

**Minutes of 1048th Meeting of the  
Town Planning Board held on 20.12.2013**

**Present**

Permanent Secretary for Development  
(Planning and Lands)

Mr Thomas Chow

Chairman

Mr Stanley Y.F. Wong

Vice-Chairman

Professor S.C. Wong

Mr Timothy K.W. Ma

Mr F.C. Chan

Professor Edwin H.W. Chan

Professor K.C. Chau

Dr Wilton W.T. Fok

Mr Ivan C.S. Fu

Professor P.P. Ho

Mr Dominic K.K. Lam

Dr C.P. Lau

Mr Patrick H.T. Lau

Ms Julia M.K. Lau

Ms Christina M. Lee

Mr Clarence W.C. Leung

Mr Roger K.H. Luk

Mr Stephen H.B. Yau

Dr W.K. Yau

Mr Lincoln Huang

Ms Anita W.T. Ma

Deputy Director of Environmental Protection  
Mr C.W. Tse

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

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

Director of Planning  
Mr K.K. Ling

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

Secretary

**Absent with Apologies**

Professor Eddie C.M. Hui

Ms Janice W.M. Lai

Mr. Sunny L.K. Ho

Mr H.F. Leung

Mr H.W. Cheung

Ms Bonnie J.Y. Chan

Mr Laurence L.J. Li

Mr Rock C.N. Chen

Mr Maurice W.M. Lee

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

**In Attendance**

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

Chief Town Planner/Town Planning Board  
Mr Louis K.H. Kau

Senior Town Planner/Town Planning Board  
Mr Stephen K.S. Lee

**Agenda Item 1**

[Open meeting]

Confirmation of Minutes of the 1047th at Meeting held on 6.12.2013

[The meeting was conducted in Cantonese.]

1. The minutes of the 1047th meeting held on 6.12.2013 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open meeting]

[The meeting was conducted in Cantonese.]

[Ms Anita W.T. Ma and Dr W.K. Yau left the meeting temporarily at this point.]

(i) New Town Planning Appeal Received

Town Planning Appeal No. 1 of 2012

Temporary Open Storage of New and Scrap Stainless Steel

for a Period of 3 Years in “Agriculture” zone,

Lots 758 S.B RP (Part) and 767 S.B (Part) in D.D. 46

and Adjoining Government Land, Sha Tau Kok Road, Fanling

(Application No. A/NE-MUP/63)

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2. The Secretary reported that the subject appeal was against the Town Planning Board’s (the Board) decision to reject on review an application (No. A/NE-MUP/63) for temporary open storage of new and scrap stainless steel for a period of three years in “Agriculture” (“AGR”) zone on the approved Man Uk Pin Outline Zoning Plan.

3. The appeal was heard by the Town Planning Appeal Board (TPAB) on 19.6.2013. On 9.12.2013, TPAB dismissed the appeal based on the following main considerations:

- (a) the appellant claimed that the open storage use began before the gazettal of the Man Uk Pin IDPA Plan. TPAB noted that the argument of “existing use” at the appeal site had been discussed by the Court in 1994 in an enforcement proceeding and by TPAB in 1999 for a previous appeal for the same use at the same site. TPAB considered that it was an abuse of the process for the Appellant to try to raise the same ground of “existing use”;
- (b) TPAB did not agree with the appellant’s contention that the character of the surrounding areas of the appeal site had been changed and become predominantly “work area”. Taking into account the aerial photo of January 2013, TPAB considered that the areas in the vicinity of the appeal site were primarily agricultural and rural in character and that open storage use was not compatible with the character of the surrounding area;
- (c) TPAB considered that the appeal site had high potential for agricultural rehabilitation and could be used for agricultural purpose. The fact that the Appellant was not a farmer and had no incentive to use the appeal site for agricultural purpose was not a factor in favour of granting planning permission, nor was the appellant’s suggestion that the appeal site would be left idle, causing environmental deterioration and waste of valuable land resources if planning permission was refused ;
- (d) TPAB did not consider that the appellant had demonstrated compliance with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” as there were adverse departmental comments and local objection and there was no previous planning approval for the appeal site, which fell within Category 3 of the Guidelines;
- (e) PlanD’s support to the application made in 1996, which was ultimately rejected by the Board, had no bearing on the appeal;
- (f) the Appellant had not been able to identify any difference between the appeal site and the 16 unsuccessful similar applications rejected by the Board along

both sides of Sha Tau Kok Road;

- (g) although the appellant claimed that temporary permission was necessary for him to find an alternative site to operate his business, TPAB considered it inconceivable that the appellant had not been able to find an alternative site to operate his business in the past 17 years since his first application made in 1996; and
- (h) TPAB considered that approval of the application would set an undesirable precedent for other similar applications in the “AGR” zone and would lead to gradual degradation of the environment in the area.

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

- (ii) Town Planning Appeal No.14 of 2012  
Proposed House in “Government, Institution or Community” zone and area shown as ‘Road’, Lot 1663 (Part) in S.D. 2, Ngau Chi Wan Village, Kowloon  
(Application No. A/K12/39)

5. The Secretary reported that the subject appeal was against the Board’s decision to reject on review an application (No. A/K12/39) for a proposed house on a site in “Government, Institution or Community” (“G/IC”) zone and area shown as ‘Road’ on the approved Ngau Chi Wan Outline Zoning Plan.

6. The appeal was heard by TPAB on 8.10.2013. On 26.11.2013, TPAB allowed the appeal on a majority of 3 to 2. The main considerations of the majority view were as follows:

- (a) the appeal site had been zoned “G/IC” by the Government since 1989 and part of the appeal site was reserved for community hall use years ago. Yet, the proposed community hall had not been developed. This had sterilized the appellant’s land and he was not allowed to develop it. This was unfair to the appellant;

- (b) there were a lot of structures in the vicinity of the appeal site, the appellant's proposed development would not be incompatible with its surroundings. If the fire in the past had not ruined the structure previously on the site, it would have existed and be an integral part of the Ngau Chi Wan Village;
- (c) approval of the application would not set an undesirable precedent because the land was and would continue to be zoned "G/IC", and any proposal for development or redevelopment in the said "G/IC" zone would be subject to risk factors. As most people were not willing to take such risks, it was anticipated that there would not be many similar applications;

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

- (d) after the authorities decided on the planning intention for the area around the appeal site, several community facilities such as wet market, sports centre, civic centre and fire station etc. had been provided and no other facilities have been built thereafter. There were doubts on whether there was an imminent need to provide a community hall; and
- (e) approving the application would not jeopardize the planning intention of the appeal site. If necessary, the Government could resume the land under the relevant ordinance. It was reasonable to approve the application when there was no action from the Government.

7. TPAB also noted that a minority view considered that approval of the application in a piecemeal manner would frustrate the integrity of the planning and development in the area and set an undesirable precedent. They considered that it was more appropriate to consider the proposed development by way of a s.12A application to change the land use zoning of the appeal site. In such case, a comprehensive local consultation could be undertaken by the Authorities. This would avoid piecemeal approval of the application and was in line with the planning intention emphasizing public interest.

[Mr Clarence W.C. Leung arrived to join the meeting at this point.]

8. The Department of Justice was of the view that there were no strong grounds for a judicial review (JR). Also, it appeared that the appeal decision was based on site-specific circumstances and it was unlikely to have general implications for other similar applications.

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

10. Members noted the appeal decision and agreed that the Board would not lodge a JR on the TPAB's decision.

(iii) Appeal Statistics

11. The Secretary reported that as at 20.12.2013, 16 cases were yet to be heard by the Appeal Board Panel (Town Planning). Details of the appeal statistics were as follows:

Allowed	:	31
Dismissed	:	131
Abandoned/Withdrawn/Invalid	:	172
Yet to be Heard	:	16
Decision Outstanding	:	1
<b>Total</b>	:	<b>351</b>

(iv) Approval of Draft Outline Zoning Plans (OZPs)

12. The Secretary reported that, on 3.12.2013, the Chief Executive in Council (CE in E) approved the following draft OZPs under section 9(1)(a) of the Town Planning Ordinance (the Ordinance):

- (a) Tsim Sha Tsui OZP (renumbered as S/K1/28);
- (b) Clear Water Bay Peninsula North OZP (renumbered as S/SK-CWBN/6); and
- (c) Peng Chau OZP (renumbered as S/I-PC/12).

13. The approval of the above OZPs was notified in the Gazette on 13.12.2013.



(v) Reference Back of Approved Outline Zoning Plan

14. The Secretary reported that, on 3.12.2013, the CE in C referred the following approved OZPs to the Board for amendment under section 12(1)(b)(ii) of the Ordinance:

- (a) Tai Po OZP No. S/TP/24; and
- (b) Pak Shek Kok (East) OZP No. S/PSK/11.

15. The reference back of the above OZPs was notified in the Gazette on 13.12.2013.

**Hong Kong District**

**Agenda Item 3**

[Open Meeting (Presentation and Question Session only)]

Consideration of Representation to the Draft Aberdeen and Ap Lei Chau Outline Zoning Plan No. S/H15/28

(TPB Paper No. 9514)

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[The hearing was conducted in Cantonese.]

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

Dr Wilton W.T. Fok - Owning a flat at South Horizons, Ap Lei Chau

Mr Rock C.N. Chen - Being a member of the Aberdeen Marina Club

17. Noting that the property of Dr Wilton W.T. Fok was at some distance away from the representation site, Members agreed that he should be allowed to stay in the meeting for the item. Mr Rock C.N. Chen's interest as a member of the Aberdeen Marina Club was indirect and remote, and Members noted that Mr Chen had tendered his apologies for being

unable to attend the meeting.

Presentation and Question Session

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

Ms Ginger Kiang	District Planning Officer/Hong Kong (DPO/HK), PlanD
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Miss Isabel Yiu	Senior Town Planner/Hong Kong (STP/HK), PlanD
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R1 Mr Kevin Tsui, Southern District Councillor

Mr Kevin Tsui	Representer
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19. The Chairman extended a welcome and explained the procedure of the hearing. He then invited the representatives of PlanD to brief Members on the background to the representation.

[Ms Anita W.T. Ma and Dr W.K. Yau returned to join the meeting at this point.]

20. With the aid of a Powerpoint presentation, Miss Isabel Yiu, STP/HK, made the following main points as detailed in the Paper:

Background

- (a) On 12.7.2013, the draft Aberdeen & Ap Lei Chau Outline Zoning Plan (OZP) No. S/H15/28, incorporating amendments mainly to rezone a site of the former fire station at the junction of Wong Chuk Hang (WCH) Road and Yip Kan Street from “Government, Institution or Community (1)” (“G/IC(1)”) to “Other Specified Uses (2)” annotated “Business” (“OU(B)2”) and a site at the junction of Aberdeen Reservoir Road and Yue Kwong Road from “G/IC” to “Residential (Group A)” (“R(A)”) to reflect

the existing status of the completed Yue Fai Court, was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance);

- (b) rezoning the former fire station site (the representation site) was a result of a land use review arising from the relocation of the station to a new site at Nam Fung Road in 2012. The review showed that there was generally no deficit of major GIC facilities, except for a post office which was a premises-based facility. The Postmaster General had confirmed that the establishment of an additional post office in the area was not required at the moment;
- (c) the representation site was located in the WCH business area zoned “OU(B)” on the OZP and was surrounded by industrial/office buildings on three sides with Bennet’s Hill to the north. Rezoning the representation site to “OU(B)2” was compatible with the surrounding land uses and would help facilitate the transformation of the WCH area into a business area;

#### Local consultation

- (d) the Southern District Council (SDC) had been very concerned about the relocation of the former fire station in the past two years and requested retaining GIC uses in the representation site;
- (e) in response to the suggestion of SDC to reserve some floor space for GIC uses, the Home Affairs Bureau (HAB) had tendered support to reserve a certain percentage of gross floor area (GFA) in the future development for GIC uses, including space for arts organizations. HAB’s views had been incorporated into the MPC paper for consideration of MPC on the proposed amendments to the OZP on 21.6.2013;
- (f) the amendments incorporated into the OZP were presented to the District Development and Environment Committee (DDEC) of SDC on 29.7.2013. SDC members requested again the reservation of some floor space of about

20,000 sq. ft. for cultural and recreational purposes to promote the industry, avoidance of transplanting or removing trees and use of ground floor in the future development for retailing purposes to enrich WCH Road;

- (g) PlanD responded in the DDEC meeting that HAB had rendered support in reserving certain amount of GFA at the representation site for artists/arts groups at affordable rent. From land use perspective, 'Place of Recreation, Sports or Culture', 'Shop and Services' and 'Eating Place' uses were always permitted for new development within the "OU(B)2" zone. The suggestion to reserve certain percentage of GFA to be used by artists/arts groups and for retailing purposes as well as the requirements of preservation of trees and landscaping could be determined by concerned departments in the course of drafting the land sale conditions for the representation site;

#### Representation

- (h) one representation submitted by Mr Kevin Tsui, a SDC member, was received during the OZP exhibition period;
- (i) Mr Kevin Tsui considered that the representation site should continue to be zoned "G/IC". Nevertheless, should it be rezoned to business use, a land sale condition could be imposed on the site requiring the prospective developer to reserve a certain percentage of floor space (about 20,000 sq. feet) in the future development for the use of arts organizations to facilitate arts development;

#### Responses to Grounds of Representation

- (j) there was generally no deficit of GIC provision in the area except for a post office, which could be easily incorporated in private and/or government buildings. Concerned government departments consulted had confirmed that the representation site was not required for developing GIC facilities and could be released for other alternative use;

- (k) in view of the need of artists/arts groups for space for engaging in arts creation work and arts activities, HAB was exploring the feasibility of reserving a certain percentage of GFA in the future development at the representation site for renting to artists/arts groups at affordable rent. According to the Notes of the “OU(B)” zone, ‘Place of Recreation, Sports or Culture’ use was always permitted for a building other than industrial or industrial-office building. The amount of GFA to be reserved was subject to HAB’s policy decision;
  
- (l) the District Lands Officer/Hong Kong West & South, Lands Department (DLO/HKW&S, LandsD) noted HAB’s requirement. Details of such government accommodation would be incorporated in the sale conditions as appropriate;
  
- (m) the Director of Environmental Protection advised that according to the Hong Kong Planning Standards and Guidelines, “performing arts centre” was considered as Noise Sensitive Receiver. If the reserved GFA was to be used for auditorium, performing arts centre, etc. which were particularly sensitive to noise impact, the submission of a Noise Impact Assessment might be required under the sale condition;

PlanD’s Views

- (n) since ‘Place of Recreation, Sports or Culture’ use was always permitted for new development within the “OU(B)” zone, no amendment to the draft OZP was required; and
  
- (o) the representer’s proposal of imposing a land sale condition to require the prospective developer to provide about 20,000 sq. ft. of GFA in the future development for arts organizations’ use was noted. The suggestion had been relayed to HAB and DLO/HKW&S, LandsD for consideration.

