be necessary. The hearing was tentatively scheduled to be held in November/December 2013.

181. After deliberation, the Board agreed that the representations and comments should be heard by the Board in the manner as proposed in paragraph 3 of the Paper.

Agenda Item 15

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations to the Draft Kuk Po, Fung Hang and Yung Shue Au Development Permission Area Plan No. DPA/NE-KP/1
(TPB Paper No. 9468)

[The meeting was conducted in Cantonese.]

182. The Secretary briefly introduced the Paper. On 8.2.2013, the draft Kuk Po, Fung Hang and Yung Shue Au Development Permission Area (DPA) Plan No. DPA/NE-KP/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance. During the two-month exhibition period, 12 representations were received. On 24.5.2013, the representations were published for public comments for three weeks and no comment was received.

183. Since the representations were mainly related to the general issues of conservation of the natural environment/habitats and landscape value of the area, the “Unspecified Use” designation and the extent of the “Village Type Development” zone, it was recommended that the representations should be considered by the full Board. As the representations concerned the whole area of the DPA Plan, it was suggested that for a balanced view of issues, the Board should consider the representations

collectively in one group. The hearing could be accommodated in the Board's regular meeting and a separate hearing session would not be necessary. The hearing was tentatively scheduled to be held on 15.11.2013.

184. After deliberation, the Board agreed that the representations should be heard by the Board in the manner as proposed in paragraph 2 of the Paper.

Agenda Item 16

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft Central District (Extension) Outline Zoning Plan

No. S/H24/8

(TPB Paper No. 9489)

[The meeting was conducted in Cantonese.]

185. The Secretary briefly introduced the Paper. On 15.2.2013, the draft Central District (Extension) Outline Zoning Plan (OZP) No. S/H24/8, incorporating amendments mainly to rezone the Central Military Dock (CMD) from "Open Space" ("O") to "Other Specified Uses" annotated "Military Use (1)" ("OU(Military Use)1"), was exhibited for public inspection under section 7 of the Town Planning Ordinance. During the two-month exhibition period, 9,815 representations were received. On 7.5.2013, the representations were published for public comments for three weeks and 9,424 comments were received.

186. Since the amendments had attracted wide public interests, it was recommended that the representations and comments should be considered by the full Board. As all the representations and comments were related to the rezoning of the CMD site and majority of them were in form of standard or similar emails/letters, it was suggested that they should be considered collectively by the Board. Additional meeting dates were scheduled for the Board's consideration of the representations and comments. The hearing was scheduled to start on 4.11.2013.

187. After deliberation, the Board agreed that the representations and comments

should be heard by the Board in the manner as proposed in paragraph 3 of the Paper.

Agenda Item 17

[Open Meeting]

Application to the Chief Executive under Section 8(2) of the Town Planning Ordinance for Extension of Time Limit for Submission of the Draft Central District (Extension) Outline Zoning Plan No. S/H24/8 to the Chief Executive in Council for Approval (TPB Paper No. 9490)

[The meeting was conducted in Cantonese.]

188. The Secretary briefly introduced the Paper. On 15.2.2013, the draft Central District (Extension) Outline Zoning Plan (OZP) No. S/H24/8 was exhibited for public inspection under section 7 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, 9,815 representations were received. On 7.5.2013, the representations were published for public comments for three weeks and 9,424 comments were received.

189. The Board had to consider the representations and comments received and, upon duly considered the representations and comments, submit the draft OZP to the Chief Executive in Council (CE in C) for approval by 15.1.2014 under section 8 of the Ordinance (i.e. within 9 months after the expiration of the plan exhibition period on 15.4.2013), unless the CE allowed an extension of the time limit. Having regard to the large number of representations and comments received, the Board would inevitably require a much longer time than normal to process and duly consider the representations and comments. It was unlikely that the Board could complete the consideration of representations and comments and the statutory plan-making process before the deadline on 15.1.2014. There was a need to apply to the CE for an extension of the 9-month statutory time limit for submission of the draft OZP.

190. After deliberation, the Board agreed that the CE's agreement should be sought under section 8(2) of the Ordinance to extend the time limit for submission of the draft Central District (Extension) OZP No. S/H24/8 to the CE in C for a period of

six months from 15.1.2014 to 15.7.2014.

Agenda Items 18 and 19

[Closed Meeting]

191. These items were recorded under confidential cover.

Agenda Item 20

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

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