

**Minutes of 1050<sup>th</sup> Meeting of the  
Town Planning Board held on 24.1.2014**

**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 Maurice W.M. Lee

Professor P.P. Ho

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Julia M.K. Lau

Mr Clarence W.C. Leung

Mr Roger K.H. Luk

Dr W.K. Yau

Ms Bonnie J.Y. Chan

Mr H.W. Cheung

Dr Wilton W.T. Fok

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Mr Patrick H.T. Lau

Ms Christina M. Lee

Mr H.F. Leung

Mr Stephen H.B. Yau

Mr F.C. Chan

Director of Planning

Mr K.K. Ling

Director of Lands/Deputy Director of Lands (General)

Ms Bernadette H.H. Linn/Mr Jeff Y.T. Lam

Assistant Director (Environmental Assessment),

Environmental Protection Department

Mr K.F. Tang

Assistant Director (2), Home Affairs Department

Mr Eric K.S. Hui

Deputy Director of Planning/District

Miss Ophelia Y.S. Wong

Secretary

**Absent with Apologies**

Professor Edwin H.W. Chan

Mr Rock C.N. Chen

Mr Laurence L.J. Li

Ms Anita W.T. Ma

Professor K.C. Chau

Mr Dominic K.K. Lam

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  
Ms Lily Y.M. Yam

Senior Town Planner/Town Planning Board  
Mr J.J. Austin  
Ms Amy M.Y. Wu

**Agenda Item 1**

[Open Meeting]

**Confirmation of Minutes of the 1049<sup>th</sup> Meeting held on 10.1.2014**

[The meeting was conducted in Cantonese.]

1. The minutes of the 1049<sup>th</sup> meeting held on 10.1.2014 were confirmed without amendments.

**Agenda Item 2**

[Open Meeting]

**Matters Arising**

[The meeting was conducted in Cantonese.]

- (i) The Court of First Instance's Judgment on the Judicial Review Lodged by the Town Planning Board (TPB) against the Town Planning Appeal Board's (TPAB) Decision on the fulfilment of Approval Conditions in relation to the Application for Proposed Golf Course and Residential Development in Nam Sang Wai, Yuen Long (HCAL 26/2013)

2. As the interested parties of the judicial review (JR) application (Nam Sang Wai Development Co. Ltd. and Kleener Investment Ltd.) were subsidiaries of Henderson Land Development Co. Ltd. (HLD), the following Members declared interests in this item:

Mr Dominic K.K. Lam	)	had current business dealings with HLD
Mr Patrick H.T. Lau	)	
Ms Janice W.M. Lai	)	
Mr Ivan C. S. Fu	)	
Mr Clarence W.C. Leung	-	being a Director of a Non-Government Organisation (NGO) that recently received a private donation from a family member of the Chairman of HLD

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|---------------------|---|---|
| Mr Roger K.H. Luk   | - | being a member of the Council of the Chinese University of Hong Kong (CUHK) which received a donation from a family member of the Chairman of HLD |
| Professor P.P. Ho   | ) | being employees of CUHK which received a  |
| Professor K.C. Chau | ) | donation from a family member of the Chairman of HLD  |
| Dr. W.K. Yau        | - | being a Director of an NGO which received a donation from HLD   |
| Professor S.C. Wong | ) | being employees of the University of Hong   |
| Dr Wilton W.T. Fok  | ) | Kong (HKU) which received a donation from   |
| Mr H.F. Leung       | ) | a family member of the Chairman of HLD  |

3. As the item under concern was mainly to report the Court Judgment on the JR application, the meeting agreed that the above Members should be allowed to stay at the meeting. Members noted that Mr Dominic K.K. Lam and Professor K.C. Chau had tendered apologies for not attending the meeting and Mr Clarence W.C. Leung had not yet arrived.

4. The Secretary reported that on 4.1.2013, Members were briefed on the decision of TPAB in relation to TPB's decision on fulfilment of the approval conditions imposed on the planning permission for a proposed development in Nam Sang Wai under application No. A/DPA/YL-NSW/12. After considering the decision of TPAB and the advice of the Department of Justice (DoJ)/outside counsel, Members decided to apply for JR against the decision of TPAB.

5. The JR was heard by the Court of First Instance on 6.11.2013. On 16.1.2014, the Court handed down its judgment allowing the JR application and quashing the decision of TPAB. The Court also ordered the interested parties of the JR to pay the costs of TPB. A copy of the Judgment had been circulated to Members prior to the meeting.

*Background*

6. The Secretary explained the background to the JR, as follows:
- (a) on 20.9.2010, the applicants (i.e. interested parties of the JR) of the said application submitted a modified Master Layout Plan (MLP), Landscape Master Plan (LMP) and technical reports for fulfilling the relevant approval conditions of the application;
  - (b) on 1.12.2010, the Director of Planning (D of Plan) informed the applicants that the modified MLP deviated substantially from the approved scheme and therefore could not be considered in the context of fulfilment of conditions. The LMP and the technical reports, which were all based on the modified MLP, also could not be considered in the context of fulfilment of the conditions;
  - (c) the applicants disagreed with the views of D of Plan and sought to refer the dispute to TPB for consideration;
  - (d) on 17.12.2010, TPB decided that the relevant approval conditions in relation to the said application were not satisfactorily complied with by the applicants. The applicants requested for a review of TPB's decision under section 17 of the Town Planning Ordinance (TPO);
  - (e) on 8.4.2011, TPB considered the applicants' request for a review of its decision and came to a view that there was no provision under section 17 of TPO to apply for a review of the TPB's decision on the fulfilment of approval conditions. TPB decided that it had no power to do so because the decision did not involve the exercise of the TPB's power under s.16 of TPO. The applicants lodged an appeal with TPAB against the TPB's decision;
  - (f) the appeal was allowed by TPAB on 30.10.2012 (with written decision handed down on 11.12.2012). TPAB held that:

- (i) the decision of TPB in determining whether conditions were fulfilled was a decision reviewable under section 17(1) of TPO;
  - (ii) the TPB's decision that it had no jurisdiction to review the determination was a decision made under section 17(1) and hence an appeal to TPAB was permissible under section 17B(1) of TPO; and
  - (iii) TPB had the power to review its own decision about the fulfilment of the approval conditions and TPB should hence proceed to review the case under section 17(1) of TPO;
- (g) on 4.1.2013, Members decided to apply for a JR against the TPAB's decision. Members considered that a definitive ruling should be sought from the Court on the final authority regarding the decision on fulfilment of approval conditions under TPO.

### *Gist of the Judgment*

7. The gist of the judgment was highlighted as follows:

- (a) the discussions before the Court mainly focused on whether the TPB's decision of 17.12.2010 (the December Decision) was a "decision of TPB under section 16 of TPO" within the meaning of section 17(1) of TPO. This turned on a question of the proper interpretation of sections 16 and 17 of TPO which, as the Court considered, was informed by the review of the legislative history of TPO, in particular sections 16 and 17 of TPO;
- (b) the Court considered that statutes had to be construed as a whole. In particular, section 17 should be read with section 16 since the two provisions formed a scheme. In the light of the legislative history of TPO, when the relevant provisions were read together as a whole, TPB was only empowered under section 17 to review an earlier decision if that decision was one taken under section 16;

- (c) the Court was of the view that section 17(1) of TPO provided for the review of “*a decision of the Board under section 16*”. It was not just any decision of TPB, but a decision of TPB under section 16, i.e. refuse to grant permission or grant a planning permission subject to conditions. The Court therefore held that the December Decision was a decision pursuant to the terms of the conditions imposed under s.16(5), and was not a decision under section 16; and
- (d) the Court also considered that if the interested parties’ argument was accepted (i.e. *any* decision made by TPB under section 16 of TPO was reviewable under section 17 of TPO), it would lead to anomalies which would not be the legislature’s intent of TPO;

8. The Court ruled that:

- (a) on a true construction of TPO, the December Decision (on fulfilment of conditions) was not a “decision of the Board under s.16” within the meaning of s.17(1); and
- (b) TPB therefore had no power to review that decision under s.17 and was right so to hold on 8.4.2011.

9. Members were invited to note the above Court Judgment. Should the interested parties of the JR and/or TPAB appeal to the Court of Appeal within 28 days of the date of the judgment, the Secretary would represent TPB in all matters relating to the JR and the subsequent appeal (if any) in the usual manner.

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

(ii) New Town Planning Appeals Received

- (1) Town Planning Appeal No. 10 of 2013 (10/13)  
House (Private Garden Ancillary to New Territories Exempted House)



in “Village Type Development” and “Green Belt” Zones, Government Land adjoining Lot 595s.A in D.D. 14, Tung Tsz, Tai Po  
(Application No. A/NE-TK/445)

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10. The Secretary reported that an appeal was received by the Appeal Board Panel (Town Planning) on 24.12.2013 against the decision of the Town Planning Board (TPB) on 18.10.2013 to reject on review an application for a private garden ancillary to a New Territories Exempted House in “Village Type Development” and “Green Belt” zones on the approved Ting Kok Outline Zoning Plan No. S/NE-TK/17. The application was rejected by TPB for the following reasons:

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

11. The hearing date of the appeal was yet to be fixed. The Secretary would represent TPB on all matters relating to the proceedings of the Appeal Board Panel (Town Planning) in the usual manner.

- (2) Town Planning Appeal No. 11 of 2013 (11/13)  
Temporary Retail of Second-Hand Private Cars for a Period of 1 Year in “Village Type Development” Zone, Lots 125 S.C RP (Part), 220 RP (Part), 231 RP (Part) and 306 RP (Part) in D.D. 102 and Adjoining Government Land, San Tin, Yuen Long

(Application No. A/YL-ST/431)

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12. The Secretary reported that an appeal was received by the Appeal Board Panel (Town Planning) on 27.12.2013 against the decision of the Town Planning Board (TPB) on 18.10.2013 to reject on review an application for temporary retail of second-hand private cars for a period of 1 year at a site zoned “Village Type Development” (“V”) on the approved San Tin Outline Zoning Plan No. S/YL-ST/8. The application was rejected by TPB for the following reasons:

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

13. The hearing date of the appeal was yet to be fixed. The Secretary would represent TPB on all matters relating to the proceedings of the Appeal Board Panel (Town Planning) in the usual manner.

- (3) Town Planning Appeal No. 12 of 2013 (12/13)  
Temporary Open Storage of Waste Plastic for a Period of 3 Years in “Agriculture”  
Zone, Lots 987 (Part) and 988 (Part) in D.D. 106, Shek Kong, Yuen Long  
(Application No. A/YL-SK/180)
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14. The Secretary reported that an appeal was received by the Appeal Board Panel (Town Planning) on 31.12.2013 against the decision of the Town Planning Board (TPB) on 1.11.2013 to reject on review an application for temporary open storage of waste plastic for a period of 3 years at a site zoned “Agriculture” (“AGR”) on the approved Shek Kong Outline Zoning Plan No. S/YL-SK/9. The application was rejected by TPB for the following reasons:

- (a) the development was not in line with the planning intention of the “AGR” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development under application did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that no previous planning approval had been granted to the site and there were adverse departmental comments and local objections against the application;
- (c) the development was not compatible with the surrounding land uses which were predominantly rural in character with a mixture of cultivated and fallow agricultural land, vacant land and scattered residential structures. The applicant had failed to demonstrate that the development under application would have no adverse environmental, drainage and landscape impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an

undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

15. The hearing date of the appeal was yet to be fixed. The Secretary would represent TPB on all matters relating to the proceedings of the Appeal Board Panel (Town Planning) in the usual manner.

#### Appeal Statistics

16. The Secretary reported that as at 24.1.2014, 19 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	:	19
Decision Outstanding	:	1
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Total	:	354

#### (iii) Approval of Draft Plans

17. The Secretary reported that on 7.1.2014, the Chief Executive in Council (CE in C) approved the following draft plans under section 9(1)(a) of the Town Planning Ordinance (the Ordinance):

- (a) Tsuen Wan Outline Zoning Plan (OZP) (to be renumbered as S/TW/31);
- (b) Kwu Tung South OZP (to be renumbered as S/NE-KTS/14); and
- (c) Pak Sha O Development Permission Area (DPA) Plan (to be renumbered as DPA/NE-PSO/2).

18. The approval of the above plans was notified in the Gazette on 17.1.2014.

(iv) Reference Back of Approved OZPs

19. The Secretary reported that on 7.1.2014, CE in C referred the following approved OZPs to the Town Planning Board for amendment under section 12(1)(b)(ii) of the Ordinance:

- (a) Tsz Wan Shan, Diamond Hill and San Po Kong OZP No. S/K11/25; and
- (b) Pat Heung OZP No. S/YL-PH/11.

20. The reference back of the above OZPs was notified in the Gazette on 17.1.2014.

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

(v) [Closed Meeting]

21. This item was recorded under confidential cover.

**Agenda Item 3**

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comment related to the Draft Cha Kwo Ling, Yau Tong and Lei Yue Mun Outline Zoning Plan No. S/K15/20

**(TPB Paper No. 9554)**

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[The hearing was conducted in Cantonese.]

**Hearing for Group 1 (Representations R1 to R267)**

22. As the representations were concerned with the proposed Home Ownership Scheme (HOS) development by the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA), the following Members declared interests in this item:

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|---|---|
| Mr Stanley Y.F. Wong  | - being a member of HKHA and Chairman of the Subsidized Housing Committee of HKHA   |
| Ms Julia M.K. Lau   | - being a member of the Commercial properties Committee and Tender Committee of HKHA. She was also the director of a private company (family business) that sold an industrial building in Yau Tong in March 2010 |
| Professor Edwin H.W. Chan   | - being a member of HKHA  |
| Mr Dominic K.K. Lam   | )   |
| Mr H.F. Leung   | ) had business dealings with HKHA   |
| Ms Janice W.M. Lai  | )   |
| Mr K.K. Ling<br>as Director of Planning   | - being a member of the Strategic Planning Committee and the Building Committee of HKHA   |
| Mr Jeff Y.T. Lam<br>as Deputy Director of Lands   | - being a representative of the Director of Lands who was a member of HKHA  |
| Miss Winnie M.W. Wong<br>as Principal Assistant Secretary (Transport), Transport and Housing Bureau | - being the representative of the Secretary for Transport and Housing who was a member of the Strategic Planning Committee of HKHA  |
| Mr Eric K.S. Hui<br>as Assistant Director, Home Affairs Department                                  | - being a representative of the Director of Home Affairs who was a member of the Strategic Planning Committee of HKHA   |

23. As the interests of the above Members were direct and substantial, Members agreed that they should withdraw from the meeting. Members noted that Professor Edwin H.W. Chan, Mr Dominic K.K. Lam and Miss Winnie M.W. Wong had tendered their apologies for not attending the meeting.

[Mr Stanley Y.F. Wong, Ms Julia M.K. Lau, Mr H.F. Leung, Ms Janice W.M. Lai, Mr K.K. Ling, Mr Jeff Y.T. Lam and Mr Eric K.S. Hui left the meeting temporarily at this point.]

Presentation and Question Session

24. The Chairman said that reasonable notice had been given to the representers to invite them to attend the hearing. However, some of the representers had either indicated not to attend meeting or made no reply. Members agreed to proceed with the hearing in the absence of these representers.

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

- Mr Tom Yip - District Planning Officer/Kowloon (DPO/K),  
Planning Department (PlanD)
- Ms Karen Wong - Senior Town Planner/Kowloon (5), PlanD
- Ms Teresa Fong - Senior Planning Officer 3, HD

**R78 (Mr Jack Cheung, District Council Member)**

- Mr Jack Cheung - Representer

**R79 (The Incorporated Owners of Ko Chun Court (Yau Tong))**

- Mr Law Chi Hung )
- Mr Chin Chan Chung ) Representer's representatives
- Mr Lau Chung Shun )
- Mr Po Ho Yin )

**R125 (Wong Hon Keung)**

- Mr Wong Hon Keung - Representer

**R126 (章秉聰先生)**

- Mr Chang Bing Chung - Representer

**R154 (莊建樂)**

- Mr Chong Kin Lok - Representer

**R218 (陳笑英)**

Ms Chan Siu Ying - Representor

**R253 (胡志偉(立法會議員)、謝淑珍(區議員)、韓家銘、莫建成(社區聯絡主任))**

Ms Tse Shuk Chun - Representor

**R258 (郭善才)**

Mr Kwok Sin Choy - Representor

26. The Chairman extended a welcome and explained the procedure of the hearing. He then invited DPO/K to brief Members on the background of the representations.