21. The Chairman then invited the representer to elaborate on his representation.

22. Mr Kevin Tsui, the representer, said that PlanD had already covered his views clearly. He had the following two supplementary points:

(a) HAB had proposed to allocate areas in an industrial building close to the representation site for use by artists/arts groups on a temporary basis for a period of 6 years. His proposal was to set up a permanent venue, instead of a temporary one, at the representation site through land sale conditions, which would help save public money in the long run; and

(b) although he had not asked for setting up a post office at the representation site at this juncture, a post office in the WCH area in the long run would be required as WCH would likely become the centre of the Southern District. Since there was a site reserved for multi-purpose community hall use near San Wui Commercial Society Chan Pak Sha School, he would request reservation of an area within the multi-purpose community hall for post office use to meet future demand.

23. As the representer had finished his presentation, the Chairman invited questions from Members.

24. In response to a Member's enquiry on the number of artists/arts groups using the premises offered by HAB on a temporary basis and whether there were artists/arts groups on the waiting list, Mr Kevin Tsui said that as far as he knew, the temporary premises was only at the application stage. Although the number of arts groups eventually using the premises was unknown at the juncture, the demand would be very high and the area of the temporary premises was only around 12,000 to 13,000 sq. ft.. He said that his request of 20,000 sq. ft. of GFA to be reserved in the representation site was based on the existing GFA of the former fire station. In any event, the GFA to be reserved in the representation site should not be less than 12,000 to 13,000 sq. ft., which was the area of the temporary premises.

25. As Members had no further questions, the Chairman thanked the representer and the representatives of PlanD for attending the hearing. They all left the meeting at this point.

Deliberation session

26. Regarding retaining the “G/IC” zoning, the Chairman pointed out that other than a post office, there was no deficit of GIC facilities in the area. As post office was a premises-based facility, it could easily be accommodated in any building. In respect of the area for use by arts organizations, HAB was exploring the feasibility of reserving a certain amount of GFA in the future development on the representation site. He also noted that ‘Place of Recreation, Sports or Culture’ was always permitted within the “OU(B)2” zone for new development. He then invited Members’ comments on the representation.

27. A Member supported the proposal made by the representer and considered that when rezoning “G/IC” sites to other uses such as commercial or residential uses in future, it would be desirable to consult the concerned District Council (DC), major non-governmental organizations (NGOs) and the local community to identify whether there would be any need for reserving certain GFA for GIC uses. In response, the Chairman said that PlanD would consult concerned policy bureaux on the need for any GIC facilities when there was any proposed rezoning of “G/IC” sites. Another Member suggested that consultation with NGOs would also be required. The Chairman said that Members had agreed to convey such request to the relevant policy bureau arising from a similar case discussed at the last meeting.

28. While supporting PlanD’s views, a Member said that from the local community’s point of view, setting aside some GFA for GIC uses would always be welcomed. However, if the GFA for GIC uses was not exempted from GFA calculation, there would be less floor space for the intended main use. If such was exempted, the overall building bulk would inevitably be increased. In response, the Chairman said that when a site was to be disposed of by land sale, LandsD would circulate the draft land sale conditions for departmental comments. The land use compatibility and whether any identified GIC requirements should be incorporated into the land sale conditions or should be accommodated elsewhere would be examined by departments concerned. In general, GFA exemption for the GIC uses would not be granted.

29. In response to the Chairman’s request, Mr Jeff Y.T. Lam further explained that with the support of the relevant policy bureau, provision of GIC facilities, commonly known

as 'Government Accommodation', would be incorporated into the land sale conditions. GFA for 'Government Accommodation' would normally not be exempted from GFA calculation, as it would be reflected in the land sale price. In addition, as a normal practice, the land sale conditions would also specify that upon satisfactory completion of the 'Government Accommodation', the construction cost of such accommodation would be reimbursed to the developer. The potential bidders would be well aware of the requirement before they placed their bids.

30. The Secretary supplemented that regardless of whether there were GIC facilities within a commercial or residential development, the development parameters of the site would be determined based on the whole development. To exempt GFA for GIC facilities would result in a development in excess of the stipulated development parameters and defeat the planning intention. In determining the development parameters, other than considering whether the resultant development would be compatible with the surrounding developments, the implications on infrastructural capacity would also be an important consideration. Therefore, GFA for GIC uses would normally not be exempted as GIC uses would also require supporting infrastructure. For any GIC facilities intended to be exempted from GFA calculation in the plan preparation stage, such exemption would be stipulated clearly in the Notes of the relevant OZP.

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

31. A Member supported the representer's proposal and considered that the incorporation of GIC uses into private developments through land sale conditions would facilitate early implementation of the proposal for use by arts organizations. Another Member also considered that the proposal would promote the concept of multi-functional, integration and optimal use of the land. Incorporation of GIC uses in commercial and other developments would also help free up land originally reserved for GIC use for other uses.

32. After deliberation, the Board agreed not to propose any amendment to the OZP.

#### **Agenda Item 4**

[Open Meeting (Presentation and Question Session only)]



Review of Application No. A/H13/28

Proposed School (Expansion of French International School) in “Government, Institution or Community” and “Green Belt” zones, Government Land adjoining 165 Blue Pool Road, Happy Valley

(TPB Paper No. 9498)

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[The hearing was conducted in English and Cantonese.]

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

- |                     |   |   |
|---------------------|---|---|
| Mr Roger K.H. Luk   | - | Owning a flat at Jardine’s Lookout  |
| Mr Dominic K.K. Lam | - | His company owning a flat at Jardine’s Lookout, and having business dealing with Scott Wilson Ltd. and URS Hong Kong Ltd. |
| Mr Patrick H.T. Lau | - | Having business dealing with Llewelyn Davis Hong Kong Ltd., and owning a flat in Happy Valley                             |
| Ms Bonnie J.Y. Chan | - | Her family owning a property in Happy Valley but not in the Valley Terrace area and 2 carparking spaces at Tai Hang Drive |
| Mr Maurice W.M. Lee | - | Owning a flat in Happy Valley   |
| Ms Janice W.M. Lai  | - | Having business dealing with Scott Wilson Ltd.  |

34. The properties of Mr Roger K.H. Luk, Mr Patrick H.T. Lau, Mr Maurice W.M. Lee, Ms Bonnie J.Y. Chan’s family were more than 320m away from the application site, and Mr Patrick H.T. Lau, and Ms Janice W.M. Lai had no direct involvement in the application. Members noted that Ms Lai, Ms Chan and Mr Lee had tendered their apologies for not being able to attend the meeting, and agreed that Messrs Luk and Lau should be allowed to stay in the meeting. Although Mr Dominic K.K. Lam had no direct involvement in the application, he considered his residence quite close to the application site and might be

affected by the traffic generated by the proposed development. He preferred to withdraw from the meeting.

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

Presentation and Question Session

35. The following representatives of the PlanD, and representatives of the applicant were invited to the meeting at this point:

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

Ms Irene Lai - Senior Town Planner/Hong Kong (STP/HK),  
PlanD

Mr Arnaud de Survuille )  
Mr Laurent De Meyere )  
Ms Catherine Tsui )  
Mr Christian Soulard ) Applicant's representatives  
Mr Jackie Kwok )  
Mr Joel Chan )  
Mr Plato Tso )  
Ms Connie Cheung )  
Mr Dickson Hui )  
Ms Winnie Wu )  
Mr Ryan Kwok )

36. The Chairman extended a welcome and explained the procedure of the review hearing. He then invited the representatives of PlanD to brief Members on the background of the application.

37. With the aid of a Powerpoint presentation, Ms Irene Lai, STP/HK, made the following main points as detailed in the Paper:

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

The Application

- (a) The review application was for expansion of the existing school campus of the French International School (FIS) at the application site (the Site) (3,998m<sup>2</sup>) which was partly zoned “Government, Institution or Community” (“G/IC”) (833m<sup>2</sup> or about 21%) and partly zoned “Green Belt” (“GB”) (3,165 m<sup>2</sup> or about 79%) on the approved Jardine’s Lookout and Wong Nai Chung Gap Outline Zoning Plan (OZP) No. S/H13/12;
- (b) there were a few schools close to the Site and some low-density, low-rise residential developments were found to the north-east;
- (c) the applicant proposed to build an 8-storey school expansion at the Site with a building height of 174.4mPD as compared with 176.8mPD of the existing school, an additional GFA of 9,000m<sup>2</sup> for 22 classrooms together with other facilities including a sports hall, an assembly hall, a swimming pool for additional 600 students (an increase from the current 1,000 to 1,600 upon completion of the proposed expansion);
- (d) On 19.7.2013, the Metro Planning Committee (MPC) of the Board decided to reject the application for the following reasons:
  - (i) the proposed development was not in line with the planning intention of the “GB” zone which was primarily for the conservation of the existing natural environment amid the built-up areas/at the urban fringe, safeguarding it from encroachment by urban type development, and providing additional outlets for passive recreational activities. There was a general presumption against development within this zone. The application did not provide sufficient planning justifications for a departure from the planning intention;
  - (ii) the proposed development was not in line with the Town Planning

Board Guidelines No. 10 on Application for Development within “GB” Zone under section 16 of the Ordinance in that there was a presumption against development in the “GB” zone and the applicant did not provide very strong planning grounds to justify that there was exceptional circumstance to allow the proposed development in the “GB” zone;

- (iii) the proposed development would result in significant adverse landscape impact; and
  - (iv) the approval of the application would create an undesirable precedent for similar applications within the “GB” zone. The cumulative impact of approving such applications would result in a general degradation of the environment;
- (e) in rejecting the application, MPC raised concern over the scale of the proposed development including the justifications for the proposed facilities, the visual impact on Blue Pool Road (BPR) and the site boundary, and raised questions on the school curriculum;

#### Justifications

- (f) to address the concerns of MPC, the applicant provided the following justifications in the review application:
- (i) FIS offered two curricula, the French curriculum for 1,900 students (over 75%) and the International curriculum for 600 students (less than 25%). FIS was the only school in Hong Kong that offered the French curriculum. The BPR campus was the only campus of FIS providing secondary section in Hong Kong;
  - (ii) with the rapid growth of the French community in Hong Kong, at a pace of 10% every year, it was anticipated that the school places in FIS were essential in meeting the mounting demand of the children of French expatriates who were seeking quality education with a

French curriculum;

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

- (iii) FIS had already adopted various short-term measures to provide additional school places to accommodate the increase of student enrolment over the last few years, including addition and alteration (A&A) works to the Jardine's Lookout Campus and the BPR Campus to provide additional classrooms and facilities; relocation of the French junior secondary students to the Jardine's Lookout campus starting from September 2013; adoption of floating classes to optimise the use of classrooms; provision of 3 lunch services per day; and extension of school hours to 5:30pm. However, these short-term measures were not a sustainable way to meet the steady growth;
- (iv) FIS had been facing an imminent need to expand its secondary section within a short timeframe. If the current application was approved, the expansion could be completed in 2017 for student intake. However, if s.12A application was submitted, it would take at least 2 years for processing. As such, s.16 application was preferred to s.12A application;
- (v) the applicant had been actively consulting with concerned parties, such as the Principals of the Hong Kong Japanese School, Hong Chi Lions Morninghill School (HCLMS) and Marymount Primary School, neighbouring residential developments and the Development, Planning and Transport Committee of the Wan Chai District Council (WCDC) since October 2012;
- (vi) the capacity of the existing school had been fully utilized. It was structurally infeasible to build additional classrooms and facilities on top of the existing school building. Three possible expansion sites adjacent to the existing campus had been explored. The sites to the

east and south of the existing school were subject to constraints of the Hong Kong West Drainage Tunnel Protection Zone and proximity to the Country Park and the Hong Kong Tennis Centre. The Site was the most suitable location for the proposed expansion amongst the three as the slope at the Site had been subject to human disturbances in the past. It would bring about the least disturbance to the surroundings;

- (vii) the applicant had considered the possibility of expanding the other school campus, namely the Sheung Wan campus for kindergarten classes, the Chai Wan campus for Primary 5 and 6 classes and the Jardine's Lookout campus for Primary 1 to 4 classes. However, they were either rented premises, heritage building pending grading, being used to the limit or subject to poor traffic conditions making expansion not possible. To build a new campus would have administrative, operational and teaching difficulties;
- (viii) the site boundary had been carefully formulated. All classrooms and facilities had been stacked up as much as possible in an 8-storey building with two wings, instead of a horizontal distribution. Landscaped areas and gardens had also been provided in a vertical manner as far as practicable;
- (ix) the northern part of the Site would not be occupied by any building structure. Inclusion of this portion into the Site was to ensure a better green buffer between the proposed school building and the remaining "GB" to the north and to screen off the northern façade of the proposed school building to reduce its bulk visually. The applicant also agreed to exclude about 451m<sup>2</sup> at the northern portion of the Site and reduce the proposed expansion area to 3,547m<sup>2</sup> (-11% for the whole site; and -14% of the "GB" portion alone). The applicant committed that enhancement would be carried out in this portion of the Site for better landscaping and tree planting, where appropriate;

[Mr Eric K.S. Hui returned to join the meeting at this point.]

- (x) even with the proposed expansion, the total site area of FIS after expansion (9,228m<sup>2</sup> accommodating 53 classrooms) was still considered substandard against the Hong Kong Planning Standards and Guidelines (HKPSG);
- (xi) the proposed sports hall, swimming pool of four 25m-long lanes and assembly hall for 500 seats occupying an area of about 820m<sup>2</sup>, 620m<sup>2</sup> and 720m<sup>2</sup> respectively in the extension building were to meet the compulsory physical education and sports requirement of the French curriculum and the need to nurture cultural and social life within school as announced by the French Minister of National Education. They were not luxurious or excessive and were common facilities for international schools;
- (xii) in response to the MPC Chairman's question on the feasibility of relocating the swimming pool to the rooftop of the new school building to reduce the building bulk, the applicant explained the relocation would greatly affect the flexibility of the school operation, defeat the original intention to create a green roof with landscaping and tree planting, result in a heavier loading to the structural capacity and bring about a surge of construction cost; and
- (xiii) to address Members' concern on the visual impact as viewed from BPR, the applicant had set back the proposed green wall at lower levels facing BPR from the road kerb or even changed the slope plantings to make the lower part of the extension building less rigid. Different façade treatments were adopted to soften the visual bulk of the proposed scheme when viewed from BPR;

#### Public comments

- (g) at the s.16 application stage, 276 public comments were received with 33

supporting the application, 203 objecting to the application and the remaining 40 not stating whether supporting or objecting to the application. Regarding the current s.17 review, 158 comments were received, including 1 supporting the application, 133 raising objection (include 1 comment from Hong Kong Japanese School; 1 comment from the Incorporated Owners of Green Villa; and 131 comments from the stakeholders of Hong Chi Lions Morninghill School (HCLMS), 1 having no comment on the application and the remaining 23 not stating whether supporting or objecting to the review application. The grounds of objection of the public comments received in the s.17 review were similar to those received for the s.16 application and they were summarized as follows:

- (i) there were many schools along BPR. Traffic capacity for both cars and pedestrians were saturated. The expansion of FIS would worsen the already congested traffic, aggravate illegal parking and endanger traffic and pedestrian safety. Consideration should be given to widening BPR;
- (ii) residents would be affected by the traffic and construction noise generated by the proposed development. HCLMS was a special school with students of intellectual disabilities who would be susceptible to changes to their learning environment. The construction noise would make them emotionally unstable and lead to uncontrollable behaviours. The construction dust and traffic flow would also worsen the air quality;
- (iii) a considerable number of trees would be felled, affecting the biodiversity in the area and the long wall-shaped new building was incompatible to its surrounding and would adversely affect air ventilation;
- (iv) construction sewage and waste would affect the nearby drains and the existing retaining wall;



- (v) the proposed swimming pool and sports hall were not essential facilities; and
- (vi) priority should be given to special schools for use of the Site. There were other sites in Hong Kong that FIS could consider for expansion;
- (h) the supporting comment was received from a parent of a student of HCLMS on conditions that the applicant should address the traffic, noise and dust issues arising from the proposed expansion;

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

Planning considerations and assessments

- (i) the planning considerations and assessments of the review application were as follows:
  - (i) the Site was the only viable site for expansion;
  - (ii) the applicant had explained that the proposed facilities including sports hall, assembly hall and swimming pool were essential for compulsory physical education and nurturing cultural and social life. They were not excessive and these facilities would be open for public use on non-school days. The applicant had explained that the relocation of the proposed swimming pool to roof top was not functionally, environmentally, technically and financially desirable;
  - (iii) SED had confirmed policy support to the proposed school expansion from the perspective of international school policy;
  - (iv) the building height of the proposed expansion was not considered incompatible with the surrounding developments. To address the MPC's concerns, the applicant had modified the building façade by slightly setting back the proposed green wall at lower levels fronting BPR and adding variations to the façade treatment to further reduce

the visual bulkiness of the proposed school building;

- (v) the design of the proposed expansion had taken into account the topography of the Site. The 15m buffer between buildings would soften the visual impact of the buildings and enhance air ventilation;
- (vi) regarding the Chief Town Planner/Urban Design & Landscape (CTP/UD&L), PlanD's concern on the visual impacts of the staircase linking BPR with Wong Nai Chung Gap Road (WNCGR), approval conditions on submission and implementation of façade treatment and landscape proposals to minimize visual impact could be imposed should the application be approved;
- (vii) regarding CTP/UD&L, PlanD and the Director of Agriculture, Fisheries and Conservation (DAFC)'s concern on the unavoidable felling of 169 trees of which some were local special species, the applicant had proposed compensatory planting of 365 trees, and maximising the greening on the rooftops and different terrace levels of the school building, with a green buffer along WNCGR and vertical greening on the façade walls facing BPR to soften the architectural form of the building and to mitigate the landscape impact and loss of greenery;
- (viii) to maintain the ecological function and continuity of the native tree mix found in the area, seedlings of existing native trees collected from the Site would be added and re-planted in the proposed education garden at roof level. The existing trees at the northern portion of the "GB" zone would be retained and the applicant had proposed to further enhance the northern portion of the Site for better landscape and tree planting. Besides, the proposed landscape recreation areas on various roof levels at WNCGR would be accessible to the public during non-school hours;

Exceptional circumstance

- (j) the proposed development would merit the Board's consideration of approval for the following reasons:
  - (i) FIS was the sole French-speaking school in Hong Kong offering the French curriculum. The BPR campus was their only secondary school campus for the primary students who would like to continue with the French curriculum. The review application was supported by SED who acknowledged FIS' imminent need to expand its secondary section in view of the projected expansion of student population from 1,040 in 2014/15 to 1,400 in 2018/19 (+35% in 4 years). Invest Hong Kong was concerned with the inability of FIS to take on more French speaking children and hence the adverse implications on maintaining the competitiveness of Hong Kong. Invest Hong Kong supported the proposed school expansion; and
  - (ii) to provide planning gains to justify the departure from the presumption against development within the "GB" zone, the applicant had proposed to exclude about 451m<sup>2</sup> in the northernmost part of the Site from the development site (i.e. reducing the "GB" portion of the expansion site by 14% from 3,165m<sup>2</sup> to 2,714m<sup>2</sup>). The applicant had also committed to enhance this excluded portion for better landscape and tree planting, and to take up its future management and maintenance to provide an enhanced environment for the public. In addition, the new school facilities including sports hall, assembly hall, swimming pool, and the landscaped recreation areas on various roof levels at WNCGR would be open to the public during non-school hours;
- (k) taking into account the functional needs for expanding FIS' secondary school campus, Members might wish to consider if the proposed scale of development was acceptable. Should Members consider that exceptional circumstance could not be established, it was proposed that zoning amendment under section 5 of the Ordinance be initiated to facilitate the proposed school expansion; and

- (l) PlanD had no objection to the application.

38. The Chairman then invited the applicant's representatives to elaborate on the review application. With the aid of a Powerpoint presentation, Ms Catherine Tsui, one the applicant's representatives, made the following main points:

- (a) she was a parent of 2 students and a member of the Executive Committee of FIS. Together with Mr Arnaud de Surville, Chairman of the Executive Committee and Mr Christian Soulard, Headmaster of FIS, she would like to elaborate more on the application, other than the technical aspects already presented by PlanD. As it was noted that MPC Members had concern on the French curriculum, Members might raise such questions to the Headmaster after the presentation. Her presentation would focus on three areas;

#### The school

- (b) FIS was established in 1964 and would celebrate its 50<sup>th</sup> anniversary in 2014. There were 2,500 students, of whom 25% were in the international curriculum and the remaining 75% in the French curriculum. Students enrolled included French nationals and those from French speaking countries, such as Canada, Switzerland and Belgium. There were students from about 40 countries;
- (c) the school was owned and operated by parents. 85% of funding came from parents and the remaining 15% from the French Government. The school had been awarded Environmental Award by both the Hong Kong and the French governments;
- (d) unlike what the public perceived, debenture of FIS was not excessively high. 75% of the students were French nationals with strong connection with the French Government. The school was, on the one hand like a French public school and on the other hand, a private international school in Hong Kong. A balance had to be struck so as not to increase the burden of debenture on

parents. As such, cost was an important factor to be considered in school expansion;

- (e) FIS had done well academically. About 50 students in the current year were awarded scholarship by the French Government based on academic achievement and financial need. Students of both the International stream and French stream scored well in public examinations. The percentage of students passing with high marks or honours was well above the worldwide or French standard. FIS as a quality international school would provide a platform for Hong Kong to be further developed as a hub for higher education. To this end, the Education Bureau (EDB) rendered their support to FIS expansion;

The expansion need

- (f) according to some statistics, French investment in Hong Kong was experiencing a steady growth. It was estimated that there were about 16,000 French nationals, let alone nationals of the other 40 French speaking countries, in Hong Kong. However, FIS was the only school that offered French curriculum. Based on humanity concern, all French passport holder students would automatically be accepted by the school until 2 years ago when school places were in shortage. That was a very difficult situation for French families because students who were not able to enroll in the French curriculum in FIS would have to further their studies in France with their mothers while their fathers worked in Hong Kong;

[Mr Eric K.S. Hui returned to join the meeting at this point.]

- (g) the school expansion was envisaged five years ago. The four FIS school campuses at BPR, Jardine's Lookout, Sheung Wan and Chai Wan had been fully utilized. They had diligently sought for an expansion site in the last three years with the Hong Kong and French governments, counting on them for a viable solution;
- (h) They had rented premises in Sheung Wan for students of three to four years

old, and a heritage premises in Chai Wan for Primary 5 and 6 students. A single school for the secondary school section of FIS was required in terms of teaching efficiency, student interaction and cost. Since about 80% of students lived on Hong Kong Island, the school preferred a location on Hong Kong Island;

- (i) the expansion need was very imminent. An additional 500 to 600 secondary school places had to be provided in 2017-2018 for students from the FIS primary schools. If school places could not be provided by then, the students would have to be asked to leave;

#### Temporary measures

- (j) to increase classes, there had been temporary measures taken since 2009, including building an extra storey of the school, three slots of lunch break, prolonged school hours to 5:30p.m., adoption of floating classes, etc. However, these were only short-term measures and could not cope with the long-term demand;

#### Expansion options

- (k) expansion within the existing school and within the “G/IC” zone had been explored. However, due to the small size of the existing school site, expansion for an additional 22 classes was impracticable without turning the school into an eye-sore;
- (l) the Chief Executive had mentioned in 2011 that international schools should have their expansion within their own sites for better use of resources. As such, expansion on three pieces of land adjoining the existing secondary school had been explored, and it turned out that expansion on the Site was the most effective and would cause the least impact on the environment;

#### The proposed expansion under application

- (m) the design of the proposed expansion had taken into account air flow and possible visual impacts on the surrounding area. Relevant Government

departments had no adverse comments on the application and WCDC supported the expansion. They were aware of the neighbours' comments on the application and would address their concerns in the expansion plan;

- (n) the proposed expansion with extensive greening was compatible with the surrounding Country Park and green belt. Although 71% of the expansion site was within the "GB" zone, the area was in fact an isolated patch not adjoining the Country Park. It was a paved man-made slope. With the proposed expansion, the environmental quality of the area would be enhanced;
- (o) although about 160 trees would be felled, that would be compensated by some 380 trees. The Site was a man-made slope on which some of the trees were not properly managed and in poor condition. Replacing those trees would create greenery of good environmental quality. Besides, the environment would be further enhanced by vertical greening and the non-building greenery area to be maintained by the school at the northern part of the Site. Still more, the public would be allowed access to the future landscaped garden in non-school hours;
- (p) even with the proposed expansion, the size of the school would still be 25% below that recommended in the HKPSG. The proposed sports hall, assembly hall and swimming pool were essential to meet school curriculum requirements. The proposed assembly hall (auditorium) could only accommodate 500 people. For a school of 1,000 students, students had to take turns to use the facility. Since drama and performance was compulsory under the French curriculum, an auditorium was required for the purpose. Besides, due to the lack of sports facilities, students currently had to use off-site venues for physical education. This was undesirable. The proposed sports facilities would help address the problem and would be made available for public use during non-school hours;

#### Mitigation measures

- (q) regarding the construction noise concern raised by HCLMS, every possible

mitigation measure would be adopted to minimize the impact as their own students would also be affected by the construction works;

- (r) regarding the traffic concern, the drop-off point for school buses and private cars would be provided on WNCGR side within the Site. Traffic condition on BPR would be improved;
- (s) as regards wall effect, there would be gap between buildings to enhance air flow; and
- (t) the imminent need to expand FIS was an exceptional circumstance that warranted the Board's sympathetic consideration of the application. There were supports from EDB and some consulates.