27. Mr Tom Yip said that a replacement page for page 9 of the TPB Paper had been tabled for Members' reference. With the aid of a Powerpoint presentation, Mr Yip made the following main points as detailed in the Paper:

**Background**

- (a) on 16.8.2013, the draft Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan (OZP) No. S/K15/20, incorporating amendments mainly to rezone a site at Ko Chiu Road from "Government, Institution or Community" ("G/IC") to "Residential (Group A)" ("R(A)") (Amendment Item A); a site at Lei Yue Mun Path from "G/IC", "Green Belt" ("GB") and area shown as 'Road' to "R(A)6" (Amendment Item B1); part of Lei Yue Mun Path and its coach drop-off area and taxi/minibus stand from "G/IC" and "GB" to area shown as 'Road' (Amendment Item B2); an area at the roundabout of Lei Yue Mun Path from "GB", "R(A)" and "Village Type Development ("V") to "G/IC" (Amendment Item C); zoning amendments to the ventilation buildings and station compound of the Mass Transit Railway (MTR) in Yau Tong to reflect the existing uses (Amendment Items D1 to D4); and the rezoning of the existing Eastern Harbour Crossing Ventilation Building from "Other Specified Uses" annotated "Eastern Harbour Crossing Ventilation Building"



("OU(EHCVB)") to "OU(Ventilation Building)" (Amendment Item D5) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance);

- (b) during the two-month exhibition period, a total of 611 representations were received. The representations were mainly related to Amendment Items A, B1, B2 and D5. On 25.10.2013, the representations were published for public comments and, in the first three weeks of the publication period, one public comment related to Amendment Items B1 and B2 was received;
- (c) on 20.12.2013, the Board decided to consider the representations in 2 groups. Group 1 (representations R1 to R267) was related to Amendment Item A, i.e. the rezoning of a site at Ko Chiu Road from "G/IC" to "R(A)" with stipulation of building height restrictions;

#### The Zoning Amendment

- (d) in order to tackle the pressing housing problem in Hong Kong, the Chief Executive announced in the 2013 Policy Address a number of measures to increase housing land supply in the short to medium term. One of the measures was to convert the use of a number of "G/IC" sites and other Government sites, which were considered suitable for residential use, to meet the pressing demand for housing land. The "G/IC" site at Ko Chiu Road (the Site) under Amendment Item A was one of these sites;
- (e) part of the Site (2,200m<sup>2</sup> or 31%) was originally reserved for clinic use but without a firm development programme while the remaining part of the site (5,000m<sup>2</sup> or 69%) had no designated Government, institution or community (GIC) use. The Food and Health Bureau (FHB) was consulted and had no objection to release the site for other uses but requested another suitable site in the vicinity to be reserved for clinic use for long-term planning purpose. The Site fell within a residential neighborhood with mainly high-rise, high-density public/subsidized

housing developments and was considered suitable for residential use. The Site was rezoned to “R(A)” with a maximum building height restriction of 150mPD;

- (f) three possible replacement sites for the planned clinic had been identified. Replacement site (1) at Pik Wan Road was considered not appropriate by some Kwun Tong District Council (KTDC) members as it was located more uphill and inconvenient to residents in lower Yau Tong. Replacement site (3) at Yau Tong Lane was considered unsuitable by FHB due to the constraint of slope and the concern from some locals on the size of the site. Replacement site (2) at Ko Chiu Path was acceptable to FHB and had been selected and earmarked for clinic use;
  
- (g) in rezoning the “G/IC” sites, the adequacy of GIC facilities in the area covered by the OZP had been assessed by PlanD. Based on the latest planned population of 158,000 for the OZP area (including the proposed housing developments under Amendment Items A and B1), the provision of GIC facilities was generally adequate except for a shortfall in the planned provision of primary and secondary school classrooms, post office and divisional police station. On the shortfall in primary and secondary classrooms, the Secretary for Education (SED) advised that primary and secondary school sites had been reserved to meet the planned population in the Kwun Tong district and the Site was not required for school development. Regarding the shortfall in post office provision, a post office could be provided in premises in government, commercial and commercial/residential buildings. As for the shortfall in divisional police station, the Commissioner of Police (C of P) advised that there were three existing divisional police stations in the Kwun Tong district and there were no plans for a new divisional police station in the area;
  
- (h) apart from a request from the Director of Social Welfare for social welfare facilities to be provided at the newly zoned “G/IC” site at Lei Yue Mun Path (Amendment Item C), other bureaux/departments confirmed that they had no plan to use the Site for the provision of GIC facilities under

their purview. In this regard, the amendment to the OZP would have no adverse impact on the GIC provision in the area;

### Public Consultation

- (i) prior to the gazettal of the OZP, KTDC was consulted on the proposed residential use at the Site (Amendment Item A) and the Lei Yue Mun Path site (Amendment Item B1) on 8.1.2013 and written submissions from DC members and stakeholders were also received. KTDC gave in-principle support to the proposals, and requested Government departments concerned to take follow-up actions for provision of community facilities in the Kwun Tong district, particularly a suitable replacement site for clinic development. The development proposals had been suitably amended in response to the views from KTDC and the written submissions;
- (j) after the publication of the draft OZP No. S/K15/20 on 16.8.2013, the amendments were presented to the Housing Committee of KTDC on 19.9.2013. Its views were summarized below:
  - (i) concerned about the implementation and accessibility of the proposed replacement clinic site at Yau Tong Lane;
  - (ii) local residents were worried about the noise nuisance during the construction period and requested the concerned departments to minimize the noise impact to the nearby residents;
  - (iii) there was concern on the visual and air ventilation impacts on the surrounding areas upon completion of the residential development; and
  - (iv) there was a proposal to build a lift between Ko Chiu Road and Lei Yue Mun Road to enhance pedestrian accessibility;
- (k) a consultation paper was also circulated to the Task Force on

Harbourfront Developments in Kowloon, Tsuen Wan and Kwai Tsing of the Harbourfront Commission on 3.10.2013 and no comment was received;

### The Representations

- (l) there were 267 representations in Group 1 (i.e. R1 to R267). 11 representations (R1 to R11) supported the zoning amendment under Amendment Item A with R1 to R5 not specifying the reasons. 241 representations (R12 to R252) opposed the zoning amendment and 3 representations (R253 to R255) offered comments on the zoning amendment. 12 representations (R256 to R267) indicated they had no comments on the zoning amendment;
  
- (m) 197 representations (R1 to R11, R80 to R97, R99 to R252, and R254 to R267) were in the form of replies to an opinion survey submitted collectively by the Incorporated Owners (IO) of Ko Chun Court (R79) while 66 representations (R12 to R77) were in the form of a standard letter mainly from residents/owners of Ko Cheung Court. The remaining 3 representations were submitted by a KTDC member (Mr Jack Cheung Ki-tang) (R78), a resident/owner of Ko Chun Court (R98) and jointly by a Legislative Councillor (Hon. Wu Chi-wai), a KTDC member (Ms Tse Suk-chun) and their assistants (R253);

### Grounds of Representation and Representers' Proposals

#### *Supportive Representations*

- (n) the main grounds of the supportive representations (R6 to R11) were summarized as follows:
  - (i) the zoning amendment would provide more housing units/land to meet the community's urgent need and assist those living in subdivided cubicles;

- (ii) the zoning amendment could facilitate comprehensive planning and development of the area; and
- (iii) the zoning amendment could raise the property value of Ko Chun Court;
- (o) the representers proposed that the residential development should be for subsidized housing or public housing;

*Adverse Representations*

- (p) the main grounds of the opposing representations (R12 to R252) and those providing comments (R253 to R255) were summarized as follows:
  - (i) there were insufficient clinics or health centres for Yau Tong residents. The rezoning of the reserved clinic site at Ko Chiu Road to residential use would deviate from the requirements of the Hong Kong Planning Standards and Guidelines (HKPSG). Although a replacement clinic site was proposed, the study on the replacement site had not been completed and implementation of the proposal would take a long lead time;
  - (ii) the area of the proposed replacement clinic site at Yau Tong Lane was small, which might affect the provision of medical services;
  - (iii) the proposed residential development would exert great pressure on the public transport facilities along Ko Chiu Road which was currently not sufficient to cater for the need. It would result in adverse traffic impact in the locality or Kwun Tong in general. There would also be an increase in the pedestrian flow in the area;
  - (iv) the building and population density of the area was already very high. The provision of community facilities, open space or greening area was insufficient. The proposed development would aggravate the

situation and would have adverse visual (wall effect), air ventilation, air quality and noise impacts. In particular, the proposed building height restriction of 150mPD would affect the air ventilation of Ko Chun Court and adversely affect living quality; and

- (v) hundreds of trees which served as the green lung of the locality/Yau Tong would be felled;
- (q) the representers' proposals were summarized as follows:
  - (i) Amendment Item A should be withdrawn and the "G/IC" zoning or the greening/open spaces/trees and vegetation of the Site should be retained;
  - (ii) the Site should be reserved for clinic, social welfare facilities, elderly facilities, open space/park, recreation/leisure/cultural facilities, library, community hall or other community facilities;
  - (iii) a clinic together with the proposed residential development should be developed at the Site;
  - (iv) a footbridge and lift tower connecting Ko Chiu Road and Lei Yue Mun Road should be provided, and a review on whether the existing pedestrian crossing facilities were sufficient and appropriate should be conducted;
  - (v) another piece of land around the residential development should be identified for open space use, and more fitness facilities for the elderly, children playground and basketball court should be provided;
  - (vi) parking spaces at a rate slightly higher than that specified in HKPSG should be provided; and
  - (vii) housing should be developed in other areas to meet the housing

demand such as the open-air bus terminus opposite to Kwong Tin Estate, golf courses in the New Territories, or at abandoned factories/industrial buildings;

Responses to the Grounds of Representation and Representers' Proposals

- (r) the Government's responses to the grounds of representations and representers' proposals were summarized as follows:

*Main response*

- (i) land suitable for development in Hong Kong was scarce and there was a need for optimizing the use of land available to meet the pressing demand for housing land. Only part of the Site (2,200m<sup>2</sup> or 31%) was originally reserved for clinic use but with no firm development programme, while the major part of the Site (5,000m<sup>2</sup> or 69%) had no designated GIC use. As a suitable replacement site for the clinic had been identified at Ko Chiu Path and the Site was suitable for residential use, it was appropriate to rezone the Site to meet the urgent community need for housing land;

*Provision of Clinic*

- (ii) according to HKPSG, a clinic was required based on the estimated planned population of 158,000 for the area. While there was no general clinic within the area covered by the OZP, a polyclinic was provided at Cha Kwo Ling Road and the entire Kwun Tong area was served by five general clinics of which the Kwun Tong Jockey Club Health Centre and the Lam Tin General Out Patient Clinic were conveniently located to serve the Yau Tong area;
- (iii) there was no development programme for the clinic at the originally reserved site. Taking into account the views of FHB and the locals, a site at Ko Chiu Road had been identified as a suitable replacement

site for the clinic. The replacement site had an area of 2,692m<sup>2</sup> which exceeded the requirement of 2,200m<sup>2</sup> as stipulated in HKPSG;

*Provision of GIC Facilities/Open Space*

- (iv) the adequacy of GIC facilities and open space in the area had been assessed and the relevant Government departments confirmed that the Site was not required for any GIC use. The amendment would not cause adverse impacts on the GIC provision in the area;
- (v) the planned provision of open space in the area was sufficient with a surplus of 17.5 ha according to HKPSG (i.e. 4.08 ha for district open space and 13.48 ha for local open space). Apart from those provided in the nearby housing estates/developments, a number of existing active and passive open spaces were located in the vicinity including the Yau Tong Service Reservoir Playground, the Pik Wan Road Rest Garden and the Ko Chiu Road Rest Garden;

*Traffic Impact, Public Transport Services and Pedestrian Facilities*

- (vi) the Site was located within a well developed district and was well served by public transport with a number of bus routes along Ko Chiu Road/Pik Wan Road and the Yau Tong MTR Station only about 300m away. The Commissioner for Transport (C for T) advised that the current traffic condition at the junction of Ko Chiu Road and Pik Wan Road was satisfactory. HD would review whether the existing pedestrian facilities and public transport services could cater for the proposed development and would liaise with the relevant government departments on provision of enhancement measures where necessary at the detailed design stage. C for T would also closely monitor the pedestrian crossing facilities and the bus and mini-bus services and liaise with transport operators to strengthen their services as required;



*Visual and Air Ventilation*

(vii) the Site was surrounded on all sides by existing slopes, local roads of not less than 15m in width and low-rise GIC developments which could provide sufficient visual and air ventilation relief in the locality. High-rise developments, including Ko Cheung Court and Ko Chun Court, were located to the south and east of the Site at least 60m away. The proposed development of about 150mPD at the Site was broadly similar to those of the residential blocks in the area (117mPD to 168mPD) and would not be incompatible with its surroundings in terms of visual context;

(viii) the annual prevailing winds of the area were mainly from the east and north-east and the summer prevailing winds were from the east and southerly quarters. The proposed development was not envisaged to have significant adverse air ventilation impact on the area. The planning brief to be prepared for the Site could set out more detailed requirements and measures, e.g. building gap(s) aligning with the prevailing wind directions and podium, if any, of more permeable design to further enhance the air permeability;

*Environmental and Ecological Impacts*

(ix) the Director of Environmental Protection (DEP) considered that there was no significant environmental issue arising from the proposed residential development. An Environmental Assessment Study would be carried out by HD to demonstrate the environmental acceptability during both the construction and operational phases of the housing development and to propose appropriate noise mitigation measures;

(x) even under the previous "G/IC" zoning, the existing trees/vegetation on the Site would inevitably be affected. The Director of

Agriculture, Fisheries and Conservation (DAFC) advised that the Site was generally covered with common exotic and native plantation trees, and no ecological issues would arise from the proposed residential development. In any event, tree preservation and landscape requirements for the Site, including the need to maintain dense tree groups within the Site as greening buffer, would be set out in the planning brief at the detailed design stage;

*Integration of the Clinic Use with the Housing Development*

- (xi) the proposal to integrate the public clinic and residential development at the Site might be possible, but the concerned departments would need to further examine whether their development programme could be matched. If it was proved to be infeasible, a clinic could still be developed at the identified replacement site at Ko Chiu Path;

*Provision of Footbridge/Lift Tower between Ko Chiu Road and Lei Yue Mun Road*

- (xii) there was an existing covered walkway/footbridge with lift towers from Ko Chun Court via Ko Yee Estate and Yau Mei Court to the bus terminus at the Domain or the Yau Tong MTR Station at Cha Kwo Ling Road. The need for another footbridge and lift tower between the Site and Lei Yue Mun Road would be reviewed by the relevant Government departments separately; and

*Provision of More Parking Spaces in the Development*

- (xiii) the request for more parking spaces had been relayed to the Transport Department and HD. An appropriate level of parking spaces for the proposed housing development would be determined at the detailed design stage, taking into account the HKPSG requirements, site location, housing size/type and site constraints.

28. The Chairman then invited the representers and representers' representatives to elaborate on the representations.

Representation No. R78

29. Mr Jack Cheung made the following main points:

- (a) the entire exercise was carried out hastily with inadequate consultation. The local people were never consulted on the proposed reprovisioning site for the clinic next to a temple and two schools. The views of the stakeholders, including the temple and the two schools, were not known and were not presented in the Paper;
- (b) as the Site was located in a densely developed residential area, it was questionable whether the population in the area should be further increased. There was genuine concern that the only "GB" site in the Yau Tong area would be obliterated due to the proposed development;
- (c) the proposed development would be built at a great cost to the residents nearby in terms of the traffic impact and the provision of community facilities. The Site should be retained to provide open space and recreational facilities which were lacking in the area;
- (d) the "G/IC" site that was proposed in the Paper for the provision of social welfare facilities was insufficient in site area to provide the social welfare facilities required by the community;
- (e) the proposed development should be provided with a lift and footbridge that would link up the Site with Lei Yue Mun Road to facilitate pedestrian access to the MTR station. It would be highly inappropriate if the future pedestrian route from the Site to the MTR station was required to pass through Ko Chun Court;
- (f) the current illegal parking problem, particularly of construction vehicles and

lorries along Ko Chiu Road, was already very serious, often causing traffic congestion. In this regard, the number of car parking spaces to be provided in the future development should be carefully considered;

- (g) there was concern that, in addition to the current proposal, more residential developments were being planned in the area;
- (h) the proposed building height of 150mPD would have a direct adverse impact on Ko Chun Court which had a building height of only 120mPD; and
- (i) there was concern that the remaining “G/IC” sites were inadequate to meet the local community’s need for GIC facilities. The existing premises of the Integrated Family Services Centre serving the Yau Tong area was already below standard as it was less than 300m<sup>2</sup> in size. Upon the implementation of the Yau Tong Bay development in 2015-16, the population in the area would increase drastically and the GIC facilities being provided in Yau Tong would be unable to cope with the demand. The Government should advise on when the proposed clinic would be implemented.