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

#### School curricula and need for expansion

40. In response to a Member's question about the ratio of students in French curriculum and International curriculum after the proposed expansion, Ms Catherine Tsui said that FIS had committed to provide one more International class after the expansion. There were currently two International curriculum classes in each grade and the rest were French curriculum. The same Member went on to ask why FIS decided to increase the International curriculum class when there was a shortage in school places for the French curriculum. Ms Catherine Tsui said that there would be an increase in classes for both curricula after the expansion and the student ratio would remain about the same, i.e. 25% and 75% respectively for the International curriculum and French curriculum. FIS understood that EDB was under pressure to provide sufficient school places on International curriculum. A proportion of 25% to 30% of school places to be reserved for the International curriculum had been agreed with EDB. If EDB considered that less school places for the International curriculum could be provided by FIS, the student ratio could be further revised. The provision of International curriculum was a commitment of FIS and a condition of support by EDB for the expansion.



41. In view that many international schools offered school places to Hong Kong residents, a Member asked whether the same happened to FIS, and whether there was really a need for school expansion. Ms Catherine Tsui responded that only about 2% of the students were Hong Kong permanent residents, while the rest were overseas passport holders.

[Mr Ivan C.S. Fu arrived to join the meeting at this point.]

42. A Member noted that the s.16 application was submitted because of urgency of the school expansion and asked if there was information on the number of students enrolled in the FIS primary school in the past and whether some primary school students had been turned away due to shortage of secondary school places. Ms Catherine Tsui said that they had in hand only information on the numbers of primary school students for the years between 2013-14 and 2016-17, which were 1,354, 1,420, 1,215 and 1,500-1,700 respectively, whilst those for the secondary school were 1,038, 1,100, 1,200 and 1,250-1,300 respectively.

43. A Member said that even if the application was approved, the expansion could not be completed in 2014. The same Member asked if the school had any fallback plan. In response, Ms Catherine Tsui said that the expansion had been examined for a few years and FIS was aware that the peak would come in 2016-17 or 2018. In fact, FIS was experiencing overflow in recent years. Therefore, short-term measures were taken not only to increase student admissions, but also to avoid overflow. For example, should students leave FIS in Primary 4 or Primary 5, no replacement would be considered noting that there was shortage of secondary school places. EDB had also been approached for decanting arrangement, but it would only be on a temporary basis for 3 years and could not be regarded as a long-term solution. In response to a Member's question on the design year of the proposed expansion, Ms Catherine Tsui said that the expansion could meet the needs of FIS in the next 8 to 10 years.

44. A Member noted that there was a FIS campus in Chai Wan and asked about the relationship of the Chai Wan campus with the one in BPR. Ms Catherine Tsui said that the Chai Wan campus was for Primary 5 and 6 students of both the International and French curricula. The main difference between the two campuses was that the Chai Wan campus was a primary school while the BPR campus was a secondary school.

45. The same Member asked whether information on the number of primary students who would stay in Hong Kong for secondary education could be provided. In response, Ms Catherine Tsui advised that in the past, not all primary school students would further their education in Hong Kong but the recent trend was that, same as the situation for FIS in Singapore and Shanghai, most of their primary school students would stay for secondary education. Since the demand for secondary school places was smaller in the past, the size of the secondary school was small. With more students staying in Hong Kong longer and the estimated annual growth of 2-4% of French nationals coming to Hong Kong in the coming years by the French Consulate, expansion of the secondary school was required to cope with the rising demand.

#### S.16 and s.12A applications

46. In response to a Member's question on the difference between the s.16/s.17 and s.12A application procedures in terms of time and preparation of required submissions by the applicant, Ms Ginger Kiang said that the statement of 'no material difference between the present s.17 application and pursuing s.12A application' as stated in paragraph 3(h) of the TPB paper was made by the applicant to justify the review application. In terms of planning procedures, once planning permission was obtained under s.16/s.17 of the Town Planning Ordinance (the Ordinance), the applicant could proceed with the approved development. As such, the submissions required would involve more detailed building design and technical assessments. As for an application under s.12A of the Ordinance, agreement of the Board on such application would only kick start the plan amendment process. Hence, only schematic design would normally be required with the support of certain relevant technical assessments. The amendment plan would then be exhibited for public inspection under the Ordinance and hearing of representations and comments, if any, had to be arranged. Under normal circumstances, the time required from the submission of a s.12A planning application to the submission of the amendment plan to the Chief Executive in Council (CE in C) for approval would be about 14 months, and, if including the approval process by CE in C, it would take about 16 months.

47. A Member considered that as the proposed expansion would involve extensive felling of trees, a balance had to be struck between conservation and development by considering the planning gains and exceptional circumstances as stipulated in the TPB Guidelines for development within the "GB" zone. The same Member queried whether the

applicant had considered submitting a s.12A application having regard to the amount of information already prepared in the current s.16/s.17 application submission. Ms Ginger Kiang advised that PlanD and other relevant government departments had discussed with the applicant on the application procedure, design of the school building, traffic and other issues. The consultants of the applicant had been advised that approving a s.16 application for school expansion within the “GB” zone would be comparatively difficult, and the level of details of the proposed scheme required for a s.12A application would be less than that for a s.16 application. The applicant had also been advised that since the proposed school expansion was a scheme-based proposal, a s.16 application would still be required after the s.12A and plan amendment procedures to ensure that the traffic arrangement and FIS’ commitments would be implemented through relevant approval conditions attached to planning permission. The applicant had decided to go for submitting a s.16 application based on FIS’ own considerations including the urgency of the school expansion. FIS had consulted WCDC, nearby schools and local residents on its expansion proposal.

48. Mr Dickson Hui, the planning consultant of the applicant, supplemented that in addition to the 16 months required for going through the s.12A process, another 6 months should be allowed for going through the subsequent s.16 application process. If a s.12A application had been submitted 3 months ago, about 2 years might be needed before the decision of the Board on the subsequent s.16 application would be made known to FIS. As the time for the school expansion proposal was tight, a s.17 review application instead of a s.12A application was submitted.

#### Design of the school expansion scheme

49. In response to a Member’s question on whether there was any alternative design for the proposed expansion in terms of its layout and building height having regard to a public gas pipeline running across the Site and the Gas company had expressed grave concern, Mr Joel Chan, the project architect, said that the current scheme had been revised several times. The proposed GFA had been reduced from 12,800m<sup>2</sup> to 9,000m<sup>2</sup>, the building height had been reduced by 1-storey and the number of classrooms had been reduced from 26 to 22. The scale of the development had been reduced to the minimum that could cater for 1,600 students. The 15m wide breezeway, green roof, vertical greening of the terrace and treatment of the façade facing BPR were the results of the discussions with PlanD. Considering that the proposed expansion was on a sloping site, the current scheme

with the proposed layout and building height should be acceptable. To further conceal the proposed school building, more excavation into the slope would be involved. This would have implications on cost, time and impacts on the surrounding environment. Balancing all the considerations, the current scheme was considered the optimal. If the current scheme was not approved, the school would have to find another site for expansion, but finding a site large enough to accommodate 53 classrooms would be difficult.

50. In response to a Member's question on the area of the facilities in the existing school and the future expansion, Mr Joel Chan said that the existing sports hall of the school was about 400m<sup>2</sup>, which could not accommodate a standard size basketball court and was equivalent to only the size of a multi-purpose area in a Y2K school. The proposed sports hall would be about 820m<sup>2</sup>, which could only accommodate a standard size basketball court. The proposed assembly hall of 720m<sup>2</sup> was for a 53-classroom school and there was no assembly hall in the existing school. The provision was below the standards of the HKPSG. The current proposal was the minimal that could accommodate the basic requirements of the school.

51. A Member asked whether the design of the school building towards BPR could be further softened by a less imposing terrace design. Mr Joel Chan responded that the vertical effect of the proposed expansion had already been tackled by setting back the upper floors. If the application was approved, detailed façade treatment and design of vertical greening would be submitted for further consideration. He further said that France was avant-garde in vertical greening and the French techniques would be adopted in the school design.

#### Local concerns

52. A Member asked what the applicant had done to address the concerns raised in the public comments particularly those from HCLMS. Ms Catherine Tsui said that FIS understood the needs of HCLMS students for a quiet environment and stressed that FIS also had their own students on site while construction of the proposed school expansion was underway. All practicable measures would be adopted to mitigate the construction noise impacts on the students of both FIS and HCLMS. They would liaise proactively with the Principal and parents of HCLMS to work out the appropriate measures and time for construction works that would be acceptable to them. FIS had also arranged two briefing

sessions for the local residents (including one with nobody attending). In one of the briefing sessions, the Incorporated Owners of a nearby residential development was convinced that the traffic condition of BPR would be improved with relocation of the main entrance of the school to WNCGR upon completion of the proposed school expansion and leaving the entrance at BPR for staff use only. Regarding loss of trees, the number of compensatory trees would be more than the number of trees to be felled. While it was understood that the proposed school expansion would inevitably have impacts on the neighbouring area, FIS would endeavour to minimize the impacts and address the local concerns, especially the needs of HCLMS.

53. The Vice-Chairman pointed out that some 200 letters had been submitted by the students of HCLMS who had expressed their concerns on the loss of trees and the adverse noise impact. Although it was proposed that 365 trees would be planted to compensate for the loss of 169 trees, the children would only be able to see the effects of the compensatory plantings many years later. It would be necessary to take some measures to soothe the possible psychological effect on of the HCLMS students. In response, Mr Dickson Hui acknowledged the concern, but pointed out that the slope opposite to HCLMS was currently a man-made slope inaccessible to the HCLMS students. The future landscaped garden of the proposed school expansion with the compensatory plantings would, on the contrary, be made available for public access.

#### Landscape and ecology

54. As there appeared to be a ficus elastica or ficus microcarpa on the Site, the Chairman asked whether such big trees would be felled. Ms Connie Cheung, the landscape consultant of the applicant, responded that the big trees near the entrance would be kept. For the big trees on the man-made slope opposite to HCLMS, they were exotic pioneer species and were invisible to the students of HCLMS. Hence, the impacts of tree felling on students, pedestrians and road users would be minimal. Under the compensatory scheme, the trees felled would be compensated by better native species. It would be an improvement to the environment. Ms Catherine Tsui supplemented that the concerns and psychological effect on the students of HCLMS would be looked after in the proposed scheme. She said that the needs of the French children for education should also be equally taken care of. FIS did not want to see children separated from their parents working in Hong Kong just because they could not secure their school places.

55. In response to a Member's question of the kinds of trees to be planted in the northern part of the Site, Ms Connie Cheung said that they would collect seeds and seedlings of native species within the Site for replanting to improve the composition and continuity of the species in that area. The exotic species and weed trees upsetting the balance of the ecosystem would be eradicated and replaced by native species, which was considered a planning gain, with the implementation of the proposed school expansion.

56. The Chairman asked why replacement of exotic species by native species was regarded a planning gain, how the existence of exotic species would cause harm to the ecosystem, and whether any development proposal in the "GB" zone should be justified by only proposing replacement of exotic species by native species. Ms Connie Cheung responded that weed trees and pioneer trees were fast growing invasive species and they were transitional species for disturbed woodland. Their existence would limit the space for the growth of native trees. The proposed replacement of exotic species would expedite the establishment of woodland by native species.

57. A Member asked whether in the long term, trees planted on the roof of the proposed school building could reach the same size of the mature trees to be felled. Noting the load problem, the Chairman also asked whether the roof could support planting of big trees. Ms Connie Cheung replied that the depth of soil on the roof had been designed to allow planting of big trees. Moreover, the native species were usually smaller than the exotic species.

58. A Member agreed with the Chairman's view that FIS should consider seriously whether large native trees could be planted on the roof of the proposed school building because if the application was approved, that would become an approval condition that the school had to fulfill. Besides, it would take a very long time before seeds or seedlings planted on the roof could grow to their full sizes. For planting of native trees, there were choices of pioneering species, mid-term succession species and long-term ultimate species. The type of trees to be planted would affect the design and determine the soil depth. FIS should pay particular attention to these matters. Based on the tree survey submitted by the applicant, the trees to be felled were all in fair or poor conditions. Taking note that the survey was done in a semi-natural environment, it was hard to believe that not even one

single tree was in good condition. In response, Ms Connie Cheung said that one third of the slope concerned in the “GB” zone was a man-made slope. The slope had been disturbed and trees were replaced by *Acacia confusa* which was an exotic species. The spacing among trees was about 1m, which was very crowded. Besides, the lack of maintenance and the area being subject to prevailing wind had led to fair conditions of the trees. Although there was a *Ficus microcarpa*, majority of the big trees were exotic species. Regarding future replanting, due to the steepness of the slope, the types of trees, preferably smaller native species, had to be carefully formulated at the detailed design stage.