Representation No. R79

30. Mr Law Chi Hung made the following main points:

- (a) information on the reprovisioning of the clinic was only provided by the Government at a very late stage, demonstrating that the zoning amendment was carried out hastily;
- (b) it was illogical and inappropriate that the future residents of the proposed development would need to pass through Ko Chun Court to gain access to the MTR station as this would give rise to security and other problems;
- (c) the existing trees on the Site served as a green lung for the Yau Tong area which could not be replaced by the provision of open space within the future development where only a limited amount of trees would be provided and

could not serve the same purpose. In this regard, the proposed development would adversely affect the overall environment;

- (d) as the buildings of Ko Chun Court were lower in height than that of the other residential developments in the vicinity, the reception of telecommunication signals in the estate was poor. The proposed development of the Site had failed to take into account its adverse impact in this respect, resulting in Ko Chun Court being completely blocked off;
- (e) the current provision of public transport services had already fallen short of the demand with long waiting times. The addition of 600 flats to the area would exacerbate the problem. Moreover, during peak periods such as Ching Ming Festival and Chung Yeung Festival, the roads in the vicinity were so congested that residents had difficulty in driving their vehicles home. Besides, the vehicles generated by the proposed development would add pressure to the pedestrian crossing facilities in the area and adversely affect the safety of pedestrians;
- (f) the Site should be retained for “G/IC” use so that the clinic could be developed as soon as possible to meet the needs of the local residents. Besides, the originally planned clinic at the Site would take up a smaller site area and thus require the felling of less trees. As there was a lack of recreational facilities in the area, in particular for children, the remaining part of the Site with no designated GIC use could be used for the development of open space or the provision of recreational facilities; and
- (g) it was inappropriate to re-provision the clinic to a site adjoining a temple as the temple would generate smoke and dust that would adversely affect the future clinic. The Site was better suited for a clinic development as it would be more spacious and would provide a better access for handicapped persons.

Representation No. R126

31. Mr Chang Bing Chung presented some photos on the visualiser and made the

following main points:

- (a) as the current width of the road could only allow a single carriageway with traffic in both directions, vehicles would need to cross over the other side of the traffic lane in order to bypass any cars parking along the road kerb. During the construction of the proposed residential development, many construction vehicles would use the road, causing a serious traffic problem;
- (b) there was currently a Care and Attention Home for the Elderly and a nursery in Ko Chun Court. The adverse impact on air quality during the construction period would affect the health of the elderly and young children;
- (c) the Government should address the traffic and air quality issues caused by the proposed residential development before going ahead with its plans; and
- (d) in case it was decided that the proposed residential development should proceed, the Site should be developed for private residential use rather than for HOS development so that all the necessary departmental requirements could be set out in the lease to ensure proper enforcement.

Representation No. R253

32. Ms Tse Shuk Chun made the following main points:

- (a) traffic noise along Lei Yue Mun Road and Ko Chiu Road was an existing problem affecting residents in the area, including the elderly living in the Hong Kong Chinese Women's Club Madam Wong Chan Sook Ying Memorial Care and Attention Home for the Elderly opposite to the Site. The proposal to develop the Site for residential use would only increase the number of residents that would be affected by traffic noise;
- (b) it was questionable whether the residents of the future development would be allowed to use the existing covered walkway/lift towers that passed through Ko Chun Court to gain access to the Yau Tong MTR station. An

alternative route that passed through Ko Cheung Court was currently blocked by a gate and previous attempts by the residents of Kwong Tin Estate to open up that route had failed due to security and other reasons;

- (c) there was also concern whether the number of parking spaces to be provided at the future development was adequate; and
- (d) in case it was decided that the proposed residential development should proceed, the clinic should be integrated into the proposed residential development to ensure the timely provision of the clinic to serve the local population.

33. As presentation from PlanD's representatives, representers and their representatives had been completed, the Chairman invited questions from Members.

34. In response to the Chairman's enquiry on the building height restriction of the proposed development, Mr Tom Yip referred to Plan H-5 of the Paper and said that the maximum height of the existing buildings in the surrounding area varied from 125mPD to 168mPD. In this regard, a building height restriction of 150mPD for the Site would ensure that the height of the future development would be compatible to that of other buildings in the vicinity. Moreover, as there was some distance between the Site and existing developments, the proposed development would not cause any adverse visual impact.

35. A Member enquired whether it was feasible to develop the residential development together with the clinic, as suggested by a representer. In response, Mr Tom Yip said that it was technically feasible to build a residential cum clinic development at the Site. The main problem was a mismatch in the development programme of the two uses as there was no fixed time-table for the clinic development while the proposed HOS development was urgently required. While the relevant Government departments would continue to examine the feasibility of a joint development at the Site, a replacement site at Ko Chun Path for the clinic had been identified should a joint development fail to materialize.

36. Noting the representers' concern about the inadequate provision of GIC facilities and open space for local residents, a Member enquired whether all the "G/IC" and "O" zoned sites in the Yau Tong area had been developed to meet the needs of the community. In response, Mr Tom Yip said that the provision of open space in the area was adequate and there were four existing open space in the vicinity including the Pik Wan Road Rest Garden, the Ko Chiu Road Rest Garden, the Yau Tong Service Reservoir Playground and the Lei Yue Mun Road Playground. Moreover, local open space were provided within individual residential estates to serve their residents. Local open space would also be provided in the future residential development at the Site.

37. Mr Tom Yip also clarified that the shortest possible route from the future residential development to the Yau Tong MTR station would be by way of an existing crossing facility at Ko Chiu Road via the Ko Chiu Road Rest Garden. It was unlikely that they would use the existing covered walkway/lift tower through Ko Chun Court as mentioned by some representers.

38. In response to a Member's enquiry on the shortfall in the provision of primary school and secondary school classrooms, Mr Tom Yip said that although there was a shortfall in the Yau Tong area, the provision of primary school and secondary school classrooms were adequate in respect of the School Districts of the Education Bureau which covered a larger geographical area.

39. Mr Law Chi Hung said that the traffic issue was not addressed as the roads in the vicinity were very congested during peak periods and during the Ching Ming and Chung Yeung Festivals. Besides, the proposed residential development would be located adjacent to an electricity substation which would adversely affect the health of the future residents. Mr Law also disagreed with the view that the proposed development would not cause adverse visual impact as the proposal would result in a wall effect for the residents of Ko Chun Court.

40. Mr Jack Cheung said that as the Site was only 60 metres away from Ko Chun Court, the residents of Ko Chun Court would be adversely affected by the future development with a building height of 150mPD, which was much taller than the height of the existing buildings in Ko Chun Court (122mPD to 125mPD). He continued to say



that local residents would prefer a joint clinic cum residential development at the Site and requested the relevant Government departments to consult the locals on the proposal of locating the clinic at the Ko Chun Path site. The shortfall in primary school and secondary school classrooms would aggravate the traffic problem of Yau Tong as students would need to take school buses or other forms of public transport to school. In case it was decided that the proposed residential development should proceed, the Board should require the provision of greening and public recreational facilities for children as well as a reduction of the maximum building height for the development.

41. As Members had no further questions and the representers and their representatives had nothing to add, the Chairman said that the hearing procedure had been completed and the Board would deliberate on the representations in their absence and would inform them of the Board's decision in due course. The Chairman thanked the representers and their representatives, and the Government representatives for attending the hearing. They all left the meeting at this point.

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

#### Deliberation Session

42. The Chairman noted that there was a mismatch in the development programme of the clinic and the proposed subsidized housing development so that a joint development might not be feasible. Notwithstanding this, an alternative site for the clinic had been identified as a fallback option and FHB could continue to seek funds for the development of the clinic. Members agreed. The Secretary supplemented that the relevant Government departments were actively considering the feasibility of a joint development. As 'Public Clinic' was always permitted within the "R(A)" zone, the current zoning of the site would not preclude the possibility of a joint development and, should the joint development option fall through, an alternative site was available for the provision of the clinic. In response to a Member's views, the Chairman suggested that FHB should be requested to note the Board's views and follow up on the proposed joint development of the clinic with the proposed HOS development.

43. Members also noted that there was a surplus of open space provision in the

district and that several recreational and open space facilities were provided in the vicinity of the Site. Regarding the environmental impact of the proposed residential development during construction, Members noted that existing legislation were available to address the environmental impacts.

44. The Chairman said that the Transport Department and the Police would monitor and deal with any traffic matters. He also noted that the pedestrian linkage from the Site to Yau Tong MTR station was not an issue as the future residents needed not use the covered footbridge/lift tower that passed through Ko Chun Court. Members agreed.

45. Members agreed to note the supportive views of R1 to R11 and that R256 to R267 had no comments on the zoning amendment. Members also decided not to uphold representations R12 to R77, R78 (part), and R79 to R255. Members then went through the suggested reasons for not upholding the representations as detailed in paragraph 6 of the Paper and considered that they were appropriate.

Representation No. R1 to R11 and R256 to R267

46. After deliberation, the Board noted the views of representations R1 to R11 supporting the amendments to the OZP and the views of representations R256 to R267 who had no comment on the zoning amendment.

Representation No. R12 to R77, R78 (part), and R79 to R255

47. After deliberation, the Board decided not to uphold representations R12 to R77, R78 (part), and R79 to R255 and that the Plan should not be amended to meet the representations for the following reasons:

- “(a) land suitable for development in Hong Kong is scarce and there is a need for optimizing the use of land available to meet the pressing demand for housing land. As the Site is suitable for residential development, a suitable replacement site for the originally reserved clinic at part of the Site has been identified, and there is generally sufficient provision of GIC and open space in the area, it is considered appropriate to rezone the Site for residential use to meet the housing need of the community;

- (b) the proposed residential development with appropriate building height restriction is compatible with the land use character of the surrounding areas in visual terms. The local roads and low-rise GIC facilities near the Site could serve as ventilation spaces for the area. Concerned Government departments have confirmed that the proposed development would not have insurmountable problem in terms of traffic, environmental, visual and air ventilation aspects; and
  
- (c) while a replacement site has been identified, concerned departments would further explore the practicability of integration of the clinic use into the proposed housing development taking into account their development programme.” (R12 to R77 and R253 only)

[The meeting took a break of 5 minutes.]

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

[Mr Stanley Y.F. Wong, Ms Julia M.K. Lau, Mr H.F. Leung, Ms Janice W.M. Lai, Mr K.K. Ling, Mr Jeff Y.T. Lam and Mr Eric K.S. Hui returned to join the meeting at this point.]

**Agenda Item 3 (cont'd)**

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comment related to the Draft Cha Kwo Ling, Yau Tong and Lei Yue Mun Outline Zoning Plan No. S/K15/20

**(TPB Paper No. 9555)**

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[The hearing was conducted in Cantonese.]

**Hearing for Group 2 (Representations R78 (part) and R268 to R611 and Comment C1)**

48. The following Member declared an interest in this item:

Ms Julia M.K. Lau - being the director of a private company (family

business) that sold an industrial building in Yau Tong in March 2010

49. As the interests of Ms Julia M.K. Lau were indirect, Members agreed that she should be allowed to stay at the meeting.

[Dr Wilton W.T. Fok, Ms Janice W.M. Lai and Mr Jeff Y.T. Lam left the meeting at this point.]

#### Presentation and Question Session

50. The Chairman said that reasonable notice had been given to the representers to invite them to attend the hearing. However, some of the representers had either indicated not to attend meeting or made no reply. Members agreed to proceed with the hearing in the absence of these representers.

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

- |               |  |
|---------------|--|
| Mr Tom Yip    | - District Planning Officer/Kowloon (DPO/K), Planning Department (PlanD) |
| Ms Karen Wong | - Senior Town Planner/Kowloon (5), PlanD                                 |
| Mr David Yao  | - Senior Engineer/Kowloon District East, Transport Department (TD)       |
| Ms Vilian Sum | - Engineer/Kwun Tong (1), TD   |

#### **R78 (Mr Jack Cheung, District Council Member)**

- |                |               |
|----------------|---------------|
| Mr Jack Cheung | - Representer |
|----------------|---------------|

#### **R253 (胡志偉(立法會議員)、謝淑珍(區議員)、韓家銘、莫建成(社區聯絡主任))**

- |                  |               |
|------------------|---------------|
| Ms Tse Shuk Chun | - Representer |
|------------------|---------------|

#### **R268 (呂東孩 (觀塘區區議員))**

Mr Lui Tung Hai - Representor

**R301 (黃炳權先生)**

Mr Wong Ping Kuen - Representor

**R460 (羅國興)**

Mr Law Kwok Hing - Representor

**R573 (妹記海鮮)**

Mr Law Sing Hing - Representor's representative

**R584 (王石星(海景海鮮酒家)) and R296 (王石星(鯉魚門商會))**

Mr Wong Shek Sing - Representor

52. The Chairman extended a welcome and explained the procedure of the hearing. He then invited DPO/K to brief Members on the background to the representations.

53. With the aid of a Powerpoint presentation, Mr Tom Yip made the following main points as detailed in the Paper:

**Background**

- (a) on 16.8.2013, the draft Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan (OZP) No. S/K15/20, incorporating amendments mainly to rezone a site at Ko Chiu Road from "Government, Institution or Community" ("G/IC") to "Residential (Group A)" ("R(A)") (Amendment Item A); a site at Lei Yue Mun Path from "G/IC", "Green Belt" ("GB") and area shown as 'Road' to "R(A)6" (Amendment Item B1); part of Lei Yue Mun Path and its coach drop-off area and taxi/minibus stand from "G/IC" and "GB" to area shown as 'Road' (Amendment Item B2); an area at the roundabout of Lei Yue Mun Path from "GB", "R(A)" and "Village Type Development ("V") to "G/IC" (Amendment Item C); zoning amendments to the ventilation buildings and station compound of the Mass Transit Railway (MTR) in Yau Tong to reflect the existing uses

(Amendment Items D1 to D4); and the rezoning of the existing Eastern Harbour Crossing Ventilation Building from “Other Specified Uses” annotated “Eastern Harbour Crossing Ventilation Building” (“OU(EHCVB)”) to “OU(Ventilation Building)” (Amendment Item D5) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance);

- (b) during the two-month exhibition period, a total of 611 representations were received. The representations were mainly related to Amendment Items A, B1, B2 and D5. On 25.10.2013, the representations were published for public comments and, in the first three weeks of the publication period, one public comment related to Amendment Items B1 and B2 was received;
- (c) on 20.12.2013, the Board decided to consider the representations in 2 groups. Group 2 (representations R78, R268 to R611 and comment C1) was related to the rezoning of a site at Lei Yue Mun Path from “G/IC”, “GB” and area shown as ‘Road’ to “R(A)6” with stipulation of building height restrictions (Amendment Item B1); the rezoning of part of Lei Yue Mun Path and its coach drop-off area and taxi/minibus stand from “G/IC” and “GB” to area shown as ‘Road’ (Amendment Item B2); and the rezoning of the existing Eastern Harbour Crossing Ventilation Building from “OU(EHCVB)”) to “OU(Ventilation Building)” (Amendment Item D5) ;

#### The Zoning Amendment

- (d) in order to tackle the pressing housing problem in Hong Kong, the Chief Executive announced in the 2013 Policy Address a number of measures to increase housing land supply in the short to medium term. One of the measures was to convert the use of a number of “G/IC” sites and other Government sites, which were considered suitable for residential use, to meet the pressing demand for housing land. The Lei Yue Mun Path site (the Site) under Amendment Item B1 was one of these sites;

- (e) the Site was occupied by two temporary open-air car parks with a total of 136 parking spaces and was originally reserved for a multi-storey car park development, but with no definite development programme. The Commissioner for Transport (C for T) had no objection to release the Site for other uses provided that sufficient public car parking spaces could be provided within the future proposed development. As the Site was located at the fringe of the residential area in upper Yau Tong, it was considered suitable for residential development. The Site was rezoned to “R(A)6” with a maximum building height restriction of 100mPD, a requirement to provide a 10m-wide building gap at a maximum building height of 20mPD and the provision of not less than 200 public car parking spaces;
- (f) it was originally proposed to incorporate 100 public car parking spaces into the Site taking into account the daily average utilization rate of the temporary car parks. Nevertheless, in response to the views of the Kwun Tong District Council (KTDC) and the written submissions received from DC members and stakeholders prior to the publication of the OZP amendments, C for T had reviewed the demand for public car parking spaces and supported increasing the provision of public car parking spaces from 100 spaces to 200 spaces;
- (g) Amendment Item B2 (the rezoning of the existing coach pick-up/drop-off area and taxi/minibus stands at Lei Yue Mun Path) was to reflect the existing use while Amendment Item D5 (the amendment of the designation of the “OU” zone for the existing ventilation building at Cha Kwo Ling Road) was to follow the Board’s convention for zoning ventilation buildings of railway/highway development on the OZP;
- (h) in rezoning the “G/IC” sites, the adequacy of GIC facilities in the area covered by the OZP had been assessed by PlanD. Based on the latest planned population of 158,000 for the OZP area (including the proposed housing developments under Amendment Items A and B1), the provision

of GIC facilities was generally adequate except for a shortfall in the planned provision of primary and secondary school classrooms, post office and divisional police station. On the shortfall in primary and secondary classrooms, the Secretary for Education (SED) advised that primary and secondary school sites had been reserved to meet the planned population in the Kwun Tong district and the Site was not required for school development. Regarding the shortfall in post office provision, a post office could be provided in premises in government, commercial and commercial/residential buildings. As for the shortfall in divisional police station, the Commissioner of Police (C of P) advised that there were three existing divisional police stations in the Kwun Tong district and there were no plans for a new divisional police station in the area;

- (i) apart from a request from the Director of Social Welfare for social welfare facilities to be provided at the newly zoned “G/IC” site at Lei Yue Mun Path (Amendment Item C), other bureaux/departments confirmed that they had no plan to use the Site for the provision of GIC facilities under their purview. In this regard, the amendment to the OZP would have no adverse impact on GIC provision in the area;

#### Public Consultation

- (j) prior to the gazettal of the OZP, KTDC was consulted on the proposed residential use at the Ko Chiu Road site (Amendment Item A) and the Site (Amendment Item B1) on 8.1.2013 and written submissions from DC members and stakeholders were also received. KTDC gave in-principle support to the proposals, and requested the public car parking spaces to be provided at the Site should not be less than that in the existing temporary car parks. In this regard, the development proposal had been suitably amended by increasing the number of car parking spaces to be provided from 100 spaces to 200 spaces;
- (k) after the publication of the draft OZP No. S/K15/20 on 16.8.2013, the amendments were presented to the Housing Committee of KTDC on



19.9.2013. Its views were summarized below:

- (i) the 200 public parking spaces proposed in the development were not sufficient to meet the actual demand of Lei Yue Mun. Insufficient public parking spaces would not only cause a negative impact on traffic in the area but would also adversely affect the local shop operators;
  - (ii) if no alternative temporary car parks would be arranged, the existing temporary car parks at the Site should not be closed. Otherwise, business of the restaurants and eating places would be affected;
  - (iii) it would be more desirable if the traffic problem in Kwun Tong was assessed from a wider perspective. The population of Kwun Tong was increasing and, with the completion of the cruise terminal, more and more tourists would be attracted to the tourist area of Lei Yue Mun further aggravating the traffic load in the district; and
  - (iv) a car park should be incorporated in the “G/IC” site at the Lei Yue Mun Path roundabout reserved for social welfare facilities (Amendment Item C) to increase the supply of parking spaces in the district;
- (l) a consultation paper was also circulated to the Task Force on Harbourfront Developments in Kowloon, Tsuen Wan and Kwai Tsing of the Harbourfront Commission on 3.10.2013 and no comment was received;

#### The Representations

- (m) there were 345 representations in Group 2 (i.e. R78 and R268 to R611). 343 representations (R268 to R610) opposed the proposed residential use of the Site, 1 representation (R78) made suggestions to the zoning of the Site without indicating his support or objection and one representation (R611) indicated that he would object to Amendment Items B1, B2 and

D5 if his concerns were not addressed;

- (n) 3 representations (R78, R268 and R610) were submitted by individual KTDC members (namely Mr Jack Cheung Ki-tang, Mr Lui Tung-hai and Mr Lau Ting-on), 1 representation (R611) was submitted by Designing Hong Kong Limited, while the remaining 341 representations were submitted by local residents/seafood operators or their organizations in four types of standard letters;

Grounds of Representation and Representers' Proposals

- (o) the main grounds of representations R78 and R268 to R610 were summarized as follows:
  - (i) Lei Yue Mun was a tourist area renowned for seafood cuisine. As many seafood restaurant patrons would drive to the area, the area faced the problem of severe shortage in public car parking spaces. On most evenings, about 500 private cars would be looking for parking spaces in the area. With only about 200 car parking spaces provided by the two existing temporary car parks at Lei Yue Mun Path, 300 private cars would need to queue up, tailing back to Yau Tong Centre and waiting for more than an hour to park the car. R301 had included in the submission photographs of the parking condition of the temporary car parks at Lei Yue Mun Path and the traffic condition nearby;
  - (ii) the conversion of the two temporary car parks at Lei Yue Mun Path to residential use would aggravate the problem and lead to a rapid drop in the number of tourists. The business of the seafood restaurants and the seafood selling shops would plummet and over a thousand people would lose their jobs; and
  - (iii) with the completion of many residential developments in Yau Tong, the area had experienced a sharp increase in population and busy traffic and there was insufficient car parking spaces;
- (p) the main grounds of representation R611 were summarized as follows:

- (i) adequate facilities or infrastructure should be provided to support the tourism industry at Lei Yue Mun Village. The sites under Amendment Items B1 and B2 were located at the entrance of Lei Yue Mun Village and off-street parking of coaches had to be provided; and
- (ii) public right of access along the waterfront should be included at the Eastern Harbour Crossing Ventilation Building to improve continuity along the public waterfront;
- (q) the representers's proposals were summarized as follows:
  - (i) the operation of the two temporary car parks should not be ceased before the car parking problem in the area was resolved, or the Site should be retained for car park use;
  - (ii) at least 500 public car parking spaces should be provided at the Site; and
  - (iii) R78 suggested the provision of 250 car parking spaces in the future development of the Site;

#### The Comment on Representations

- (r) one public comment (C1) was received from a KTDC member (Mr Lau Ting On) who was also Representer R610. He suggested that the land use planning of the area near the Sam Ka Tsuen Ferry Pier, which was in the vicinity of Amendment Items B1 and B2, should be amended to address the existing traffic, environmental and hygiene problems in the area;

#### Responses to the Grounds of Representation and Representers' Proposals

- (s) the Government's responses to the grounds of representations and representers' proposals were summarized as follows:

##### *Main response*

- (i) land suitable for development in Hong Kong was scarce and there was a need for optimizing the use of land available to meet the pressing demand for housing land. The Site was originally reserved for a multi-storey car park development, but with no definite development programme. In view of its land use setting, the Site was considered suitable for residential use. Moreover, 200 public car parking spaces would be provided in the future residential development, facilitating the early implementation of the multi-storey car park while meeting the urgent community need for housing supply;

*Increase the number of public car parking spaces to 250 or 500*

- (ii) the provision of public car parking spaces at the Site would increase from 136 spaces to 200 spaces upon development. C for T advised that the proposed provision was generally adequate to serve the area;
- (iii) based on TD's updated utilization rate of the existing temporary public car parks in the Lei Yue Mun area, the two temporary car parks at the Site were not fully parked during the daytime (50% to 70% utilized) but were over-parked during the weekend evening peak hour (8-9 pm) with a maximum utilization rate of 126% (a total of 172 cars parked). On the day of the survey, traffic tailing back to Yan Wing Street (approximately 50 number of vehicles) occurred at 7-8 pm despite the car parks were not yet fully occupied. The traffic queue comprised not only private cars but also taxis and minibuses. With the provision of additional parking spaces in the proposed development and proper traffic management to ensure smooth drop off of taxi passengers at Lei Yue Mun Path, the traffic queue condition would be improved;
- (iv) there were a number of public car parks in the area including the Lei Yue Mun Municipal Services Building and a site at Shung Shun Street. While the public car park at the Lei Yue Mun Municipal Services Building with about 49 parking spaces was usually fully

occupied during weekend evenings, the temporary car park at Shung Shun Street still had spare capacity;

- (v) C for T considered that the provision of 200 public car parking spaces at the Site was justified and would monitor the situation in the area and explore means to enhance traffic management at Lei Yue Mun Path. If necessary, requirements for public car parking spaces would be incorporated in other development projects in the locality;

*Parking Provision during construction*

- (vi) to meet the demand during the construction period, the adjoining “G/IC” site (Amendment Item C), which currently had no development programme, could be used as a temporary car park. The “G/IC” site had about 1,000m<sup>2</sup> of flat land that could provide about 45 public car parking spaces;
- (vii) relevant Government departments would continue to identify suitable sites for the provision of temporary car parks in the interim period before the new public car park at the Site was completed;

*Adverse Traffic Impact to the Residential Development*

- (viii) the Site was accessible via Lei Yue Mun Path to Cha Kwo Ling Road and other major road links. C for T considered that there was no insurmountable traffic problem arising from the proposed development;

*Facilities to Support the Tourism Industry*

- (ix) the zoning amendments per se would not affect tourism-related facilities in the Lei Yue Mun area. The 200 car parking spaces proposed at the Site were more than the existing provision. The coach pick-up/drop-off area and taxi/minibus stands currently provided at the entrance of the waterfront promenade would not be affected, and the designation of the area as ‘Road’ (Amendment

Item B2) would retain the open-air design which was complementary to its waterfront setting;

- (x) given the small size of the Site (3,220m<sup>2</sup>) and the need to provide 200 public car parking spaces, it might not be feasible to require the provision of coach parking spaces in the proposed residential development. There was an existing pick-up/drop-off area at Lei Yue Mun to serve tourists visiting the area by coach. Relevant Government departments would closely monitor the situation and, if necessary, incorporate the provision of coach parking spaces in other new developments; and

*Ventilation Building of the Eastern Harbor Crossing*

- (xi) the zoning amendment only involved a change in the designation of the “OU” zone so as to follow the Board’s convention for zoning ventilation buildings of railway/highway developments. The opportunity for providing a public access across the ventilation building site would be explored separately with the relevant Government departments and the tunnel operator;

54. The Chairman then invited the representers and representers’ representatives to elaborate on their representations.

Representation No. R78

55. Mr Jack Cheung made the following main points:

- (a) the local residents and seafood operators were concerned about the traffic congestion problem in Lei Yue Mun during weekends and peak periods caused by the inadequate provision of public car parking spaces; and
- (b) the number of public car parking spaces to be provided at the Site should be increased to 250 spaces to address the problem;

Representation No. R253

56. Ms Tse Shuk Chun supported the views of R78 and suggested that the number

of public car parking spaces to be provided at the Site should be increased to at least 250 spaces.

Representation No. R268

57. Mr Lui Tung Hai made the following main points:

- (a) according to the Assessment Report on Hong Kong's Capacity to Receive Tourists published by the Commerce and Economic Development Bureau (CEDB) in December 2013, there were insufficient facilities to support the projected amount of tourists coming to Hong Kong. Lei Yue Mun was a typical example. As a well known tourist destination for seafood cuisine, Lei Yue Mun had been plagued by the insufficient provision of public car parking spaces;
- (b) patrons of the seafood restaurants in Lei Yue Mun tended to drive there as it was not close to any MTR station. It was estimated that the Lei Yue Mun seafood restaurants attracted about 500 private cars every night. While a total of about 190 public car parking spaces were available in the two temporary car parks and the car park of the Lei Yue Mun Municipal Services Building, these car parks were normally operated beyond their capacities, with a maximum of 280 cars parked inside. Notwithstanding this, at least 200 cars queued up every night, waiting for a car parking space;
- (c) the insufficient provision of car parking facilities had severely affected the business of seafood operators as patrons were often required to wait for over an hour for a car parking space. Many potential customers tended to eat somewhere else, giving up their reservations with the seafood restaurants;
- (d) the car parking problem was aggravated by the new residential developments in the vicinity such as Ocean One which did not provide enough car parking spaces to serve their own residents, thus increasing the demand for public car parking spaces in the area;
- (e) the Site should not be developed for other uses as it was the only site in the

vicinity of the seafood restaurants where public car parking facilities were provided;

- (f) the proposed provision of 200 public car parking spaces at the Site upon development was insufficient to meet even the existing demand as about 230 cars were parked inside the two temporary car parks every night;
- (g) the claim that the traffic congestion problem could be addressed by traffic management measures was doubtful. Moreover, it was absurd to suggest that other public car parks in the Yau Tong area could help to address the problem as it was unrealistic to require drivers to park their cars far away from their destination;
- (h) to sustain Lei Yue Mun as a tourist attraction and to facilitate its continued development, a minimum of 500 public car parking spaces should be provided at the Site upon development; and
- (i) in developing the Site for residential use, the Government would sacrifice the long-term development of Lei Yue Mun as a tourist destination.

Representation No. R301

58. Mr Wong Ping Kwan made the following main points:

- (a) the inadequate provision of public car parks in Lei Yue Mun had been a problem in the last 10 to 20 years and had never been resolved by the Government;
- (b) there had been a change in the patrons of the seafood restaurants in Lei Yue Mun in recent years. While patrons used to be tourists that came from Europe and South-East Asia, about 60% to 70% of the current patrons came from the Mainland, driving to Lei Yue Mun from Shenzhen. This change had caused the shortage of car parks in Lei Yue Mun to be even more acute; and



- (c) the closure of the two temporary car parks at the Site would severely affect the business of the seafood restaurants.

Representation No. R460

59. Mr Law Kwok Hing made the following main points:

- (a) at the 2002 Lei Yue Mun Seafood Festival Opening Ceremony, the Government pledged to improve the supporting facilities for the continued development of Lei Yue Mun as a major tourist destination of Hong Kong. However, since 1999, the number of public car parking spaces in Lei Yue Mun had been reduced from 415 spaces to 136 spaces, forcing the two temporary car parks at the Site to operate beyond their capacities in order to maximise the number of cars that could be parked;
- (b) with over 60 seafood operators in Lei Yue Mun, employing over 1,000 employees and nearly 10,000 stakeholders, the closure of the two temporary car parks would severely affect the livelihood of all these people;
- (c) according to the CEDB's Assessment Report on Hong Kong's Capacity to Receive Tourists, there was a need to encourage visitors to visit the diverse tourist attractions in different districts. Lei Yue Mun was in fact well-positioned in this respect and the Government should facilitate the development of Lei Yue Mun as a major tourist attraction by providing the necessary supporting facilities, including car parking facilities;
- (d) most of the Mainland patrons of the seafood restaurants in Lei Yue Mun would fit into the category of "high value-added visitors" mentioned in the CEDB's report. With the number of tourists coming to Hong Kong projected to increase from 50 million in 2013 to 70 million in 2017 and 100 million by 2023, and assuming a similar rate of increase in the number of Mainland visitors driving to Lei Yue Mun, the parking demand would increase by 1.4 times by the year 2017 and 2 times by the year 2023;
- (e) in terms of economic benefit, it was estimated that the seafood restaurants in

Lei Yue Mun received over 1 million patrons every year;

- (f) it was unreasonable and short-sighted for the Government to develop the Site for residential use, showing a lack of long-term planning; and
- (g) the Site should be developed into a multi-storey car park providing at least 500 public car parking spaces to serve the current and future needs of Lei Yue Mun.

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

Representation No. R573

60. Mr Law Sing Hing made the following main points:

- (a) the fame of Lei Yue Mun as a destination for seafood cuisine was established after many years of hard work by the residents and seafood operators;
- (b) the two temporary car parks were vital for the survival of Lei Yue Mun as a destination for seafood cuisine ;
- (c) many potential patrons were already lost due to the long waiting time for a car parking space and the Police would direct drivers to leave the area once the queue to the car park started to cause traffic congestion; and
- (d) Government should identify other sites for housing development to meet the current shortage of housing land;

Representation No. R584

61. Mr Wong Shek Sing made the following main points:

- (a) patrons of seafood restaurants in Lei Yue Mun tended to drive there rather than take public transport;

- (b) 5 assistants were employed every night to park 238 cars into the two temporary car parks which had a capacity of only 136 car parking spaces;
- (c) once the car queue had reached Yan Wing Street, the Police would stop any cars from queuing and direct them to leave as the queue would block the access of emergency vehicles;
- (d) the traffic congestion problem in Lei Yue Mun would worsen should the two temporary car parks be closed;
- (e) the existing residents of Canaryside and Ocean One could not drive home in the evening due to the serious traffic congestion problem. Given the traffic problems in the area, there was a greater need for the Site to continue to be used as a car park rather than for housing development; and
- (f) a lot of residential sites were being developed in the Yau Tong area, such as the proposed Yau Tong Bay development with 50 residential blocks and the possible redevelopment of existing industrial buildings into residential use. With so much housing land supply in the pipeline, there was no need to develop the Site for residential use.

62. As presentation from PlanD's representatives, representers and their representatives had been completed, the Chairman invited questions from Members.

#### *Parking Demand Figures*

63. The Vice-Chairman enquired whether the 500 car parking spaces mentioned by the representers were required on a daily basis or for weekends only. In response, Mr Lui Tung Hai said that 500 car parking spaces were normally required from Friday night to Monday night, i.e. four nights per week, with the demand exceeding 500 spaces during weekends. As patrons of the seafood restaurants in Lei Yue Mun tended to be well-off, most of them would come by car.

64. In response to the Chairman's enquiry, Ms Vilian Sum said that the two

temporary car parks at the Site had a capacity of 136 car parking spaces and, based on site observations during the weekend peak periods, about 170 cars were parked inside the two temporary car parks. The traffic queue would reach the junction of Lei Yue Mun Path and Shung Shun Street if about 30 cars were waiting and it would reach Yau Tong Centre at Yan Wing Street if about 50 cars were waiting. It was noted, however, that taxis and minibuses waiting to drop-off their passengers were included in the queue. In this regard, TD considered that the provision of 200 public car spaces within the future residential development would be adequate to satisfy the current demand. Mr Wong Shek Sing, however, queried TD's statistics and said that a maximum of 238 cars could be parked inside the two temporary car parks. He also said that it was unrealistic to suggest drivers to use the car parks that were available at the Domain and elsewhere in Yau Tong.