59. The same Member noted that the native species mentioned by AFCD had not been covered by the tree survey because the survey was conducted selectively on trees with a girth size over a particular diameter. There should be a lot of native understorey growth amongst the *Acacia confusa*. Should the native understorey growth be included in the survey, the enhancement plan would be different. There could be clearing of exotic trees to allow more space, water and soil for the native understorey growth. Overall speaking, planting of trees on the roof was viable, but it should be done with care and good planning.

60. A Member asked whether the logo of eco-school appeared on the applicant’s Powerpoint was a new concept adopted for promotion of the current application or an established goal of the school. In response, Ms Catherine Tsui said that the logo shown on the Powerpoint was a prize awarded by the French Government to the school. FIS had all along been promoting the concept and had adopted environmental friendly measures to minimize the carbon footprint of the school.

### Traffic

61. As the drop-off points for school buses and private cars would be relocated to WNCGR, a Member asked what measures would be taken to ensure the implementation of such a proposal. Ms Catherine Tsui responded that as revealed in a traffic survey, about 70 to 80% of their students came to school by school bus, about 10% by private car and the rest by public transport. With the new school bus and private car drop-off points relocated to WNCGR and providing the student lockers on the 7/F of the proposed school building, it would be easier for the students to access their belongings if they took the WNCGR entrance. Traffic diversion had been proven to be enforceable at their Chai Wan campus with school guards stationing at the school entrance to forbid loading and unloading of passengers.

Besides, the entrance at BPR would be restricted to school staff only, students would have no choice but to use the WNCGR entrance.

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

Public use of school facilities

62. A Member raised questions on the arrangements for opening the school facilities for public use including whether the northern portion of the Site for greenery would be made available for public access; how public access to the concerned school facilities would be guaranteed; and whether there was any past record of allowing public use of the school facilities.

63. In response, Ms Catherine Tsui said that the northern part of the Site was a man-made slope and was not accessible at the moment. Taking into account the steep gradient of the slope, whether the slope could be open to the public, particularly for children, would need to be further studied from the safety perspective. FIS all along had good record of opening its facilities for public use. Sports hall of the school was currently rented to sports organizations for children sports activities on Saturdays. Movie/cinema events and performance shows in the evenings were also open to the public.

64. In response to the Chairman's question on how much FIS would charge for the use of the school's swimming pool in future, Ms Catherine Tsui advised that reference would be made to the charges by the Government on public swimming pools. She also mentioned that as understood from the Principal of HCLMS that HCLMS had an outstanding swimming team, and if time permitted, their students could use FIS' swimming pool or other sports facilities for training purposes. Fees to be charged would be comparable to those of the public facilities and booking could be made through telephone, fax or e-mail. The Chairman pointed out that any promise made by FIS would be a commitment and might be imposed as a condition, should the application be approved. He further asked if FIS knew the current fees charged by the Leisure and Cultural Services Department (LCSD) on the use of public recreational facilities. Ms Catherine Tsui said that she was not aware of LCSD's fees but that, unlike LCSD's facilities which were open to individuals, the school would rent out facilities to organizations and the local community on a group basis. The school would not open its facilities for individual admission but would lease the facilities to other schools



or organizations at a rate comparable to LCSD's like what they had been doing. As this was put forward as a major planning gain of the school expansion proposal, the Chairman reminded the applicant that the current Government's charges on public sports facilities was loss-making. If the concerned school facilities were to be charged according to the Government fee scale, the school should be aware of the huge financial implications. Confirmation from FIS on such commitment was required and, if included as approval condition, they had to abide by it. In response, Ms Catherine Tsui said that as the opening of the concerned school facilities for public use would bring benefits to the public as well as for the general advancement of education, FIS confirmed that they would charge according to the Government fee scale and would abide by their commitment.

[Mr Eric K.S. Hui returned to join the meeting at this point.]

65. For future audit purpose and to facilitate the imposition of relevant approval condition if the application was approved, a Member enquired the portion of time that the school facilities would be open for public use. Ms Catherine Tsui said that under the current practice of FIS, the relevant school facilities were open for booking by the public from 5:30 p.m. to 8:00 p.m. on weekdays and from 8:30 a.m. to 6:00 p.m. or 7:00 p.m. on Saturdays. The school would be closed on Sundays as extra cost would be incurred if the school facilities were to be open for public use on Sundays. This could be used as a reference for the concerned facilities in the proposed school extension.

66. Some Members raised further questions on what would be the parents' possible reaction to opening the school facilities for public use; the current charge for public use of the school facilities by FIS; and whether the proposed charges, as pledged to be comparable to the Government fee scale, would be sustainable.

67. Ms Catherine Tsui replied that the opening of the existing school facilities for public use had got the support of the school's Executive Committee. So far, there had been no objections from parents. The hourly rate for a heated swimming pool was HK\$800. FIS was well aware that rental charges comparable to the Government fee scale would be low, but the operating cost of opening the school facilities for public use would be marginal cost as compared to the fixed cost of the school expansion project. Besides, such arrangement could be regarded as a kind of sponsorship to the local community, which was in line with

the school's mission of local engagement.

The "GB"

68. In response to a Member's question on the function of the "GB" zone under application, Ms Ginger Kiang advised that there were two areas zoned "GB" on the OZP. The "GB" zone adjoining the Tai Tam Country Park was larger in area and formed a continuous buffer area between the Country Park and the existing urban developments. The "GB" zone under application, with an area of about 0.7 to 0.8 ha, was separated from other green area by WNCGR on the one side and the low-rise and low-density GIC developments on the other side. According to the comments of AFCD and the Chief Town Planner/Urban Design and Landscape, PlanD, however, there were a large amount of existing trees and understorey vegetation in the "GB" zone under application. Although the amenity quality of some individual trees might not be high, the overall landscape quality of the existing woodland was considered good. AFCD had concern about the extensive tree felling involving native species with conservation value.

69. Mr Dickson Hui supplemented that the "GB" zone under application was sandwiched between WNCGR and BPR. One-third of the area was a man-made slope and a gas station had been approved within the "GB" zone. As such, the "GB" zone under application had been disturbed and should be considered as an amenity area.

70. A Member asked whether there was any precedent of approving planning application within "GB" zone under s.16 or s.17 of the Ordinance. Ms Ginger Kiang advised that under the same OZP, a planning application, No. A/H13/6, for a proposed school (extension to the existing school of FIS at Price Road) was approved by the Board with conditions on 15.12.1989. The approval was granted some 24 years ago and the proposed school extension consisted of a 4-storey building with a total GFA of about 1,200m<sup>2</sup>. The Secretary supplemented that the Town Planning Board Guidelines No. 10 on "Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance" (TPG PG-No. 10) stating 'presumption against development within the "GB" zone' was promulgated in 1991 and provision of s.12A application was incorporated into the Town Planning (Amendment) Ordinance 2004 which came into operation in 2005. Before then, consideration of rezoning requests was only an administrative measure adopted by the Board. As such, TPB PG-No. 10 had not been in place when that application was

approved in 1989.

71. Another Member further asked whether large scale development within “GB” zone had been approved previously in the territory and what the exceptional circumstances involved were. The Secretary advised that as far as she could recall, a large scale development had been approved within the “GB” zone in the mid-1990’s. The exceptional circumstance of that approved case was mainly related to the planning gains that the development would bring about.

72. Mr Dickson Hui supplemented that there was a.16 application No. A/YL-LFS/80 for a proposed residential development within the “GB” zone approved in 2002. The Secretary clarified that the said application involved amendments to an approved scheme which involved provision of planning gain.

#### Expansion alternatives

73. A Member asked if the applicant had exhausted all possibilities of expansion, for example, to bid for vacant school premises from EDB. Ms Catherine Tsui said that they had already considered the use of vacant school premises. The Chai Wan campus as a primary school was one of those vacant premises offered by EDB. However, the requirements of a secondary school were different from a primary school. It would be necessary to accommodate all the secondary school classes in one location to facilitate the shared use of laboratories and other facilities. Otherwise, the operating costs would rise exponentially.

#### Planning gains and exceptional circumstance

74. Mr Dickson Hui reiterated that the planning gains of the proposed school expansion included opening of some of the school facilities, such as sports hall, assembly hall and swimming pool for public use in non-school hours, relieving traffic on BPR by diverting school traffic to WNCGR and minimizing encroachment upon the “GB” zone. To ensure implementation of these proposals, appropriate approval conditions could be imposed by the Board if the application was approved.

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

75. Noting that Members had no further questions, the Chairman informed the applicant's representatives that the hearing procedure for the review application had completed. The Board would inform the applicant of the Board's decision in due course. The Chairman thanked the applicant's representatives and the representatives of PlanD for attending the meeting. They all left the meeting at this point.

[The meeting was adjourned for a short break of 5 minutes]

[Mr Ivan C.S. Fu and Mr Eric K.S. Hui left the meeting at this point.]

### Deliberation Session

76. The Chairman drew Members' attention to TPB PG-No. 10 that the prerequisite for approval was the presence of 'exceptional circumstances', for example availability of planning gains. Strong justifications were required for deviation from the principle of presumption against development as stipulated in TPB PG-No. 10. The Chairman then invited Members' views on the application.

77. A Member considered that he could render support to the application because the "GB" zone under application was not a typical "GB" zone; the application was supported by EDB; there were planning gains of opening of the school facilities for public use; and the school had engaged their neighbours in sorting out the short and long-term issues of the proposed expansion. With the imposition of appropriate approval conditions, the proposal could be acceptable and would benefit the society.

78. Two other Members also considered that they could lend sympathetic consideration to the application in view of the acute shortage of international school places. Although there would be loss of trees as well as inadequacy in the applicant's tree survey and landscape proposal, it might be possible to retain the urban fringe character of the area through better landscape proposals. It was necessary to strike a balance between development and conservation. The diversion of traffic from BPR to WNCGR could also be regarded as a planning merit. They considered that the applicant could have done better in their proposal to address the concerns of their neighbours. Appropriate approval

conditions could be imposed.

[Mr Clarence W.C. Leung left the meeting at this point.]

79. However, the majority of Members considered that the application could not be supported as it would set an undesirable precedent and there was no exceptional circumstance in the subject application to warrant a departure from the presumption against development in the “GB” zone. There were no strong justifications in the submission to support the application from the landscape, ecological and visual points of view. The area on the northern part of the Site was obviously a mixed secondary woodland. The applicant’s tree survey was considered inadequate as it was done only on selective trees of a particular girth size. There were native species in the area which had been ignored in the tree survey. That was why AFCD had reservation on the application from the ecological perspective. Although the aged *Acacia confusa* found in the area might need to be replaced, they should not be replaced by seeds or seedlings which would require a long time before the desired landscaping effect could materialize. Moreover, planting big trees on the roof of the proposed school building would be difficult both in terms of technical and financial considerations. From a macro point of view, the Site was located at the urban fringe and the “GB” zone concerned was a buffer between the Country Park and Happy Valley. The Site was very green as noted from the aerial photograph and was certainly functioning as a “GB”.

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

80. In respect of planning gains, most Members could not see that the general public might benefit as a result of the proposed school expansion. Although the school had committed to open some of the school facilities for use by neighbours and other organizations, there were concerns if the school understood the huge financial implications and there was no firm commitment on the opening arrangements. There were still objections received from the nearby schools and residents. The school should have done more to address the concerns of the neighbours in particular the possible psychological effect and other needs of the HCLMS students. With respect to the diversion of traffic from BPR to WNCGH, Members generally considered that it should not be regarded as a planning gain. It was rather a mitigation measure to tackle the traffic problem at BPR that would be caused by the proposed increase of 600 students as a result of the school expansion. Moreover,

more vehicles would be diverted to use WNCGR.

[Mr Stanley Y.F. Wong left the meeting at this point.]

81. Regarding other alternatives for expansion, it was considered that the school might not have exhausted all possible ways to address the shortage of school places. The three alternative sites around the school should not be the only alternatives for expansion. The school could further discuss with EDB on other possibilities such as the use of some other vacant school premises/sites. Members also noted that not all the additional school places were for the French curriculum and about 30% of them were for the International curriculum. There should be room for discussion with EDB to see if the school could reduce the percentage for the International curriculum so as to relieve the acute shortage of school places for the French curriculum. This might render a smaller site elsewhere a possibility for the school expansion or at least minimize the footprint of the school expansion into the “GB” zone.

82. The Chairman concluded that Members noted EDB’s support of the proposed school expansion and acknowledged that there was shortage in school places. However, Members did not agree that there were very strong planning grounds or exceptional circumstances that would warrant a departure from the presumption against development within the “GB” zone as stipulated in TPB PG-No. 10.