65. Mr Paul Zimmerman, the representative of Representation R611 (Designing Hong Kong Limited), arrived at this point.

66. Noting that a queue of 300 cars would be about 2 km long, a Member enquired how the figure of 300 cars waiting on the road was derived. In response, Mr Lui Tung Hai said that the estimate of 300 cars was based on observations of the car queue which extended from Lei Yue Mun Path and split into two queues at the junction of Cha Kwo Ling Road/Yan Wing Street; the number of cars that were directed by the Police to leave the area; and the number of cars that were illegally parked on-street inside the Yau Tong Industrial Area. Mr Wong Shek Sing supplemented that on the day of the winter solstice in 2013, while reservation for 60 seats were made at his restaurant, only 30 persons arrived as other potential customers who drove were directed by the Police to leave the area because of the queue.

67. A Member enquired about the existing number of restaurants in Lei Yue Mun and their capacities, i.e. the number of patrons that could be served. In response, Mr Lui Tung Hai said that there were currently 19 large restaurants in Lei Yue Mun providing 20 tables to 30 tables each. In this regard, the seafood restaurants could cater for at least 4,000 persons each night, excluding the other smaller eateries. As most of these 4,000 patrons would come by car, the existing provision of only 200 car parking spaces was totally inadequate.

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

*Parking Arrangements during the Construction Period*

68. A Member enquired about the car parking arrangements during the construction period of the Site and the Chairman enquired whether it was feasible for the Site to be developed in phases, with the 200 public car parking spaces provided in Phase 1. In response, Mr Tom Tip said that the proposed phased development was an option which would be explored by the relevant Government departments. As for the car parking arrangements during the construction period, Mr Tom Yip said that a piece of Government land to the north of the Site had been identified as an alternative site for temporary car parking use during the construction period providing about 45 car parking spaces. Attempts would also be made to identify additional temporary car parking sites in the area, if necessary. In response to the Chairman, Mr Tom Yip said that the Lands Department had confirmed that the alternative site identified would be available for temporary car park use.

69. In response to a Member's enquiry on the total number of car parking spaces that would be available during the construction period, Mr Tom Yip said that several car parks were available including a site to the north which could provide 45 temporary car parking spaces, the Lei Yue Mun Municipal Services Building with 49 car parking spaces, a temporary car park at Shung Shun Street with 123 car parking spaces, the Yau Tong Industrial City with 36 car parking spaces, the Domain with 152 car parking spaces, and three other car parks along Lei Yue Mun Road providing a total of 115 car parking spaces. Government would also try to identify other suitable sites, where necessary, to provide additional temporary car parking spaces. Mr Lui Tung Hai, however, pointed out that the car parking sites at Shung Shun Street, the Domain and along Lei Yue Mun Road were already fully occupied during peak periods while the one at Yau Tong Industrial City was too far away from Lei Yue Mun. In this regard, only one site with 45 temporary car parking spaces would be available to serve Lei Yue Mun during the construction period. In response to the same Member's enquiry, Mr Tom Yip confirmed that the 49 car parking spaces provided at the Lei Yue Mun Municipal Services Building were existing spaces that would be available during the construction period.

70. Ms Tse Shuk Chun said that as the existing car parking spaces at the three car parks along Lei Yue Mun Road were already insufficient to meet the demand of the residents, the suggestion that visitors to Lei Yue Mun could make use of these car parking spaces during the construction period was impractical. Mr Wong Ping Kuen said that the provision of only 45 car parking spaces during the construction period was inadequate and would cause serious traffic congestion problems. Mr Wong Shek Sing said that the car park at Yau Tong Industrial City was too far away and the pedestrian route too indirect for patrons of the seafood restaurants.

#### *Alternative Car Parking Sites*

71. A Member enquired about the redevelopment potential of industrial buildings in the area and the possibility to provide additional public car parks upon redevelopment. In response, Mr Tom Yip said that a number of planning applications for the redevelopment of industrial buildings in Yau Tong had been received and the relevant Government departments would examine whether it was necessary and feasible to require the provision of additional public car parking spaces within these proposed developments.

72. Mr Wong Ping Kuen suggested that the Government should consider using the ex-Tak Kei Kindergarten site located at the roundabout of Lei Yue Mun Path for temporary car parking purposes. The kindergarten, which had been closed for nearly 30 years, could provide about 100 car parking spaces. In response, Mr Tom Yip said that there were some existing building structures at the kindergarten site which would need to be demolished before the site could be used for car parking purposes. Nevertheless, the relevant Government departments would follow-up and consider the proposal in detail.

73. Mr Wong Shek Sing suggested that a site at the junction of Cha Kwo Ling Road/Yan Wing Street should be considered as a temporary car park. In response, Mr Tom Yip said that the site was zoned "GB" on the OZP and was vacant. The relevant Government departments would follow-up and consider whether the site could be used as a temporary car park. Mr Law Sing Hing said that as the two sites mentioned by the representers were vacant sites, the Government should consider developing the two sites for residential use and retaining the Site for temporary car park use.

*Other Modes of Transport*

74. The Vice-Chairman enquired whether any statistics were available on the modes of transport used by patrons of seafood restaurants and whether any free shuttle services had been considered by the restaurant operators. In response, Mr Lui Tung Hai said that Lei Yue Mun was served by one bus route to Tsim Sha Tsui, a Green Minibus route to Lam Tin MTR station, and a Red Minibus route to Kwun Tong. These three modes of public transport were seldom used by tourists. While a small number of visitors would walk to Lei Yue Mun from Yau Tong MTR station, most visitors would come by car. A free shuttle bus service to the MTR station had been provided a few years ago but it ceased operation as the service was seldom used by tourists.

75. A Member enquired the reason for the failure of the free shuttle bus service and whether the seafood operators had considered other solutions to resolve the parking problem. In response, Mr Wong Shek Sing said that the free shuttle bus service was introduced in 2003. However, with the introduction of the free shuttle bus service, the existing public transport services such as the Green Minibus to Lam Tin MTR station and bus service No. 14C were adversely affected, causing a change in its route and a reduction in services respectively. The end result was that even fewer public transport services were provided to serve Lei Yue Mun. Notwithstanding this, Mr Wong said that the seafood operators had successfully arranged for the provision of other modes of transport including Red Minibus services to Mong Kok, Jordan Road, Castle Peak Road and Tsuen Wan. The replacement of bus No. 14C by bus No. 14X, which was a circular route to Tsim Sha Tsui, was another successful experience to bring tourists to Lei Yue Mun by public transport.

76. As Members had no further questions and the representers and their representatives had nothing to add, the Chairman said that the hearing procedure had been completed and the Board would deliberate on the representations in their absence and would inform them of the Board's decision in due course. The Chairman thanked the representers and their representatives, and the Government representatives for attending the hearing. They all left the meeting at this point.

[The meeting took a break of 5 minutes.]

[Professor P.P. Ho and Ms Christina M. Lee left the meeting at this point.]

### Deliberation Session

77. A Member said that the provision of car parking spaces would never be adequate in popular areas, particularly during the peak periods. The suggestion to use the kindergarten site for temporary car parking purposes might address the problem during the construction period, if the site was available. The Member considered that more car parking spaces might be available in the Yau Tong Industrial Area.

78. A Member considered that as Hong Kong's housing problem was more urgent than the inadequacy of public car parking spaces in Lei Yue Mun mainly for patrons of the restaurants, the Site should be rezoned for residential use. The Member noted that alternatives were available to deal with the inadequacy of public car parking spaces. Besides, the restaurant operators should adapt to the changes in the trend, encourage its patrons to use public transport and consider arranging shuttle buses or work out alternative solutions.

79. The Chairman considered that PlanD should be requested to examine the feasibility of using the two sites mentioned by the representers for temporary car parking purposes and to identify any other Government sites that would be available. The feasibility of developing the Site in phases with 200 public car parking spaces to be provided in Phase 1 should also be explored by the relevant Government departments and, where necessary, should be stipulated in the land sale conditions.

80. A Member considered that the problem of inadequate public car parking spaces in Lei Yue Mun should be addressed as soon as possible and the relevant Government departments should be requested to examine the two sites in the first instance. The Member considered that it would be unfair to the seafood operators if the parking problem remained unresolved. While the Chairman agreed that the relevant Government departments should identify alternative temporary car parking sites in a timely manner, he noted that alternative means of transport were available for visitors to Lei Yue Mun and



that consumer behaviour might change.

81. Mr. K.K. Ling, Director of Planning, said that from the perspective of sustainable development, it was impossible to meet the ever increasing demand for car parking spaces in the area. The viable alternative was the provision of public transport services to cater for the visitors.

82. The Chairman noted that while the two temporary car parks were operating beyond their capacities to allow more than 200 cars to be parked inside, the long term solution was the provision of a proper public car park with 200 car parking spaces to support the business of the seafood restaurants.

83. A Member considered that while the current mode of operation of the seafood restaurants might require a large number of car parking spaces, in a few years' time, the mode of operation might change and there might not be so much demand for public car parking spaces.

84. In concluding the discussion, Members decided not to uphold representations R78 (part) and R268 to R611. Members then went through the suggested reasons for not upholding the representations as detailed in paragraph 6 of the Paper and considered that they were appropriate.

Representation No. R78 (part), and R268 to R611

85. After deliberation, the Board decided not to uphold representations R78 (part) and R268 to R611 and that the Plan should not be amended to meet the representations for the following reasons:

- “(a) land suitable for development in Hong Kong is scarce and there is a need for optimizing the use of land available to meet the pressing demand for housing land. Rezoning the Site for a residential cum public car park development would make better use of the scarce land resource and facilitate early development of the public car park; (R78 and R268 to R610)
- (b) the 200 public car parking spaces to be provided in the new residential

development will be more than the existing provision of the two temporary car parks and are adequate to meet the parking demand stemmed from the seafood restaurants. Departments concerned will monitor the parking condition in the area and, where appropriate, requirement for further public car parking spaces will be incorporated in other development projects in the locality. Concerned departments will also continue to try to identify sites for temporary car park use in the interim; (R78 and R268 to R610)

- (c) the amendments will not affect the permanent facilities supporting the tourism industry in Lei Yue Mun; (R611)
- (d) the existing temporary car parks at Lei Yue Mun Path have no coach parking spaces. There is already an existing bus pick-up/drop-off area at Lei Yue Mun Path to serve the tourists. Additional provision of public coach parking spaces at the Site is considered not necessary; (R611) and
- (e) Amendment Item D5 is to reflect the Board's convention for zoning ventilation buildings of highway/railway development. The opportunity for providing a public access across the site will be explored separately. (R611)"

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

#### **Agenda Item 4**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/K18/301

Proposed School (Supporting Activity Rooms for Extension of a Primary School) in "Residential (Group C) 1" Zone at 15 Kent Road, Kowloon Tong, Kowloon

**(TPB Paper No. 9553)**

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[The hearing was conducted in Cantonese.]

86. The following Members declared interests in this item:

- Mr Thomas T.M. Chow - owned a flat at Parc Oasis. His father owned a flat in Broadcast Drive
- Ms Julia M.K. Lau - involved in the discussion of the subject application with the applicant. She was also the director of a company that owned a property in Kowloon Tong
- Mr Clarence W.C. Leung - currently lived in La Salle Road
- Mr H.W. Cheung - owned a flat at Parc Oasis
- Ms Janice W.M. Lai - owned a flat at Earl Street with spouse
- Ms Christina M. Lee - owned a property at Durham Road

87. Members noted that the properties owned by the Chairman (including that of his father), Mr H.W. Cheung, Ms Janice W.M. Lai and Ms Christina M. Lee and the home of Mr Clarence W.C. Leung were not in proximity to the application site and their interests were therefore remote. The meeting agreed that the Chairman and the above Members should be allowed to stay in the meeting and take part in the discussion. Members noted that Ms Janice W.M. Lai and Ms Christina M. Lee had already left the meeting.

88. Members agreed that the interest of Ms Julia M.K. Lau was direct and she should withdraw from the meeting.

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

#### Presentation and Question Session

89. The following Government representatives and the applicant's representatives were invited to the meeting at this point.

- Mr Tom Yip - District Planning Officer/Kowloon (DPO/K), Planning Department (PlanD)
- Mr Chan Kit Fung - Senior Inspector of Police/Road Management Office, Hong Kong Police Force (HKPF)

Mr Raymond Leung - Engineer/Kowloon City, Transport Department  
(TD)

Mr Steve Chan )

Ms Winnie Cheng )

Mr Alex Chu ) Applicant's representatives

Mr Andy Ma )

Mr Eric Shing )

Mr Edmund Kwok )

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

91. With the aid of a Powerpoint presentation, Mr Tom Yip made the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for conversion of an existing 2-storey building on the application site (the Site) into 8 supporting activity rooms that would serve three existing campuses of the Yew Chung International School (YCIS) (Primary Section) nearby. The Site was zoned "Residential (Group C) 1" ("R(C)1") on the Kowloon Tong Outline Zoning Plan (OZP);
- (b) the application was rejected by the Metro Planning Committee (MPC) on 3.5.2013 and the reasons were:
  - (i) the proposed development was located near the junction of Kent Road and Somerset Road and the Kowloon Tong MTR Station with busy traffic. The applicant failed to demonstrate that the proposal would not induce additional student intake for the three campuses of YCIS (Primary Section) in Kowloon Tong as a result of the provision of activity rooms at the Site to serve the three campuses. Any increase in number of students in the vicinity and the related increase in the loading/unloading activities of vehicles and

passengers would aggravate the traffic congestion in the area; and

- (ii) the traffic congestion problem in the area was already serious. The approval of the application would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such similar applications would aggravate the traffic congestion problem of the area;
- (c) in considering the application, Members of MPC were concerned that if the application was approved, the applicant could increase the number of student intake in other campuses as some existing classrooms would be vacated after the relocation of some activity rooms to the Site. There was concern on the adverse traffic impact due to increase in students. Moreover, Members were concerned about student movement between the Site and the three campuses as it was undesirable for primary school students to walk outside the campus in between classes and walk around the busy Kent Road and Somerset Road;
- (d) to address MPC's concern, the applicant had revised the proposal made under the s.16 application in that the proposed 8 activity rooms would only serve students at the adjacent campus at 11&13 Kent Road and students there would walk to the activity rooms at the Site via an internal connection. Moreover, no student from the other two YCIS campuses at 2 Kent Road and 22 Somerset Road would use the proposed 8 activity rooms at the Site;
- (e) YCIS advised that its student number for the three existing YCIS (Primary Section) campuses in Kowloon Tong would be increased in the coming 6 years from 696 students in 2013/14 to 888 students in 2019/20. Amongst the additional 192 students, 139 students would be accommodated in the campus at 11&13 Kent Road adjacent to the Site;
- (f) even with the proposed increase to 888 students in 2018/19, the figure was within the 1,043 school places permitted by the Education Bureau

(EDB) for the 3 campuses of YCIS (Primary Section);

(g) YCIS had put forward a traffic improvement scheme (the mandatory school bus scheme) to gradually prohibit private cars as the mode of transport to/from the three campuses in 6 years' time. The phasing out programme would be introduced to encourage and require students to take school bus/public transport to/from all the three campuses, with details as follows:

(i) all newly registered primary students would be required to sign an undertaking to take the school bus or other modes of public transport, with the objective to phase out 'private car' as the mode of transport to/from school over a 6 years' primary school cycle. The traffic assessment showed that the mandatory school bus scheme would provide considerable beneficial effects to improve the traffic situation in Kowloon Tong;

(ii) existing students would be encouraged to take public transport; and

(iii) dedicated staff led by a traffic management professional and 6 traffic wardens would assist in planning and implementing the scheme and managing the traffic condition;

(h) the further justifications provided by the applicant were summarised as follows:

(i) YCIS would utilize the existing empty seats (i.e. 84 seats) from the 16 school bus lines of the other three campuses so that the approval of the application would not aggravate the traffic congestion in the area. With 50 additional students being accommodated at the adjoining campus at 11&13 Kent Road in the coming two years, the 84 seats would be sufficient as the current 16 bus lines covered a wide territory in Hong Kong;

- (ii) the approved limit of pupils permitted at the adjoining campus (11&13 Kent Road) was 446, while only 292 were admitted in 2012/13. In this regard, even without the proposed 8 activity rooms at the Site, YCIS was entitled to admit 154 new students for the adjoining campus at 11&13 Kent Road;
- (iii) YCIS realized the existing on-street waiting problem before/after school period. YCIS had also issued letters to parents to remind them to avoid causing traffic problems on public road. During the morning and afternoon peak hours from 7:30a.m. to 8:15a.m. and 3:00p.m. to 3:45p.m., YCIS would arrange traffic wardens to patrol traffic;
- (iv) the mandatory school bus scheme would improve the existing traffic situation. The applicant was committed to implementing the scheme and would conduct annual traffic review on the traffic mitigation measures should the application be approved;
- (v) there would be no new student intake and no new classroom at the Site;
- (vi) YCIS understood that sometimes circumstances might lead to some students missing the school bus occasionally. YCIS would issue regular reminders to parents to keep up the discipline which was part of student training, and to encourage more students to take the school bus;
- (vii) the 2011-12 Policy Address had made a commitment to support the in-situ expansion of individual international schools. EDB had given in-principle support to YCIS to increase student number within the approved limit (1,043 school places); and
- (viii) approval of the application would not set an undesirable precedent for similar applications in the area;