83. After deliberation, The Board decided to reject the application on review. Members then went through the reasons for rejection as stated in paragraph 8.4 of the Paper and agreed that they were appropriate. The reasons were:

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone, which is primarily for the conservation of the existing natural environment amid the built-up areas/at the urban fringe, to safeguard it from encroachment by urban type development, and to provide additional outlets for passive recreational activities. There is a general presumption against development within this zone. The application did not provide sufficient planning justifications for a departure from the planning intention;

- (b) the proposed development is not in line with the Town Planning Board Guidelines No. 10 on Application for Development within “GB” Zone under section 16 of the Town Planning Ordinance in that there is a presumption against development in the “GB” zone and the applicant does not provide very strong planning grounds to justify that there is exceptional circumstance to allow the proposed development in the “GB” zone;
- (c) the proposed development will result in significant adverse landscape impact; and
- (d) the approval of the application would create an undesirable precedent for similar applications within the “GB” zone. The cumulative impact of approving such applications would result in a general degradation of the environment.”

84. The Board also agreed to request DPO/HK to advise the applicant to consider submitting a s.12A application for the proposed school expansion.

### **Tuen Mun and Yuen long District**

#### **Agenda Item 5**

[Open Meeting]

Request for Deferment of Review of Application No. A/YL-PH/653

Temporary Car Park for Villagers (Excluding Container Vehicle) for a Period of 1 Year in “Village Type Development” zone, Lots 83 (Part), 85 RP (Part), 86 (Part), 87 S.B. (Part), 87 RP (Part) and 92 RP (Part) in D.D. 111 and Adjoining Government Land, Pat Heung, Yuen Long, New Territories

(TPB Paper No. 9500)

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[The item was conducted in Cantonese]

[Professor S.C. Wong and Mr Patrick H.T. Lau left the meeting at this point.]

85. The Secretary briefed Members that on 7.12.2012, the application was rejected by the Rural and New Town Planning Committee. The review application was scheduled for consideration by the Board at this meeting. However, the Board on 5.12.2013 and 9.12.2013 received the applicant's further information (FI) including rearrangement of the car parks with landscaping proposals which might affect the proposed vehicular access of the car park and clarification on the land ownership pattern of the application site in order to address the comments of PlanD. Comments from concerned departments in particular the Chief Town Planner/Urban Design and Landscape of PlanD and the Commissioner for Transport on FI were required. PlanD recommended deferring the decision on the review application for two months in order to allow more time to consult concerned departments on the revised layout and to clarify outstanding issues on the management of the car park with the applicant.

86. Members noted that PlanD's request for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications (TPB PG-No. 33) in that more time was required to consult the relevant Government departments and clarify outstanding issues with the applicant, the deferment period was not indefinite and the deferment would not affect the right or interests of other parties.

87. After deliberation, the Board agreed to defer a decision on the review application as requested by PlanD in order to allow more time to consult concerned departments on the revised layout and to clarify outstanding issues on the management of the car park with the applicant. The Board also agreed that the review application should be submitted to the Board for consideration within two months from the date of this meeting and as soon as the departmental comments were available.

### **Agenda Item 6**

[Open Meeting]

Request for Deferment of Review of Application No. A/YL-PS/377

Proposed Concrete Batching Plant and Minor Relaxation of Building Height Restriction in "Industrial (Group D)" zone, Lots 843 S.A, 843 S.B. and 843 RP in D.D. 124 and Lots 233



RP, 235 and 236 in D.D. 127, Ping Shan, Yuen Long

(TPB Paper No. 9501)

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[The item will be conducted in Cantonese]

88. The Secretary reported that on 28.11.2013, the applicant wrote to the Secretary of the Board and requested further deferment of consideration of the review application for 1 month in order to allow time for preparation of responses to comments of concerned Government departments. This was the third request for deferment by the applicant for the review application.

89. Members noted that the justification met the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications Made Under the Town Planning Ordinance (TPB PG-No. 33) in that more time was required to consult the relevant Government departments and clarify outstanding issues with the applicant, the deferment period was not indefinite and the deferment would not affect the right or interests of other parties.

90. 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 to the Board for consideration within 3 months upon receipt of further submission from the applicant. The applicant should be advised that the Board had allowed a further 1 month for preparation of submission of further information. Since this was the third deferment and the Board had allowed a total of 5 months including the previous deferment for preparation of submission of further information, no further deferment would be granted.

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

#### **Item 7**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/FSS/210

Proposed Minor Relaxation of Non-Domestic Plot Ratio Restriction for Permitted

Commercial/Residential Development in “Commercial/Residential (3)” zone, Junction of Ma Sik Road and Sha Tau Kok Road, Fanling (FSST Lot 177)  
(TPB Paper No. 9503)

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[The item was conducted in Cantonese.]

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

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

92. The Chairman extended a welcome and explained the procedures of the review hearing. As the applicant had decided not to attend the hearing, the Chairman indicated that the Board would proceed with the review hearing in the absence of the applicant. He then invited DPO/STN to brief Members on the background to the application.

93. With the aid of a Powerpoint presentation, Mr C.K. Soh presented the application and covered the following main points as detailed in the Paper:

The application

- (a) The applicant applied for minor relaxation of the plot ratio (PR) restriction for inclusion of 355.494m<sup>2</sup> non-domestic GFA for provision of a 24-hour public pedestrian walkway and its ancillary facilities on G/F and 1/F of the proposed commercial/residential development on the application site to connect to the adjoining development via a footbridge;
- (b) on 24.8.2012, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board decided to reject the application for the following reason:

The applicant had failed to demonstrate that there was no alternative design of the proposed 24-hour public pedestrian walkway and the proposed minor relaxation of non-domestic plot ratio was necessary to facilitate the provision of the proposed 24-hour pedestrian walkway within the site. Considering that

the 24-hour public pedestrian walkway could still be provided without the need for the GFA exemption, there was no strong planning justification to merit the approval of minor relaxation of the non-domestic plot ratio for the proposed development.

- (c) the application site was about 8,900m<sup>2</sup> and the proposed development was currently under construction. It was located at the eastern part of Fanling/Sheung Shui New Town abutting both Ma Sik Road and Sha Tau Kok Road-Lung Yeuk Tau. There was no material change of the situation since the consideration of the s.16 application by RNTPC;
- (d) the proposed development on the application site consisted of three 29-storey blocks over a 3-storey non-domestic podium;
- (e) The GFA of the 24-hour pedestrian walkway on G/F was 120.056m<sup>2</sup> and that on 1/F was originally 330.514m<sup>2</sup>. The Buildings Department (BD) had exempted 95.076m<sup>2</sup> of the walkway on 1/F from GFA calculation. The applicant now applied for minor relaxation of the GFA not exempted by BD;

#### Justifications

- (f) with reference to the case study of Singapore on the concept and guidelines for GFA as published by Singapore's Urban Redevelopment Authority, the applicant argued that none of the criteria restricted that no commercial use was allowed along the pedestrian walkway for GFA exemption, and that walkway for pedestrian circulation purpose, even with commercial exposure, was still applicable for GFA exemption;
- (g) as revealed in a Pedestrian Study Report, the proposed 24-hour public pedestrian walkway could serve as a public passage to significantly enhance the public safety and convenience for both the public and the users of the proposed development. There was no better alternative and the Commissioner for Transport (C for T) considered that the proposed walkway was a desirable one;

- (h) both BD and the Lands Department (LandsD) had no objection to the planning application. The comfortable walking environment, with air conditioning and security management, in elevated walkway system was designed for the benefit of the local community;
- (i) the minor relaxation applied for was only an increase of 0.7% of the total PR. It was a Class A amendment under the Town Planning Board Guidelines for Class A and Class B Amendment to Approved Development Proposals (TPB PG-No. 36A) and no planning application was required;

Departmental Comments

- (j) District Lands Officer/North, LandsD advised that the minor relaxation applied for could not comply with the lease because the revised GFA of 335.494m<sup>2</sup> of the public pedestrian walkway could not be exempted by the Building Authority. LandsD would not entertain application for lease modification within 5 years from the date of disposal. The Building Committee I (BCI) on 13.8.2013 decided that it was premature to accept the exclusion of portion of the 24-hour pedestrian walkway on the G/F and 1/F from GFA calculation. Hence, he had reservation to agree with the applicant's statement that contained in the further information submitted by the applicant on 2.12.2013 "...LandsD have no objection to the proposed application";
- (k) Chief Building Surveyor/New Territories West, Buildings Department had no comment under the Buildings Ordinance (BO) on the further information submitted by the applicant for the review application. Referring to the latest approved general building plans for the subject lot on 28.10.2013, exemption of a portion of the proposed 24 hour public pedestrian walkway on 1/F of 95.076m<sup>2</sup> was permitted under the BO;
- (l) Commissioner for Transport had no objection to the review application from traffic engineering viewpoint. The proposed 24-hour pedestrian walkway would form part of the elevated walkway system for pedestrians to access the developments in the vicinity;

(m) Chief Highway Engineer/New Territories East, Highways Department advised that if the walkways and footbridges were managed/maintained by TD/ HyD, they were required to be constructed to relevant standard drawings. As the walkways and footbridges were going to serve the general public, barrier-free facilities should be provided;

(n) District Officer (North), Home Affairs Department advised that in response to the two further information submissions, one Owners' Committee (OC) Chairman in the vicinity raised objection; another two OC Chairmen had no comments or did not reply; one North District Council (NDC) member supported it, and three NDC members had no comment. NDC member commented that the minor relaxation PR was for proposed public pedestrian walkway. The OC Chairman was of the objection view that the pedestrian walkway should not pass through or build over on the public area; and the applicant should be well aware of the GFA and PR restrictions of the application site before land sale;

#### Public comments

(o) A total of 7 public comments on the review application were received. They were submitted from the Chairman of the Incorporated Owners of a residential development and members of the public. Amongst these, 3 objected, 3 had no comment and 1 supported the review application. The supporting and objecting grounds were as follows:

#### Supporting

- the review application met the need of people;

#### Objecting

- the applicant should be aware of the development restrictions before land sale; and
- the development had been advertised for sale and it was not fair to the public as the plot ratio would be revised;

Planning considerations and assessment

- (p) the applicant had not provided any information or justification to address the rejection reasons;
- (q) the practice in Singapore was not relevant to this case;
- (r) the proposed 24-hour pedestrian walkway would form part of the elevated walkway system for pedestrians to access the developments in the vicinity. It was, however, not a justification that such provision should be exempted from GFA calculation;
- (s) the applicant had claimed that, both BD and LandsD had no objection to the application. In response, DLO/N, LandsD had indicated reservation on it and CBS/NTW, BD advised that for the latest set of approved general building plans, exemption of a portion of the proposed 24-hour public pedestrian walkway on 1/F with a GFA of 95.076m<sup>2</sup> only was permitted;
- (t) the reference to TPB PG-No. 36A made by the applicant was not applicable as the current application was not a s.16A application for amendments to an approved scheme;
- (u) the proposed 24-hour pedestrian walkway as required under the lease could still be implemented without the need for GFA exemption as evidenced in the latest set of building plans approved on 28.10.2013 which had included the proposed 24-hour pedestrian walkway (except the portion exempted by the Building Authority) into GFA calculation; and

PlanD's views

- (v) PlanD did not support the review application.

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

95. In response to a Member's question on paragraph 5.2.1(a)(iii) and (iv) of the

Paper in relation to the GFA not exempted by the Building Authority, Mr C.K. Soh said that paragraph 5.2.1(a)(iii) was about a special condition of the lease concerned which had specified that the domestic and non-domestic PR for the development on the application site were 5 and 9.5 respectively. GFA not exempted by BD and exceeding the restrictions under the lease was not acceptable.

96. As Members had no further question, the Chairman thanked the representative of PlanD for attending the meeting. Mr C.K. Soh left the meeting at this point.

### Deliberation Session

97. Members agreed that there was no justification that the 24-hour pedestrian walkway could not be provided without minor relaxation of the PR restriction.

98. After further deliberation, the Board decided to reject the application on review. Members then went through the reason for rejection as stated in paragraph 8.1 of the Paper and agreed that it was appropriate. The reason was:

“the applicant has failed to demonstrate that there is no alternative design of the proposed 24-hour public pedestrian walkway and the proposed minor relaxation of non-domestic plot ratio is necessary to facilitate the provision of the proposed 24-hour pedestrian walkway within the site. Considering that the 24-hour public pedestrian walkway can still be provided without the need for the GFA exemption, there is no strong planning justification to merit the approval of minor relaxation of the non-domestic plot ratio for the proposed development.”

### **Agenda Item 8**

[Open Meeting]

Further Consideration of the Draft To Kwa Peng and Pak Tam Au Outline Zoning Plan No. S/NE-TKP/C

(TPB Paper No. 9497)

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[The item was conducted in Cantonese.]

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

- |                  |   |   |
|------------------|---|---|
| Mr C.K. Soh      | - | District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), PlanD |
| Mr David Y.M. Ng | - | Senior Town Planner/Shan Tin, Tai Po and North (DPO/STN), PlanD       |

100. The Chairman drew Members' attention to two proposals submitted by the Village Representative (VR) of To Kwa Peng and World Wide Fund for Nature Hong Kong (WWF), which were tabled at the meeting.