- (i) departmental comments – the departmental comments were summarized in paragraph 5 of the Paper. The District Lands Officer/Kowloon East (DLO/KE) commented that the scope of the temporary waiver for the subject lot would be restricted to the temporary relaxation on restrictions of the lease governing the lot. Hence, the proposed traffic mitigation measures to address the bundle traffic impact arising from the three existing YCIS campuses, which were governed by separate leases, could not be imposed through the temporary waiver of the subject lot. The Commissioner for Transport (C for T) had no objection to the application should the Board consider that the applicant’s justifications were reliable and acceptable. The number of student intake in existing campuses, which was only subject to the limit of total permitted accommodation as approved by EDB, did not have a direct correlation with the planning application. C for T indicated that it was not suitable, in the context of the application, to comment on or assess the traffic improvement proposal of the existing campuses as they were outside the Site and might not be enforceable in case of non-compliance. The Commissioner of Police (C of P) was not convinced that the proposed development would not cause any adverse traffic impact and had reservation on the proposal. The traffic condition of Kent Road and its vicinity was congested during the school peak hours. The additional influx of pick-up/drop-off activities would aggravate the traffic congestion problem of the area. C of P had reservation on the effectiveness of the mandatory school bus scheme as students had the liberty to choose their mode of transportation. The effectiveness of the traffic management in-house team and the proposal to phase out private cars as a mode of transport to school was also of concern. The Secretary for Education (SED) gave in-principle support to the application as it would help alleviate the shortage of international school places. The additional student intake was allowed provided that it was within the total permitted accommodation of 1,043 students for all the 3 existing campuses;
- (j) public comments – during the statutory public inspection period, 4 public



comments were received. One comment was submitted by Kentville Kindergarten and the other comments were submitted by individuals. Kentville Kindergarten and two individuals objected to the review application mainly for reasons that Kent Road was saturated with heavy traffic and was very congested; the proposed use would aggravate the traffic congestion in the area; the proposal would cause nuisance to the environment and nearby residents; and it would set an undesirable precedent for similar applications. They were of the view that it would be very difficult to monitor the student intake of YCIS and the negative impact arising from the increased enrolment at existing schools in the Kowloon Tong Garden Estate area had not been satisfactorily mitigated. The area could not support more students, and the ever increasing number of schools and other non-residential uses had badly damaged the environment and the special character and amenity of the area. The remaining commenter stated that the application was acceptable only if it would not aggravate the traffic congestion problem of the area, nor affect the neighbours; and

- (k) PlanD's views – PlanD did not support the application based on the assessments as stated in paragraph 7 of the Paper, which were summarized below:
  - (i) student intake for the three existing campuses would increase by 192 students in the coming 6 years, of which 139 students (72.4%) would be accommodated in the campus at 11&13 Kent Road;
  - (ii) with the provision of a direct internal access, the Site was in effect an extension to the campus at 11&13 Kent Road;
  - (iii) by transferring the supporting facilities to the Site, the campus at 11&13 Kent Road could accommodate more students;
  - (iv) the proposed activity rooms at the Site were considered conducive and directly related to the proposed student increase at the campus

of 11&13 Kent Road;

- (v) notwithstanding the in-principle support given by SED, the increase in student numbers arising from the application had to be justified in traffic terms. As the Site was located near the junction of Kent Road and Somerset Road and Kowloon Tong MTR Station with busy traffic, C of P considered that any additional increase in pick-up/drop-off activities along Kent Road arising from the extra-students at 11&13 Kent Road would aggravate the traffic congestion problem;
- (vi) as there was no means to ensure that the applicant's proposal to phase out the use of private car would succeed, C of P had reservation on the effectiveness of the proposed mandatory school bus scheme in terms of its implementability and enforceability. In this regard, the concerns of MPC and C of P on the possible traffic impact due to increase in student numbers remained valid; and
- (vii) approval of the application without satisfactorily addressing the traffic impact would set an undesirable precedent for similar applications for school use in the area. The cumulative effect of approving such similar applications would aggravate the traffic congestion of the Kowloon Tong Garden Estate area.

92. The Chairman then invited the applicant's representatives to elaborate on the application.

93. Mr Steve Chan gave a short introduction and explained the main points that the applicant's representatives would cover. With the aid of a Powerpoint presentation, Ms Winnie Cheng made the following main points:

- (a) with students from 30 different nationalities, YCIS was committed to educate children to possess a global view. To achieve this objective, a lot of resources and space would be required;

- (b) a small class size of not more than 25 students and an individual approach was adopted to enable students to learn the best of eastern and western cultures. Classes were conducted in both English and Chinese; and
- (c) YCIS had adopted an integrated approach and an inquiry-based learning approach, with students involved in various projects.

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

94. At this juncture, the Chairman requested Ms Cheng to focus her presentation on the subject review application and the traffic issue which was of concern to the relevant Government departments.

95. Ms Winnie Cheng then finished her presentation and said that due to the specific approach adopted by YCIS, a lot of space and activity rooms were required for students. The activity rooms proposed in the Site, which adjoined the YCIS campus at 11&13 Kent Road, were to provide space for the carrying out of educational activities.

96. With the aid of a Powerpoint presentation, Mr Alex Chu made the following points:

- (a) the student population of YCIS would increase from 696 students in the 2013/14 school year to 888 students by 2019/20, i.e. an increase of 192 students in 6 years. As the proposed expansion to accommodate 888 students was within the limit of 1,043 school places permitted by EDB for the three campuses of YCIS, the proposed expansion plan would be carried out whether or not the Site would form part of the school;
- (b) the current application would not increase the student intake of YCIS nor increase traffic to the area. On the other hand, the proposal would provide more space for educational activities to be conducted; and
- (c) a mandatory school bus scheme would be introduced in phases, requiring

students to take school bus/public transport to/from the three YCIS campuses.

97. With the aid of a Powerpoint presentation, Mr Edmund Kwok made the following points:

- (a) based on a survey of the modes of transport used by the existing 696 students of YCIS, the amount of traffic generated was 190 vehicle trips, comprising 16 school bus trips and 174 private car trips. In terms of percentage, 25% of students came to school by private car, 37% took public transport/on foot and 38% took the school bus;
- (b) the mandatory school bus scheme would be introduced progressively starting from the 2014/15 school year and starting with the newly registered primary students;
- (c) students would be allowed to opt out of the scheme on the condition that they could prove that they would go to school on foot or by public transport, or by private car due to exceptional circumstances such as health reasons or disabilities;
- (d) upon full implementation of the mandatory school bus scheme, it was estimated that only 6% of students would come to school by private car, 24% would take public transport and 70% would take the school bus. These estimates were considered realistic given that Kowloon Tong was centrally located and well served by public transport services; and
- (e) by the 2019/20 school year, the amount of traffic generated by students of YCIS would be reduced to 91 vehicle trips comprising 38 school bus trips and 53 private car trips. The reduction in vehicle trips would help alleviate the current traffic situation in Kowloon Tong.

98. Mr Alex Chu continued with his presentation and made the following points:

- (a) YCIS had already informed the parents of newly registered primary students in the coming school year about the mandatory school bus scheme and had obtained their agreement. Some parents had responded very positively to the proposal and welcomed the proposed measures; and
- (b) YCIS was committed to implementing the mandatory school bus scheme and was confident that the scheme would help to reduce traffic in the area.

99. With the aid of a Powerpoint presentation, Mr Steve Chan made the following points:

- (a) the application was supported in principle by EDB;
- (b) the proposed activity rooms to be provided at the Site would be internally connected to the YCIS campus at 11&13 Kent Road and students going to these activity rooms would not need to leave the campus;
- (c) Kowloon Tong was well provided with public transport services, demonstrated by the fact that 37% of existing students went to school by public transport or on foot;
- (d) YCIS, being a main stakeholder in Kowloon Tong, had the commitment, resources and confidence to improve the existing traffic congestion problem affecting the area; and
- (e) the solution proposed by YCIS would be a win-win-win solution for the school, the community of Kowloon Tong and for Hong Kong as a whole.

100. Ms Winnie Cheng concluded the presentation by pointing out that measures would be introduced to address the traffic congestion problem and requested the Board to give favourable consideration to the application.

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

101. As the applicant's representatives had finished their presentation, the Chairman invited question from Members.

*Student Intake*

102. A Member enquired the reason for setting the target number of students at 888 students instead of the maximum number of 1,043 students permitted by EDB. In response, Ms Winnie Cheng said that YCIS was a feeder school providing a one-stop service from kindergarten through primary school to secondary school. According to the current long-term plans of YCIS, a primary school with 888 students was near the capacity that the secondary school could accommodate via a 'through-train' policy. In response to the same Member's enquiry on whether the secondary school would be expanded to receive more than 888 students, Ms Winnie Cheng said that the secondary school was at its maximum capacity already and there were no plans to increase student intake in the secondary school.

103. A Member enquired whether an additional school site was required when the target student population of the three YCIS campuses was only 888 students which was less than the maximum capacity of 1,043 school places as already permitted by EDB. In response, Ms Winnie Cheng said that the three campuses were each to be self-sufficient in terms of the necessary facilities to serve the target student population of 888 students. The reason for the current application was to take advantage of the location of the Site, which adjoined the existing campus at 11&13 Kent Road, by providing additional activity rooms and to improve the facilities currently provided. In response to the same Member's suggestion of finding a bigger school site away from Kowloon Tong to accommodate the primary school facilities under one roof, Ms Winnie Cheng said that it would be an ideal solution but, at the moment, YCIS could only make the best use of the existing resources available.

104. Mr Tom Yip said that the 1,043 school places permitted by EDB was calculated based on the number of classrooms provided at each of the three school sites and the maximum student capacity of each classroom. According to information on EDB's website, an average of 31 students per class was registered by YCIS for the primary section. Moreover, 15 classrooms were registered at the campus at 11&13 Kent

Road but, according to information provided by YCIS in a previous application, only 9 rooms were used as classrooms and 6 rooms were used as activity rooms. Mr Tom Yip also said that YCIS had submitted a previous application to use the Site as a primary school with 8 classrooms which was rejected by MPC. Ms Winnie Cheng said that after submitting the previous application, the school realized the concerns of the various Government departments and, upon review, decided that there was no need to provide additional classrooms at the Site.

105. In response to a Member's enquiry on whether the number of students per classroom would be increased if the current application was not approved, Ms Winnie Cheng said that the number of students per classroom would not be increased beyond 25 students.

106. A Member enquired whether YCIS could still maintain 25 students per classroom and accommodate the target student population of 888 students if the current application was not approved. Ms Winnie Cheng responded in the affirmative, and said that necessary adjustments to the facilities and classrooms could be made in each campus. In response to the same Member's follow-up question, Ms Winnie Cheng said that if the application was not approved, the school would need to make use of the existing facilities in the other campuses in Kowloon Tong and transport the students to the different campuses to carry out the necessary activities. Such an arrangement would be undesirable but necessary to meet the target student population of 888 persons.

#### *Mandatory School Bus Scheme*

107. Noting that the percentage of students using public transport would actually drop from 37% to 24% upon the full implementation of the mandatory school bus scheme, the Vice-Chairman enquired whether some flexibility could be introduced so that students who used to take public transport could continue to do so and would not be forced to take the school bus. In response, Mr Edmund Kwok said that the figure of 24% was only a conservative estimate based on the assumption that a relatively large proportion of students would take school buses. There was no reason why the percentage of students taking public transport/on foot could not be maintained at 37% upon full implementation of the mandatory school bus scheme. On the flexibility of the scheme, Mr Kwok said

that an opt-out mechanism was available for those students who could prove that they would go to school on foot or by public transport, or by private car due to exceptional circumstances such as health reasons or disabilities. Ms Winnie Cheng supplemented that the mandatory school bus scheme was a new policy to address the traffic situation in the Kowloon Tong area and students who lived very close to school or who had special needs would be dealt with separately.

108. In response to a Member's enquiry on the possibility of parents by-passing the rules of the mandatory school bus scheme, Ms Winnie Cheng said that the parents of the existing students were very supportive of the proposed mandatory scheme and, for the parents of newly registered primary students, they would need to join the scheme for registration with the school. Besides, as an existing school policy, school places for the coming year had to be reserved for existing students on an annual basis. YCIS had the right not to reserve a school place for students if their parents did not co-operate with the school in that respect. Moreover, the school's traffic wardens would monitor the traffic situation over a wide area of Kowloon Tong, from Waterloo Road up to Tat Chee Avenue, to ensure that parents would not by-pass the rules by dropping-off their children in the vicinity of the school. Also, YCIS would work together with the parents and encourage them to follow the rules as a form of parent education.

109. Noting that parents of younger students were usually worried about letting their children take the school bus, a Member enquired about the statistics on the age-group distribution of students who came to school by private car. In response, Mr Steve Chan said that the relevant statistics were not available at hand. Nevertheless, the said concern of parents had been taken into account in the process of devising the mandatory school bus scheme. The current scheme was proposed to ensure fairness and enforceability.

110. The Chairman enquired what punitive actions could be taken against parents by-passing the rules. In response, Ms Winnie Cheng said that the Headmaster of the school would meet with the parents to discuss the problem and, should all efforts fail, the school would not reserve a school place for the concerned student in the following year.



111. In response to a Member's enquiry, Ms Winnie Cheng said that the proposed mandatory school bus scheme was already being implemented and would not be withdrawn even if the current planning application was not approved by the Board. Mr Steve Chan supplemented that YCIS was prepared to conduct an annual traffic review which could be submitted to the relevant Government departments for consideration.

112. In response to a Member's enquiry on the experience of similar mandatory school bus schemes implemented by other international schools, Mr Edmund Kwok said that the Hong Kong International School in Repulse Bay and the French International School had implemented similar schemes but whether such schemes were successful would depend on factors such as the location of the school, the capacity of the road, the number of students involved, the level of public transport services provided, etc. Ms Winnie Cheng supplemented that as the mandatory school bus scheme would be implemented in phases starting with newly registered primary students, YCIS was confident that the scheme would be successful. Mr Tom Yip said that the German Swiss International School located in the Peak Area and the Hong Kong International School in Repulse Bay were the only schools that had implemented a similar scheme requiring students to take school buses to school. However, in both cases, the schools had signed an undertaking that was registered in the Land Registry to ensure the implementation of the school bus scheme.

113. In response to a Member's enquiry on whether a similar enforcement mechanism could be adopted for the current application, Mr Tom Yip said that DLO/KE had already confirmed that they did not have the power to require a similar undertaking to be registered when processing the temporary waiver for the change in use for the Site. Mr Steve Chan, however, suggested that the requirement to implement a school bus scheme could be incorporated as an approval condition to the application and, if required, a temporary approval could be granted so that the implementation of the school bus scheme could be monitored regularly by the Board.

114. Ms Winnie Cheng said that the current application would provide YCIS an opportunity to work together with the relevant Government departments to tackle the traffic congestion problem of Kowloon Tong. Mr Steve Chan added that the mandatory school bus scheme to be implemented by YCIS would set a positive precedent, providing

a guiding principle for other stakeholders in Kowloon Tong to resolve the traffic problem together.

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

#### Deliberation Session

116. The Vice-Chairman said that the applicant's proposal to provide an internal connection to link up the existing campus at 11&13 Kent Road would address MPC's concern about students having otherwise to walk along the busy Kent Road and Somerset Road in between classes. As for the mandatory school bus scheme, the Vice-Chairman said that the proposal seemed to be a reasonable and workable solution which was being implemented already by the applicant. The mandatory school bus scheme would, to a certain extent, help to alleviate the traffic problem in Kowloon Tong.

117. The view was echoed by a Member who considered that the current application would not result in any additional student intake as the applicant could already increase the student population of the three campuses to 888 students as permitted by EDB. On the other hand, the mandatory school bus scheme proposed by the applicant would be beneficial to the area as it would help alleviate the traffic situation. The remaining issue was how to enable the relevant Government departments to enforce the implementation of the school bus scheme.