101. He then invited the representative of PlanD to brief Members on the draft OZP.

102. With the aid of a Powerpoint presentation, Mr David Y.M. Ng presented the draft To Kwa Peng and Pak Tam Au Outline Zoning Plan No. S/NE-TKP/C (the draft OZP) and covered the following main points as detailed in the Paper:

Background

- (a) on 4.10.2013, the Board gave preliminary consideration to the draft OZP No. S/NE-TKP/B (TPB Paper No. 9441) and agreed that the draft OZP was suitable for submission to the Tai Po District Council (TPDC) and the Sai Kung North District Rural Committee (SKNRC) for consultation;

Comments of TPDC, SKNRC and local villagers

- (b) the eastern part of the "Conservation Area" ("CA") at To Kwa Peng should be rezoned to "Village Type Development" ("V") in view of the outstanding Small House applications and private land thereat;
- (c) for Pak Tam Au, the area to the west of the "V" zone should be rezoned from "CA" to "V" to facilitate development of an access road;
- (d) two specific submissions were received from Indigenous Inhabitant



Representatives (IIR) of To Kwa Peng and the consultant of Pak Tam Au villagers respectively;

- (e) the IIR of To Kwa Peng proposed to extend the “V zone to the “Green Belt” (“GB”) zone to its west and the “Coastal Protection Area” (“CPA”) to its north; and to extend the “CPA” zone southward to cover the “CA” zone to the east of To Kwa Peng Village;
- (f) the consultant of Pak Tam Au villagers proposed to rezone the alternative access road and the adjoining areas on both side from “CA” to “V” to facilitate in-situ re-provisioning of the access;

Proposals from environmental concern groups (Kadoorie Farm and Botanic Garden Corporation (KFBG), Conservancy Association (CA)) and two members of the public

- (g) “V” zones should be confined to existing village settlement and approved Small House sites;

To Kwa Peng

- (h) woodland at the western portion of the “V” zone should be rezoned to “CA”;
- (i) natural stream and adjoining woodland should be rezoned from “GB” to “CA”;
- (i) the “V” zone would encourage ‘destroy first’ approach to reduce ecological value to get favourable development;

Pak Tam Au

- (l) fresh marsh at the eastern periphery should be rezoned from “V” to “CA”;
- (l) water bodies, such as ponds and watercourses, and the adjoining areas with a minimum distance of 30m as well as the seasonal wet grassland should be zoned “CA”;

- (m) 'Barbecue Spot', 'Picnic Area', 'Public Convenience' and 'Tent Camping Ground' should be transferred from Column 1 to Column 2 uses under the "GB" zone;
- (n) to designate conservation zoning for Country Park Enclaves (CPEs) and incorporate them into the Country Park;

PlanD's responses

"V" zone

- (o) in drawing up the OZP, a proper balance had been struck between nature conservation and respecting villagers' development needs. Areas of environmentally sensitive areas were covered by conservation zonings, such as "CA", "CPA" and "GB". Areas suitable for Small House development covering the existing village clusters were zoned "V";
- (p) while "V" land in To Kwa Peng was insufficient to meet the Small House demand, there is surplus land in Pak Tam Au to partly make up the shortfall in To Kwa Peng;
- (q) there was provision in the Notes of the OZP to allow for application for Small House in "GB" zone under section 16 of the Town Planning Ordinance (the Ordinance);

Proposed rezoning from "CA", "CPA" and "GB" to "V" at To Kwa Peng

- (r) as the "CA", "CPA" and "GB" zones concerned were part of fung shui woodland, secondary woodland, area with significant landscape resources of mangrove buffer and natural stream and riparian zone respectively, there was no detailed information to justify the proposed rezoning;

Proposed rezoning of "CA" to "V" at Pak Tam Au

- (s) the areas along both sides of the alternative access road zoned "CA" were overgrown with dense vegetation, the Director of Agriculture, Fisheries and Conservation (DAFC) did not support rezoning the vegetated areas to "V"

from nature conservation point of view;

- (t) according to the covering Notes of the draft OZP, road works co-ordinated or implemented by the Government and maintenance or repair of road were always permitted in areas zoned “CA”;

Proposed rezoning from “V” to “CA” at To Kwa Peng

- (u) as pointed out by DAFC, the areas were actually relatively disturbed, young woodland and shrubby grassland developed from abandoned agricultural land. There was no strong justification for rezoning the area to “CA”;

Proposed rezoning from “V” to “CA” at Pak Tam Au

- (v) for the freshwater marsh at the eastern peripheral area of the “V” zone, DAFC advises that the proposed “CA” zoning was appropriate as the area had ecological interest with protected and locally endangered orchid, *Liparis ferruginea*;
- (w) to rezone the area to “CA”, the “V” zone for Pak Tam Au would be reduced from 3.64 ha to 3.40 ha, which was still sufficient to meet the 10-year Small House demand for Pak Tam Au;
- (x) as regards the water bodies at Pak Tam Au, such as ponds and watercourses, and their adjoining areas with a minimum distance of 30 m, as well as the seasonal wet grassland, according to DAFC, were not Ecologically Important Stream (EIS) in the area. Part of a stream, which passed through the middle of the “V” zone, was a concrete channelized stream;
- (y) regarding the seasonal wet grassland, there were no obvious ecological grounds to substantiate the proposed “CA” zoning;

Other specific proposals

Proposed rezoning from “CA” to “CPA” at To Kwa Peng

- (z) DAFC was of the view that the woodland on the eastern side of the To Kwa Peng area consisted of secondary woodland on hillside which was

ecologically-linked to the adjoining wood areas and fung shui wood in the adjacent Country Park, zoning the areas concerned as “CA” was more appropriate;

Proposed rezoning from “GB” to “CA” at To Kwa Peng

- (aa) DAFC commented that the subject stream was not an EIS. The areas adjoining the natural stream were mainly covered by relatively disturbed, young woodland and shrubby grassland developed from abandoned agricultural land. The “GB” zoning was appropriate;

“Destroy First” approach at To Kwa Peng

- (bb) land to the north-west of the village cluster of To Kwa Peng was previously disturbed by excavation and vegetation clearance from 2009 to 2010 before the gazetting of the draft To Kwa Peng and Pak Tam Au DPA Plan No. DPA/NE-TKP/1 on 7.1.2011. There was no evidence to prove that the excavation work and vegetation clearance were associated with any attempt to destroying the area in return for the Board’s favourable consideration for development;

Amending the Notes of “GB” zone

- (cc) DAFC advised that adverse impacts from ‘Barbecue Spot’, ‘Picnic Area’, ‘Public Convenience’ and ‘Tent Camping Ground’ uses onto the “GB” zone might not be significant and he had no strong views on keeping these uses in Column 1 of the “GB” zone;
- (dd) the Schedule of Uses for the “GB” zone primarily follows the Master Schedule of Notes to Statutory Plans and there was no strong justification to amend the Notes of the “GB” zone;

Designation of conservation zoning/Country Park

- (ee) PlanD, in preparing the draft OZPs, had assessed the detailed land use proposals and consulted relevant departments and stakeholders in deciding whether conservation zonings were necessary;

- (ff) with respect to the proposal to incorporate the CPEs into the Country Park, it was under the jurisdiction of the Country and Marine Parks Board under the Country Parks Ordinance (Cap. 208) which was outside the purview of the Board;

PlanD's response to proposal from VR of To Kwa Peng tabled at the meeting

Proposed rezoning the woodland to the south of the "CPA" zone from "CA" to "GB"

- (gg) there was lack of ecological grounds to differentiate the area from the rest of the secondary woodland which was zoned "CA";

Proposed rezoning two areas from "CPA" and "GB" to "V"

- (hh) the relevant areas were significant landscape resources and there was no justifications for the proposed rezoning;

Proposed rezoning an area from "CA" to "V"

- (ii) the area encroached upon the fung shui woodland and secondary woodland;

PlanD's response to proposal from WWF tabled at the meeting

Streams and riparian zones be rezoned "CA"

- (jj) some streams had been zoned "CA" or "CPA". For the rest, there was no strong justification to rezone them to "CA". The water bodies at Pak Tam Au, such as ponds and watercourses, and their adjoining areas with a minimum distance of 30m, according to DAFC, were not EIS in the area. Part of a stream, which passed through the middle of the "V" zone, was a concrete channelized stream. The areas adjoining the natural stream at the western portion of To Kwa Peng, were mainly covered by relatively disturbed, young woodland and shrubby grassland developed from abandoned agricultural land;

Marsh and seasonally wet grassland be rezoned to "CA"

- (kk) the freshwater marsh at Pak Tam Au was proposed to be zoned "CA" on the draft OZP for the seasonally wet grassland, there were no obvious ecological grounds to substantiate the proposed "CA" zoning;

“V” zone be restricted to the existing building lot and the rest be zoned “Undetermined” (“U”)

- (ll) in drawing up the OZP, a proper balance had been struck between nature conservation and respecting villagers’ development needs. “V” zone mainly covered the existing village clusters and the adjoining scrubland, grassland, disturbed and young woodland and abandoned agricultural land. There was no strong justification for the proposed “U” zoning;

PlanD’s views

- (mm) apart from the proposed amendment in relation to the rezoning of the freshwater marsh at Pak Tam Au from “V” to “CA”, other land use zonings on the draft OZP were considered appropriate;
- (nn) the TPDC and SKNRC would be consulted after the Board’s agreement to the exhibition of the draft To Kwa Peng and Pak Tam Au OZP for public inspection under section 5 of the Ordinance during the exhibition period of the draft OZP depending on the meeting schedules of TPDC and SKNRC.

103. As the presentation from the representative of PlanD had been completed, the Chairman invited questions from Members. Noting that there was no question from Members, the Chairman thanked the representatives of PlanD for attending the meeting. Mr C.K. Soh and Mr David Y.M. Ng left the meeting at this point.

Deliberation Session

104. After deliberation, Members noted the comments from and responses to TPDC, SKNRC, environmental concern groups and public views on the draft To Kwa Peng and Pak Tam Au OZP No. S/NE-TKP/B. Members also agreed that:

- (a) the draft To Kwa Peng and Pak Tam Au OZP (to be renumbered as S/NE-TKP/1 upon gazetting) and its Notes were suitable for exhibition for public inspection under section 5 of the Ordinance;

- (b) to adopt the Explanatory Statement as an expression of the planning intentions and objectives of the Board for various land use zonings of the draft To Kwa Peng and Pak Tam Au OZP No. S/NE-TKP/C; and
- (c) the Explanatory Statement was suitable for exhibition for public inspection together with the draft OZP and issued under the name of the Board.

**Agenda Item 9**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/NE-TK/463

Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone, Lots 672 S.G and 673 S.A in D.D. 15 and Adjoining Government Land, Shan Liu Village, Tai Po

(TPB Paper No. 9505)

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[The item was conducted in Cantonese.]

105. The following representative of PlanD was invited to the meeting at this point:

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

106. The Chairman extended a welcome and explained the procedures of the review hearing. As the applicant had decided not to attend the hearing, the Chairman indicated that the Board would proceed with the review hearing in the absence of the applicant. He then invited DPO/STN to brief Members on the background to the application.

107. With the aid of a Powerpoint presentation, Mr C.K. Soh presented the application and covered the following main points as detailed in the Paper:

**Background**

- (i) on 3.7.2013, the applicant, Mr. LEUNG Andrew Gin Hung sought planning permission to build a NTEH (Small House) on the application site, which fell within an area zoned “Agriculture” on the approved Ting Kok OZP No.

S/NE-TK/17;

(ii) On 16.8.2013, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to approve the application subject to the following approval conditions:

- (a) submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the Board;
- (b) submission of drainage impact assessment and implementation of the flood relief mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the Board;
- (c) connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the Board;  
and
- (d) provision of protective measures to ensure no pollution or siltation would occur to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the Board;

(iii) On 27.9.2013, the applicant sought a review of RNTPC's decision on imposing an approval condition (b) on submission of drainage impact assessment and implementation of the flood relief mitigation measures identified therein;

Application site

(iv) the application site was currently a piece of abandoned agricultural field covered with weeds at Shan Liu Village;

Applicant's justifications

(v) the area was sloping from north and east to south and west with unobstructed drainage;



- (vi) no water was accumulated at any location of the village even after heavy rainpour and there was no complaint against flooding;
- (vii) approval condition (b) could be amended from ‘submission of drainage impact assessment and implementation of the flood relief mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the Board’ to ‘submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the Board’;

Departmental comments

(viii) the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) had been further consulted and his comments were summarized as follows:

- (a) no in-principle objection to amending the approval condition (b);
  - (b) to eradicate residual flooding in the area, Shan Liu had been included in the recent consultancy study “Review of Drainage Master Plan in Tai Po”;
  - (c) after reassessment of the review application and in view of the small size of the application site, it was considered that the previous requirement of drainage impact assessment and implementation of flood relief mitigation measures identified therein could be relaxed to submission and implementation of drainage proposal;
- (ix) other relevant Government departments consulted had no objection to or no adverse comments on the review application;
- (x) one public comment was received objecting on the ground that there was no information in the submission to demonstrate that the proposed development would not cause adverse drainage impact on the surrounding area;

Planning considerations and assessments

- (xi) at the time of s.16 planning application, CE/MN, DSD had reservation from flood control and prevention point of view as there was report of flooding around the stream course at the downstream of the application site;
- (xii) to eradicate residual flooding in the area, Shan Liu had been included in the recent consultancy study “Review of Drainage Master Plan in Tai Po”;
- (xiii) after reassessing the review application, CE/MN, DSD considered that his previous requirement for drainage impact assessment (DIA) and implementation of the flood relief mitigation measures identified therein could be relaxed to the requirement of submission and implementation of drainage proposal. The application for review of approval condition (b) was considered acceptable;
- (xiv) there was no public drain maintained by DSD in the vicinity of the application site. Should the application be approved, approval condition (b) should be replaced by “submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services” to ensure that the proposed development would not cause adverse drainage impact to the adjacent area; and

PlanD’s view

- (xv) PlanD had no objection to the review application.