118. A Member, however, considered that the Site was needed to ensure the high quality of education services provided by the school. Without the Site, the applicant would not be able to increase the student intake up to 888 students without affecting the quality of its education services. In this regard, approving the application would increase the capacity of the school to take more students. As there were other schools in the vicinity, the approval of the application would set a precedent for these schools to ask

for more school sites within the maximum student capacity as permitted by EDB. The Member also had reservation on the effectiveness of the mandatory school bus scheme as there were no punitive measures. It was very unlikely for any student to be dismissed by the school for the sole reason that he/she did not follow the rules of the mandatory school bus scheme. The Member considered that granting a temporary planning permission was not an effective measure to monitor the situation as experience had shown that once temporary approval was granted and the school came into operation, it would be very difficult for the Board not to renew the temporary approval in view of the possible adverse implications on the students already admitted.

119. A Member agreed with this view and said that as there were many applications for school expansion in the Kowloon Tong area, approving this application would set a precedent for other similar applications. This Member considered that the traffic situation in Kowloon Tong was already at capacity and that no further increase in the student population should be permitted.

120. A Member considered that the mandatory school bus scheme might not help to address the traffic problem in Kowloon Tong as there was no proper place for the school buses to stop and pick-up/drop-off the students. This Member echoed the concern that approving the application would allow the applicant to increase student intake and set a precedent for other similar applications.

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

121. A Member considered that once the activity rooms were increased, the school would be able to increase student intake, thus worsening the traffic situation. The Member, however, considered that the target student population of the school would likely be maintained at 888 students as it would be restricted by the school policy of a 'through train' service from kindergarten to secondary school. The Member considered that the traffic situation would likely be improved even if the mandatory school bus scheme was not a total success as some parents would still follow the rules and opt for the school bus.

122. A Member considered that traffic was the key consideration for any

application for school use in the Kowloon Tong area as any further increase in the student population would not be acceptable. The Member reiterated the view that approving the application for activity rooms would lead to an increase in student intake for the school and was therefore not acceptable. The Member also considered that the 1,043 student places permitted by EDB was the maximum capacity permitted taking into account size of the classrooms and the means of escape. This figure should not be taken as an entitlement for student intake by the Board.

123. A Member pointed out that the existing student population in the three YCIS campuses was only 696 students rather than 888 students and the existing figure should be taken as the baseline. Approving the application for activity rooms would allow the applicant to increase the student intake to 888 students. If the application was not approved, the applicant would need to review the feasibility of the proposed expansion to 888 students.

124. A Member noted that although the proposed mandatory school bus scheme was beneficial, the applicant did not put forth an effective means to ensure the implementation of the scheme.

125. The meeting decided to take a vote on the application. 3 Members supported the application and 8 Members voted against the application.

126. 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 considered that they were appropriate. The reasons were:

- “(a) the proposed development is located near the junction of Kent Road and Somerset Road and Kowloon Tong MTR Station with busy traffic. The proposed activity rooms at the application site would induce additional student intake for the adjoining campus of Yew Chung International School (Primary Section) and the related increase in loading/unloading activities of vehicles and passengers would aggravate the traffic congestion in the area. There are uncertainties on the implementability and enforceability of the traffic mitigation measures proposed by the applicant; and

- (b) the traffic congestion problem in the area is already serious. The approval of the application without a satisfactory and effective measure to address the possible traffic impact would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such similar applications would aggravate the traffic congestion problem of the area.”

127. The meeting was adjourned for lunch break at 2:20 p.m.

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

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

Mr Thomas Chow

Chairman

Mr Stanley Y.F. Wong

Vice-chairman

Professor S.C. Wong

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Julia M.K. Lau

Mr Roger K.H. Luk

Mr H.W. Cheung

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Mr Lincoln L.H. Huang

Mr H. F. Leung

Mr Stephen H.B. Yau

Mr F.C. Chan

Assistant Director (Environmental Assessment), Environmental Protection  
Department

Mr K.F. Tang

Director of Lands

Ms Bernadette H.H. Linn

Director of Planning

Mr K.K. Ling

**Fanling, Sheung Shui and Yuen Long East District**

**Agenda Item 7**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-KTS/610

Temporary Open Storage of Construction Materials with Ancillary Workshop for a Period of 3 Years in “Village Type Development” and “Agriculture” Zones, Lot 1082 RP (Part) in D.D. 113 and Adjoining Government Land, Pat Heung, Yuen Long  
(TPB Paper No. 9540)

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[The hearing was conducted in Cantonese.]

**Presentation and Question Session**

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

Ms Maggie Chin - District Planning Officer/Fanling, Sheung Shui and Yuen Long East (DPO/FS&YLE), PlanD

Mr Tsoi Kwok Cheong - Applicant’s representative

131. The Chairman extended a welcome and explained the procedure of the review hearing. He then invited DPO/FS&YLE to brief Members on the review application.

132. With the aid of a Powerpoint presentation, Ms Maggie Chin made the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for temporary open storage of construction materials with ancillary workshop for a period of 3 years at a site partly zoned “Village Type Development” (“V”) (79.5%) and partly zoned “Agriculture” (“AGR”) (about 20.5%) on the approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/11;

- (b) the Rural and New Town Planning Committee (RNTPC) rejected the application on 11.10.2013 and the reasons were:
- (i) the development was not in line with the planning intention of the “V” zone which was to reflect the existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. It was also not in line with the planning intention of “AGR” zone which was to retain and safeguard good agricultural land for agricultural purposes. The “AGR” zone was intended to retain fallow arable land with good potential for rehabilitation. No strong planning justification had been given in the submission for a departure from the planning intentions, even on a temporary basis;
  - (ii) the development for temporary open storage of construction materials with ancillary workshop was not compatible with the surrounding land uses which were predominantly rural in character with a mixture of cultivated and fallow agricultural land and residential dwellings/structures or developments;
  - (iii) the application did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No.13E) in that there was no exceptional circumstance that warranted sympathetic consideration, and that there was no previous approval granted at the site and there were adverse departmental comments and public objections against the application;
  - (iv) the applicant failed to demonstrate that the development would not generate adverse environmental, traffic, landscape and drainage impacts on the surrounding areas; and
  - (v) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “V” and “AGR” zones. The cumulative effect of approving such applications



would result in a general degradation of the rural environment of the area.

- (c) the site (about 1,360m<sup>2</sup>) was located to the southeast of Tai Kek Tsuen and accessible from Kam Ho Road to the east. It was currently paved, fenced off and used for the applied use without valid planning permission;
- (d) according to the information provided by applicant at the s.16 application stage, four structures with a total floor area of about 295m<sup>2</sup> and building height ranging from about 2.4m to 6.5m were erected within the site for office, shed for vehicles, workshop and toilet uses. The operation hours were from 9:00 a.m. to 5:00 p.m. from Monday to Saturday and there was no operation on Sundays and public holidays;
- (e) the surrounding areas were rural in character predominated by cultivated and fallow agricultural land, residential dwellings/structures or developments, a pond, a few open storage/storage yards and a parking lot. The latter two uses were suspected unauthorised developments subject to enforcement action taken by the Planning Authority;
- (f) the site fell partly within Category 3 areas (20.5%) and partly within Category 4 areas (79.5%) under the TPB PG-No. 13E. Within Category 3 areas, “existing” and approved open storage and port back-up uses were to be contained and further proliferation of such uses was not acceptable. Applications would normally not be favourably considered unless the applications were on sites with previous planning approvals. Within Category 4 areas, applications would normally be rejected except under exceptional circumstances;
- (g) there was no previous application covering the site but five similar applications for various open storage uses within the same “V” and “AGR” zones on the OZP since the promulgation of the TPB PG No.13E on 17.10.2008. Three were rejected by RNTPC or the Board on review whereas two were approved with conditions by RNTPC. The main reasons for rejecting the applications were that the developments were not in line

with the “V” and “AGR” zones, the applications did not comply with the TPB PG-No. 13E in that the developments were not compatible with the surrounding land uses, there was no previous approval granted at the sites and there was insufficient information to demonstrate that the developments would not generate adverse environmental, landscape, drainage and traffic impacts;

- (h) the applicant had not submitted any written representation in support of the review;
- (i) departmental comments – the departmental comments were summarised in paragraph 4 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as active agricultural lives were found in the vicinity of the site and there was a high potential for agricultural rehabilitation. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. existing residential dwellings/structures located to the north and northwest of the site and along the access road to the site and environmental nuisance was expected. The Commissioner for Transport (C for T) had reservation on the proposed ingress/egress which was located at the lay-by of Kam Ho Road. The Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD) had reservation from the landscape planning point of view. If the current application was approved, similar applications would be encouraged and further degradation of the landscape quality in the area was highly anticipated;
- (j) public comment - during the statutory publication period, one public comment was received from Designing Hong Kong Limited which objected to the application mainly for the reasons that the development was incompatible with the zoning intention; the agricultural land should be preserved; there was sufficient supply of land for storage use; no impact assessment regarding traffic or nuisance had been conducted; and approval of the application would make it difficult to utilise the land for other suitable uses; and

- (k) PlanD's views – PlanD did not support the review application based on the planning considerations and assessments as set out in paragraph 6 of the Paper and summarised below:
- (i) the development was not in line with the planning intention of the “V” zone which was to reflect the existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. It was also not in line with the planning intention of the “AGR” zone which was to retain and safeguard good quality agricultural land for agricultural purpose. The “AGR” zone was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes;
  - (ii) although no Small House (SH) application with regard the site was received, the site was located near the village settlement of Tai Kek Tsuen to the northwest and SH applications were approved or under processing in the vicinity. DEP did not support the application as there were existing residential dwellings/structures nearby and along the access road to the site and environmental nuisance was expected. DAFC also did not support the application from the agricultural point of view as active agricultural lives were found in the vicinity of the site and the site had high potential for agricultural rehabilitation;
  - (iii) the development was not compatible with the surrounding land uses which were predominantly rural in character with a mixture of cultivated and fallow agricultural land, residential dwellings/structures or developments, a pond, a few open storage/storage yards and a parking lot. The latter two uses were suspected unauthorized developments subject to enforcement action;
  - (iv) the development was not in line with the TPB PG-No. 13E in that there was no exceptional circumstance that warranted sympathetic consideration. There was no previous approval granted at the site for open storage use and there were adverse comments on the application

from the relevant departments including DAFC and DEP and public objections. Both C for T and CTP/UD&L, PlanD had reservation on the application. The applicant failed to demonstrate that the development would not generate adverse environmental, traffic, landscape and drainage impacts on the surrounding areas; and

- (v) no similar application except applications No. A/YL-KTS/494 and 597 were approved within the same “V” and “AGR” zones. Both applications covered the same site which was mainly encircled by local road, vacant land, open storage yards, warehouse and workshop. The approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “V” and “AGR” zones.

133. The Chairman then invited the applicant’s representative to elaborate on the application.

134. Mr Tsoi Kwok Cheong made the following main points:

- (a) the applicant was a member of the general public and it was his first time submitting a planning application. Hence, there was no previous approval in support of the current application;
- (b) the areas surrounding the site were already occupied by some open storages, warehouses and structures. The domestic structures nearby were newly constructed. There was no complaint nor notice on illegal activities received from the Environmental Protection Department, Hong Kong Police, Fire Services Department and Transport Department in the past three years; and
- (c) the applicant only sought planning permission to use the site temporarily for one year or less so as to allow time for him to remove the existing unauthorised structures and to reinstate the landform.

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

136. In response to the Chairman's question, Ms Maggie Chin, DPO/FS&YLE said that the site was subject to enforcement action concerning unauthorised workshop and storage uses. Enforcement Notice was issued to the concerned parties in April 2013 by the Planning Authority requiring the discontinuance of the unauthorised developments at the site. Since the requirement of the statutory notice was not complied with upon expiry of the notice, prosecution action had been taken against the concerned parties. Mr Tsoi Kwok Cheong, however, said that the landowner only received the Enforcement Notice in July 2013 due to the wrong delivery by PlanD. He added that all along, the indigenous villagers had been providing land for the construction and development sector of Hong Kong. They hoped to optimise the use of the scarce land resources.

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

#### Deliberation Session

138. Members noted that there was no major change in the planning circumstances since the previous consideration of the subject application by RNTPC and the applicant had not provided new justification and evidence to support the review application. Members agreed to maintain the RNTPC's decision to reject the application.

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

- “(a) the development is not in line with the planning intention of the “V” zone which is to reflect the existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. It is also not in line with the

planning intention of the “AGR” zone which is to retain and safeguard good agricultural land for agricultural purposes. The “AGR” zone is also intended to retain fallow arable land with good potential for rehabilitation. No strong planning justification has been given in the submission for a departure from the planning intentions, even on a temporary basis;

- (b) the development for temporary open storage of construction materials with ancillary workshop is not compatible with the surrounding land uses which are predominantly rural in character with a mixture of cultivated and fallow agricultural land and residential dwellings/structures or developments;
- (c) the application does not comply with the TPB PG-No. 13E in that there is no exceptional circumstance that warrants sympathetic consideration, and that there is no previous approval granted at the site and there are adverse departmental comments and public objections against the application;
- (d) the applicant fails to demonstrate that the development would not generate adverse environmental, traffic, landscape and drainage impacts on the surrounding areas; and
- (e) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “V” and “AGR” zones. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.”

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

**Hong Kong District**

**Agenda Item 5**

[Open Meeting]

Request for Deferment of Review of Application No. A/H1/95

Proposed Hotel Development at 10 -12 Yat Fu Lane, Shek Tong Tsui, Hong Kong

(TPB Paper No. 9536)

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[The meeting was conducted in Cantonese.]

140. Mr Patrick H.T. Lau had declared an interest in this item as he had current business dealings with Lanbase Surveyors Ltd., which was the consultant of the applicant, but had no involvement in this application. Members noted that Mr Lau had already left the meeting.

141. The Secretary reported that on 31.7.2013, the applicant wrote to the Secretary of the Board requesting for a deferment of hearing of the review application for 2 months in order to allow more time to improve the layout design with more planning merits to justify the hotel development. The Board agreed on 23.8.2013 to defer a decision on the review application for 2 months pending the submission of further information (FI) by the applicant. On 23.10.2013 and 24.10.2013, the applicant submitted FI including a revised scheme. On 30.12.2013, the applicant wrote to the Secretary of the Board requesting for a further deferment of hearing of the review application for 2 months in order to have more time to provide response to address the public comments on the FI submitted by the applicant.

142. The justifications for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications (TPB PG-No. 33) in that the applicant needed more time to address the public comments on the FI of the hotel development, the deferment period was not indefinite, and that the deferment would not affect the right or interest of other parties.

143. After deliberation, the Board agreed to defer a decision on the review application and the review application would be submitted for its consideration within 3 months upon

receipt of further submission from the applicant. The Board also agreed to advise the applicant that the Board had allowed a period of 2 months for preparation of supplementary information. Since this was the second deferment, the Board had allowed a total of 4 months for the preparation of supplementary information, and no further deferment would be granted unless under very special circumstances.

### **Fanling, Sheung Shui and Yuen Long East District**

#### **Agenda Item 6**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-SK/193

Proposed House (New Territories Exempted House – Small House) in “Village Type Development” and “Agriculture” Zones, Lot 1068 RP in D.D. 106, Kam Tsin Wai, Pat Heung, Yuen Long

(TPB Paper No. 9541)

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[The hearing was conducted in Cantonese.]

#### **Presentation and Question Session**

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

Ms Maggie Chin - District Planning Officer/Fanling, Sheung Shui and Yuen Long East (DPO/FS&YLE), PlanD

145. The Chairman extended a welcome and informed the meeting that the applicant had decided not to attend the hearing. He then invited DPO/FS&YLE to brief Members on the review application.