108. As the presentation from the representative of PlanD had been completed, the Chairman invited questions from Members. Noting that there was no question from Members, the Chairman thanked the representative of PlanD for attending the meeting. Mr C.K. Soh left the meeting at this point.

Deliberation Session

109. After deliberation, the Board agreed to approve the review application to amend condition (b) as proposed by the applicant. The condition should be replaced by the

requirement of submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the Board. The Board also agreed that the remaining conditions and advisory clauses of the original approval would remain unchanged. The conditions of approval with the original condition (b) revised and the advisory clauses were as follows:

“Approval conditions

- (a) submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (c) connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the Town Planning Board; and
- (d) provision of protective measures to ensure no pollution or siltation would occur to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the Town Planning Board.

Advisory clauses

- (a) construction of the proposed Small House shall not be commenced before the completion of the public sewerage system. Upon completion of the public sewerage system, the applicant should connect the proposed house to the public sewer at his own costs. Adequate land should be reserved for the future sewer connection works;
- (b) the applicant is required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan for construction, operation and maintenance of sewage pipes and connection points on the lots concerned in the Land Registry against all affected lots and resolve all necessary Government land issues with the Lands Department in order to demonstrate that it is both technically and legally feasible to install

sewage pipes from the proposed house to the planned sewerage system via the concerned private lot(s) and Government land;

- (c) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (d) to note the comments of the Director of Fire Services that the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the Lands Department. Detailed fire safety requirements will be formulated at the land grant stage;
- (e) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant is reminded to make necessary submission to the Lands Department to verify if the Site satisfies the criteria for the exemption for site formation works as stipulated in the Practice Note for Authorized Persons and Registered Structural Engineers APP-56 (PNAP APP-56). If such exemption is not granted, the applicant shall submit site formation plan to the Buildings Department in accordance with the provision of the Buildings Ordinance; and
- (f) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the Town Planning Board where required before carrying out the road works."

**Agenda Item 10**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/SK-CWBN/27

Proposed Minor Relaxation of Plot Ratio and Site Coverage Restrictions for Permitted House Development in “Residential (Group C) 6” zone, Lot 501 and Extension in D.D. 238, Clear Water Bay, Sai Kung

(TPB Paper No. 9534)

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[The item was conducted in Cantonese.]

110. The following representative of PlanD was invited to the meeting at this point:

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

111. The Chairman extended a welcome and explained the procedures of the review hearing. As the applicant had decided not to attend the hearing, the Chairman indicated that the Board would proceed with the review hearing in the absence of the applicant. He then invited DPO/SKIs to brief Members on the background to the review application.

112. With the aid of a Powerpoint presentation, Mr Ivan M.K. Chung presented the review application and covered the following main points as detailed in the Paper:

**Background**

- (a) the application site fell with an area zoned “Residential (Group C) 6” (“R(C)6”) on the approved Clear Water Bay Peninsula North No. S/SK-CWBN/4) (the OZP) adjoining Hang Hau Wing Lung Road;
- (b) there was a 2-storey residential building which had been in existence on the application site before gazettal of the Development Permission Area Plan in 2002;
- (c) the application site was covered by a previous planning application No.

A/SK-SWBN/11 approved by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) in 2009 for minor relaxation of plot ratio (PR) from 0.3 to 0.335 and GFA from 252.23m<sup>2</sup> to 281.5m<sup>2</sup> to be in line with the entitlement under the lease;

- (d) building plans of redevelopment on the application site approved by the Buildings Department (BD) in 2012 was to reflect the scheme under the approved planning application No. A/SK-SWBN/11;

The proposal

- (e) the applicant sought planning permission for minor relaxation of PR (from 0.3 to 0.38) and site coverage (SC) (from 20% to 27%) restrictions for permitted house development at the application site ;
  
- (f) on 16.8.2013, the Rural and New Town Planning Committee (RNTPC) of the Board rejected the application and the reasons were:
  - (i) there were insufficient design merits in the submission for the proposed minor relaxation in PR and SC; and
  
  - (ii) the approval of the application would set an undesirable precedent for other similar applications within the “R(C)” zone. The cumulative effect of approving such similar applications would result in a general visual degradation of the scenic value of the Clear Water Bay area;
  
- (g) the applicant had not submitted any further information for the review application;

Departmental comments

- (h) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) considered that landscape screening was only slightly better than the scheme approved under the previous planning application No. A/SK-SWBN/11, the potential visual improvement was only marginal and

there was insufficient planning and design merit for the relaxation sought;

Public comments

- (i) one public comment was received objecting to the review application;

Planning considerations and assessments

- (j) the current lease entitlement of the application site was the same as the previous approved scheme. There was no justification for further relaxation;
- (k) there was no reason why design improvements to, namely, building height variation, building form, greening, building material used and building layout could only be achieved by increase in PR and SC;
- (l) approval of the application would set an undesirable precedent for similar applications. The cumulative effect of which would result in a general visual degradation of the scenic value of the Clear Water Bay area; and

PlanD's view

- (m) PlanD did not support the review application.

113. As the presentation from the representative of PlanD had been completed, the Chairman invited questions from Members. Noting that there was no question from Members, the Chairman thanked the representative of PlanD for attending the meeting. Mr Ivan M.K. Chung left the meeting at this point.

Deliberation Session

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

- “(a) the applicant fails to provide sufficient design merits in the submission for the proposed minor relaxation in plot ratio and site coverage; and

- (b) the approval of the application would set an undesirable precedent for other similar applications within the “R(C)” zone. The cumulative effect of approving such similar applications will result in a general visual degradation of the scenic value of the Clear Water Bay area.”

### **Procedural Matters**

#### **Agenda Item 11**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comment to the Draft Sha Tau Kok Outline Zoning Plan No. S/NE-STK/1

(TPB Paper No. 9516)

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[The item was conducted in Cantonese.]

115. The Secretary briefly introduced the Paper. On 19.7.2013, the draft Sha Tau Kok OZP Plan No. S/NE-STK/1 was exhibited for public inspection under section 5 of the Ordinance. During the two-month exhibition period, 15 representations were received, of which four of them were submitted by green/concern groups (The Conservancy Association, World Wide Fund Hong Kong, Kadoorie Farm & Botanic Garden Corporation and Designing Hong Kong Limited) expressing concerns on insufficient protection of the ecologically valuable areas and objecting to the “Village Type Development” zone. The remaining 11 representations were submitted by the inhabitants village representative and individual villagers of San Tsuen, of which, 10 objected to the “Recreation(1)” (“REC(1)”) zone along the coastal area of San Tsuen whereas one supported the “REC(1)” zoning for the area. On 11.10.2013, the representations were published for three weeks for comment and one comment was received.

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

#### **Agenda Item 12**



[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft Lin Ma Hang Outline Zoning Plan No. S/NE-LMH/1  
(TPB Paper No. 9517)

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[The item was conducted in Cantonese.]

117. The Secretary briefly introduced the Paper. On 19.7.2013, the draft Lin Ma Hang OZP Plan No. S/NE-LMH /1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of four representations were received. They were submitted by green/concern groups (The Conservancy Association, World Wide Fund Hong Kong, Kadoorie Farm & Botanic Garden Corporation and Designing Hong Kong Limited) expressing concerns on insufficient protection of the ecologically valuable areas and objecting to/commenting on the “Green Belt”(“GB”), “GB(1)” and “Village Type Development” zones. On 11.10.2013, the representations were published for three weeks for comment and 128 comments were received.

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

### **Agenda Item 13**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comment to the Draft Ta Kwu Ling North Outline Zoning Plan No. S/NE-TKLN/1  
(TPB Paper No. 9518)

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[The item was conducted in Cantonese.]

119. The Secretary briefly introduced the Paper. On 19.7.2013, the draft Ta Kwu Ling North OZP Plan No. S/NE-TKLN/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of four representations were received. They were submitted by green/concern groups (The Conservancy Association, World Wide Fund Hong Kong, Kadoorie Farm & Botanic

Garden Corporation and Designing Hong Kong Limited) expressing concerns on insufficient protection of the ecologically valuable areas and objecting to the “Village Type Development (“V”) zone. On 11.10.2013, the representations were published for three weeks for comment and one comment was received.

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

**Agenda Item 14**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comment to the Draft Man Kam To Outline Zoning Plan No. S/NE-MKT/1  
(TPB Paper No. 9519)

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[The item was conducted in Cantonese.]

121. The Secretary briefly introduced the Paper. On 19.7.2013, the draft Man Kam To OZP Plan No. S/NE-MKT/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of three representations were received. They were submitted by green/concern groups (The Conservancy Association, Kadoorie Farm & Botanic Garden Corporation and Designing Hong Kong Limited) expressing concerns on insufficient protection of the ecologically valuable areas and objecting to the “Village Type Development” zone. On 11.10.2013, the representations were published for three weeks for comment and one comment was received.

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

**Agenda Item 15**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft Ma Tso Lung and Hoo Hok Wai Outline Zoning Plan No. S/NE-MTL/1

(TPB Paper No. 9520)

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[The item was conducted in Cantonese.]

123. The Secretary briefly introduced the Paper. On 19.7.2013, the draft Ma Tso Lung and Hoo Hok Wai OZP Plan No. S/NE-MTL/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of six representations were received. They were submitted by green/concern groups (Green Sense, The Conservancy Association, World Wide Fund Hong Kong, Kadoorie Farm & Botanic Garden Corporation, Designing Hong Kong Limited) and a general public expressing concerns on insufficient protection of the ecologically valuable areas, supporting the “Conservation Area” (“CA”) and “CA(1)” zones and objecting to the “Village Type Development” zone. On 11.10.2013, the representations were published for three weeks for comment and eight comments were received.

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

### **Agenda Item 16**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft Cha Kwo Ling, Yau Tong and Lei Yue Mun Outline Zoning Plan No. S/K15/20

(TPB Paper No. 9532)

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[The item was conducted in Cantonese.]

125. The following Member has declared interest in this item:

Ms Julia M.K. Lau	-	being the director of a private company (family business) involved in the sales transaction of an industrial building in Yau Tong completed in March 2010.
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126. As Ms Julia M.K. Lau’s interest was indirect, Members agreed that she should be

allowed to stay in the meeting.

127. The Secretary briefly introduced the Paper. On 16.8.2013, the draft Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan (OZP) No. S/K15/20 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The major amendments involve the rezoning of a site at Ko Chiu Road from “Government, Institution or Community” (“G/IC”) to “Residential (Group A)” (“R(A)”) and two sites at Lei Yue Mun Path, one from mainly “G/IC” to “R(A)6” and one from mainly “Green Belt” to “G/IC”, as well as other rezoning proposals to reflect existing uses. During the two-month exhibition period, a total of 611 representations were received. On 25.10.2013, the representations were published for three weeks for comments and one comment was received.

128. After deliberation, the Board agreed to the proposed hearing arrangement for the consideration of representations and comment as detailed in paragraph 3 of the Paper.

### **Agenda Item 17**

[Open Meeting]

Submission of the Draft Tai O Fringe Outline Zoning Plan No. S/I-TOF/1A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance  
(TPB Paper No. 9526)

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[The item was conducted in Cantonese.]

129. The Secretary briefly introduced the Paper. On 24.5.2013, the draft Tai O Fringe Outline Zoning Plan (OZP) No. S/I-TOF/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, 77 representations were received. On 16.8.2013, the representations were published for three weeks for comments. 359 comments on the representations were received. On 15.11.2013, after giving consideration to the representations and comments, the Town Planning Board (the Board) decided not to uphold the representations. As the representation consideration process had been completed, the OZP was ready for submission to the Chief Executive in Council (CE in C) for approval.

130. After deliberation, the Board agreed:

- (a) that the draft Tai O Fringe OZP No. S/I-TOF/1A and its Notes at Annexes I and II of the Paper respectively were suitable for submission under section 8 of the Ordinance to CE in C for approval;
- (b) to endorse the updated Explanatory Statement (ES) for the draft Tai O Fringe OZP No. S/I-TOF/1A at Annex III of the Paper as an expression of the planning intention and objectives of the Board on the OZP and issued under the name of the Board; and
- (c) that the updated ES was suitable for submission to CE in C together with the draft OZP.

**Agenda Item 18**

[Closed Meeting] [Confidential Item]

131. This item was recorded under confidential cover.

**Agenda Item 19**

[Closed Meeting] [Confidential Item]

132. This item was recorded under confidential cover.

**Agenda Item 20**

[Open Meeting]

**Any Other Business**

[The item was conducted in Cantonese.]

133. There being no other business, the meeting was closed at 1:40 p.m.