146. With the aid of a Powerpoint presentation, Ms Maggie Chin made the following main points as detailed in the Paper:



- (a) the applicant sought planning permission to build a house (New Territories Exempted House (NTEH) - Small House) at a site partly zoned “Village Type Development” (“V”) (about 48.8%) and partly zoned “Agriculture” (“AGR”) (about 51.2%) on the approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9;
  
- (b) the Rural and New Town Planning Committee (RNTPC) rejected the application on 11.10.2013 and the reasons were:
  - (i) the proposed development was not in line with the planning intention of the “AGR” zone on the OZP, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification given in the submission for a departure from the planning intention of the “AGR” zone;
  
  - (ii) the application did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories (the Interim Criteria) in that there was no general shortage of land in meeting the demand for Small House development in the “V” zone covering Kam Tsin Wai. The applicant also failed to demonstrate in the submission why suitable site within the areas zoned “V” could not be made available for the proposed development; and
  
  - (iii) the approval of the application would set an undesirable precedent for other similar developments to proliferate into the “AGR” zone. The cumulative effect of approving such application would result in a degradation of the surrounding rural environment;
  
- (c) the justifications put forth by the applicant in support of the review application were summarised as follows:

- (i) the application met one of the criteria under the Interim Criteria which required more than 50% of the Small House footprint to fall within the “V” zone, and there were no adverse comments on the application. The Board’s decision to reject the application brought about great impact on indigenous villagers’ right to apply for Small House under the prevailing policy;
  - (ii) every application should be assessed based on its individual merits. The subject application would not set an undesirable precedent in Kam Tsing Wai. Besides, the public consultation process was considered unfair;
  - (iii) the site had been paved with concrete for years and had never been used for agricultural purpose. It was impossible to carry out agricultural activities at the site; and
  - (iv) a number of residents of The Scenicwoods had submitted supporting letters to the Board, which were not mentioned in the paper submitted to the RNTPC for consideration.
- (d) the site was located entirely outside the ‘Village Environs’ (‘VE’) of Kam Tsing Wai and was accessible from Kam Shui South Road via a local access road of The Scenicwoods, which was a group of Small House development located to the immediate north. It was currently paved and used as a car park without valid planning permission;
- (e) the surrounding areas were predominantly rural in character mixed with residential developments/structures, fallow agricultural land, car parks, a vehicle workshop, and some scattered vacant structures/land;
- (f) there was one previous application submitted by the same applicant for the same use but was rejected by the RNTPC on 19.7.2013 on the grounds that the development was not in line with the planning intention of the “AGR” zone; it did not comply with the Interim Criteria; the applicant failed to demonstrate why suitable sites within areas zoned “V” could not be made

available for the development; and the approval of the application would set an undesirable precedent for similar developments to proliferate into the “AGR” zone;

- (g) there were 13 similar applications for NTEH/Small House development within the same “V” and/or “AGR” zones. Of the similar applications, 8 applications were approved with conditions by the RNTPC before the first promulgation of the Interim Criteria in 2000, while the remaining 4 applications were rejected by either the RNTPC or the Board on review. One rezoning application was also rejected by the RNTPC. The rejection reasons of these applications were mainly that the proposed developments were not in line with the planning intention of the “AGR” zone; the application did not comply with the Interim Criteria in that the sites and footprints of the proposed Small Houses fell outside the ‘VE’ and/or “V” zone of the respective villages and there was no general shortage of land in meeting the demand for Small House development in the “V” zone; and the setting of undesirable precedents;
- (h) departmental comments – the departmental comments were summarised in paragraph 5 of the Paper. Relevant government departments had no adverse comments on the application;
- (i) public comments - during the statutory publication period, two public comments were received from a member of the public and Designing Hong Kong Limited. There were concerns that the proposed Small House might affect the structural stability of existing houses in the vicinity and would cause adverse environmental, infrastructural, air ventilation and traffic impacts and security problem. Besides, the proposed development was not in line with the planning intention and did not comply with the Interim Criteria; and
- (j) PlanD’s views – PlanD did not support the review application based on the planning considerations and assessments as set out in paragraph 7 of the Paper and summarised below:

- (i) the proposed Small House was not in line with the planning intention of the “AGR” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. The “AGR” zone was also intended to retain fallow arable land with good potential for cultivation and other agricultural purposes;
- (ii) the application did not meet the Interim Criteria in that there was no general shortage of land in meeting the demand for Small House development in the “V” zone of Kam Tsin Wai. According to District Lands Officer/Yuen Long (DLO/YL) of LandsD, the total number of outstanding Small House applications and the 10-year forecast of Small House demand for Kam Tsin Wai were 49 Small Houses (or equivalent to about 1.22ha of land). Based on PlanD’s latest estimate, there were still about 4.7 ha of land (i.e. about 188 Small House sites) available within the “V” zone covering Kam Tsin Wai for Small House development. Besides, the applicant had not demonstrated in the submission why suitable sites in the areas zoned “V” within Pat Heung, including the “V” zone for Chuk Hang of which the applicant was the indigenous villager, could not be made available for the proposed development;
- (iii) since the promulgation of the Interim Criteria in 2000, no further planning application for Small House development on sites straddling the same “V” and “AGR” zones had been granted. The previous application No. A/YL-SK/188 covering the same site was also rejected by the RNTPC on 19.7.2013. There was no major change in planning circumstances that warranted a departure from the Committee’s previous decision; and
- (iv) the approval of the application would set an undesirable precedent for similar applications to proliferate into the “AGR” zone, causing degradation to the surrounding rural environment; and
- (v) regarding the applicant’s view that the supporting public comments received on the application during the s.16 stage were deliberately not

presented in the RNTPC paper, it should be noted that the details of all public comments received, including the supporting comments, were reflected in the RNTPC paper with the original enclosures at appendices of the RNTPC paper.

[The Chairman left the meeting temporarily and the Vice-chairman took over the chairmanship at this point.]

147. As the presentation from the representative of PlanD had been completed, the Vice-chairman invited questions from Members. As Members had no question, the Vice-chairman thanked DPO/FS&YLE for attending the meeting. She left the meeting at this point.

#### Deliberation Session

148. Members noted that there was no major change in the planning circumstances since the previous consideration of the subject application by RNTPC and agreed to maintain the RNTPC's decision to reject the application.

149. 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 considered that they were appropriate. The reasons were:

- “(a) the proposed development is not in line with the planning intention of the “AGR” zone on the OZP, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification given in the submission for a departure from the planning intention of the “AGR” zone;
- (b) the application does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories in that there is no general shortage of land in meeting the demand

for Small House development in the “V” zone covering Kam Tsing Wai. The applicant also fails to demonstrate in the submission why suitable site within areas zoned “V” could not be made available for the proposed development; and

- (c) the approval of the application would set an undesirable precedent for other similar developments to proliferate into the “AGR” zone. The cumulative effect of approving such application would result in a degradation of the surrounding rural environment.”

[The Chairman returned to join the meeting at this point.]

### **Tuen Mun & Yuen Long West District**

#### **Agenda Item 8**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/TM-LTYT/262

Proposed Temporary Private Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years in “Green Belt” zone, Lot 2407 S.B. in D.D. 130 and Adjoining Government Land, Choi Yuen Village, Tat Fuk Road, Lam Tei, Tuen Mun  
(TPB Paper No. 9539)

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[The hearing was conducted in Cantonese.]

#### **Presentation and Question Session**

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

Mr W.S. Lau - District Planning Officer/Tuen Mun & Yuen Long West (DPO/TM&YLW), PlanD

Mr Fok Kin Fung - Applicant

Mr Lee Chi Man - Applicant's representative

151. The Chairman extended a welcome and explained the procedure of the review hearing. He then invited DPO/TM&YLW to brief Members on the review application.

152. With the aid of a Powerpoint presentation, Mr W.S. Lau made the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for proposed temporary private vehicle park for private cars and light goods vehicles for a period of 3 years at a site zoned "Green Belt" ("GB") on the approved Lam Tei and Yick Yuen Outline Zoning Plan No. S/TM-LTYYY/6 (the OZP);
- (b) the Rural and New Town Planning Committee (RNTPC) rejected the application on 27.9.2013 and the reasons were:
  - (i) the proposed development was not in line with the planning intention of the "GB" zone. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis;
  - (ii) the proposed development was not in line with the Town Planning Board Guidelines for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10) in that there was a general presumption against development in "GB" zone, and there were no exceptional circumstances for approval of the application; and
  - (iii) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the "GB" zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area;
- (c) the applicant had not submitted any written representation in support of the review;

- (d) the site was part of a larger site currently used for parking of vehicles which constituted an unauthorised development under the Town Planning Ordinance. Enforcement Notice was issued on 28.3.2013 requiring discontinuance of the unauthorised parking of vehicles and storage use. According to the site inspections upon expiry of the compliance period of the notice, the site was largely vacant. According to the latest site inspection on 4.10.2013, the unauthorised parking of vehicles and storage use had been reactivated. The Planning Authority would continue monitoring the site condition and prosecution action against the notice recipients would be considered in due course;
- (e) the site (about 264m<sup>2</sup>) was paved and fenced. It was largely vacant and parked with one light goods vehicle. There were also a temporary shelter and two containers for storage use. It was accessible via a short strip of land from Tat Fuk Road;
- (f) to the immediate east of the site were a planter, Tat Fuk Road, Kong Sham Western Highway and the Yuen Long Highway. To the immediate south and north were two pieces of vacant land. To the southwest were storage, a piece of vacant land and fallow agricultural land. To the immediate west were a burial ground and graves. Further to the north were amenity areas, storages, cultivated agricultural land, a few pieces of vacant land and residential dwellings;
- (g) according to the application, there would be three structures of one to two storeys (2.44m to 4.88m high) with a total floor area of 110.15m<sup>2</sup> for the proposed development. There would be four parking spaces for private cars or van-type light goods vehicles (not exceeding 1.9 tonnes). The operation hours would be from 8:00 a.m. to 8:00 p.m. including Sundays and public holidays;
- (h) the site was subject of two previous applications for open storage of machineries and ancillary repairing yard and a proposed temporary private vehicle park (private cars and light goods vehicles) respectively. The two



applications were rejected by RNTPC in 1995 and 2013;

- (i) there were three similar applications in the same “GB” zone and the nearby “Residential (Group D)” (“R(D)”) zone. Among them, one application (No. A/TM-LTY/160) for proposed temporary parking area for private car and storage was approved with conditions by the RNTPC in 2007 on a temporary basis for one year. The major considerations were that only two car parking spaces and a small amount of furniture would be stored on the site and that the storage would be in an enclosed container. The remaining two applications for a proposed temporary public vehicle park (private car)/open storage of private car parts and a proposed temporary private car/heavy construction vehicle park with ancillary vehicle repair workshop and ancillary site office were rejected by the RNTPC in 2009 and 2013 respectively;

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

- (j) departmental comments – the departmental comments were summarised in paragraph 4 of the Paper. The District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD) commented that the adjoining Government land at the south-eastern part of the site encroached onto Highways Department’s (HyD’s) designated planting area following the completion of the Deep Bay Link Project and the applicant should confine his proposal within private land. The Commissioner for Transport (C for T) commented that while adverse impact would not be expected due to the small scale of the proposed car park, the Board might consider whether the application, if approved, would set a precedent for future cases and should consider the cumulative effect as a whole. The Director of Agriculture, Fisheries and Conservation (DAFC) commented that the Board might consider if the approval of the application would be in line with the planning intention of the “GB” zone, and whether it might set an undesirable precedent. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning perspective. Most of the open storage yards and car parks in the neighbourhood were unauthorised uses. The application, if approved,

would set an undesirable precedent attracting more non-compatible uses encroaching on the “GB” zone that would further deteriorate the landscape quality of the green belt and undermine the intactness of the “GB” zone;

- (k) public comments - during the statutory publication period, two public comments were received from a member of Tuen Mun District Council and a local resident both of whom supported the application. The local resident supported the application mainly on the grounds that there was demand for parking spaces from villagers along Tat Fuk Road; temporary car park located in Fuk Hang Tsuen was about 1 km away from the village; there was an application (No. A/TM-LTYYY/160) for car park in “GB” zone approved by the RNTPC; and the car park planted with trees could enhance the environment which was better than illegal parking on street; and
- (l) PlanD’s views – PlanD did not support the review application based on the planning considerations and assessments as set out in paragraph 7 of the Paper and summarised below:
  - (i) the proposed development was not in line with the planning intention of the “GB” zone. The applicant had not provided strong planning justification for departing from the planning intention, even on a temporary basis;
  - (ii) the proposed development did not comply with TPB PG-No. 10 in that the proposed development was a new one and there was a general presumption against development in “GB” zone. There was no exceptional circumstance for approval of the application and there were adverse comments from government departments. DLO/TM, LandsD commented that the site encroached on HyD’s designated planting area. CTP/UD&L, PlanD had reservation on the application from landscape planning perspective;
  - (iii) the RNTPC had not approved application for vehicle park within the “GB” zone. The approval of the application would set an undesirable precedent for similar applications. The cumulative effect would result

in a general degradation of the environment of the area; and

- (iv) for the approved Application No. A/TM-LTYYY/160 mentioned in one of the public comments, it was not entirely the same as the current application in that the “GB” portion of Application No. A/TM-LTYYY/160 was about 143m<sup>2</sup> and two private cars of the applicant (who was also the land owner) would be parked there. The major concern of Application No. A/TM-LTYYY/160 was related to the storage use within the “R(D)” portion of the application. The subject site, which fell within a “GB” zone, was not considered as a proper location for vehicle park.

153. The Chairman then invited the applicant to elaborate on the application.

154. Mr Fok Kin Fung made the following main points:

- (a) he was living in Choi Yuen Tsuen which was bounded by Tat Fuk Road, Castle Peak Road, Lam Tei Main Street and Shun Tat Street. There were four villages nearby including Lam Tei, Sun Fung Wai, Nai Wai and Choi Yuen Tsuen covering an area of about 360,000m<sup>2</sup>. The total population living in these villages was about 4,000. Assuming every ten persons had a car, there would be 400 cars in the area and there was a demand for car parking spaces;
- (b) currently, there were only ten metered car parking spaces along Lam Tei Main Street and 30 covered car parking spaces (rented on monthly basis) in public car parks. Due to limited car parking spaces, people had to park on-street and within private lots including those falling within “Agriculture” or “GB” zones;
- (c) although there was a large open car park in Fuk Hang Tsuen with 100 car parking spaces in the vicinity, there was still insufficient car parking spaces and on-street parking during night time was very common. Besides, that site would soon be taken back by the land owner and surrendered to the Government for housing development;

- (d) he did not agree with PlanD's rejection reason that the proposed development would affect the "GB" zone. With proper planting and drainage system, the proposed private vehicle park would improve the environment. However, if the site was left vacant, it would create mosquito and rubbish problem; and
- (e) he also did not agree that the approval of the application would set an undesirable precedent for similar applications. There was a previous approved application (No. A/TM-LTY/160) for temporary parking area for private car and storage within the "GB" zone which was similar to the subject application. Besides, both the District Council member and a local villager supported the application which demonstrated that there was a substantial demand for car parking spaces in the area.

155. As the presentations from the representative of PlanD and the applicant had been completed, the Chairman invited questions from Members. As Members had no question, the Chairman informed the applicant and his representative that the hearing procedure for the review had been completed and the Board would further deliberate on the application in their absence and inform the applicant of the Board's decision in due course. The Chairman thanked the applicant and his representative and DPO/TM&YLW for attending the meeting. They all left the meeting at this point.

#### Deliberation Session

156. A Member noted that the unauthorised parking of vehicles and storage use had reappeared at the site and asked whether any further action would be undertaken by the Planning Authority. The Secretary replied that the Planning Authority would continue monitoring the site condition and prosecution action would be considered in due course.

157. Members noted that there had been no material change in the planning circumstances since the rejection of the application by RNTPC and the proposed development was not in line with the planning intention of the "GB" zone and the TPB PG-No.10. As such, Members generally agreed that the review application should be rejected.

158. 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 considered 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. No strong planning justification has been given in the submission to justify a departure from the planning intention, even on a temporary basis;
- (b) the proposed development is not in line with the Town Planning Board (TPB) Guidelines for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10) in that there is a general presumption against development in "GB" zone, and there are no exceptional circumstances for approval of the application; and
- (c) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the "GB" zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.”

### **Sai Kung and Islands District**

#### **Agenda Item 9**

[Open Meeting (Presentation and Question Session only)]

Preliminary Consideration of the Draft Tai O Town Centre Outline Zoning Plan No. S/I-TOTC/E

(TPB Paper No. 9552)

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[The hearing was conducted in Cantonese.]

#### **Presentation and Question Session**

159. The following representative of Planning Department (PlanD) was invited to the

meeting at this point.

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

160. The Chairman extended a welcome and invited DPO/SKIs to brief Members on the background of the Paper.

161. With the aid of a Powerpoint presentation, Mr Ivan Chung made the following main points as detailed in the Paper:

#### Background

- (a) in 2002, the “Study on Revitalization of Tai O” concluded a recommended revitalisation strategy together with a recommended outline development plan. The strategy sought to rejuvenate the fishing village of Tai O with its unique heritage and character and the overall planning concept was to balance nature and heritage conservation with appropriate new development, building upon Tai O’s traditional visitor attraction;
- (b) in May 2007, the Lantau Development Task Force published the Revised Concept Plan for Lantau. The overall planning vision of the Revised Concept Plan was to promote sustainable development by balancing development and conservation needs. Tai O had been identified as one of the locations requiring special attention. The Revised Concept Plan recommended that there was a need for early implementation of the improvement projects and to prepare/review town plans with due regard to the protection of area of high conservation value and preservation of its fishing village character;
- (c) based on the recommendations of the “Study on Revitalization of Tai O”, Civil Engineering and Development Department (CEDD) commenced the “Improvement Works for Tai O Facelift - Feasibility Study” in June 2007. A number of improvement works had been recommended and implemented

within Tai O to benefit both the visitors and local community;

- (d) given that most of the Tai O Town Centre area had been developed and the remaining developable land was almost entirely under government ownership, the preparation of Development Permission Area (DPA) plan to enable statutory planning enforcement control on the Town Centre area was considered not necessary. Instead, a draft Outline Zoning Plan (OZP) was prepared for providing a statutory planning framework to guide the long term development of the Town Centre area and preserve the rural character and the fishing village of Tai O;

#### Existing Land Uses in the Planning Area

- (e) Tai O Town Centre (the Area) covered a total of about 46.14 ha of land in the north-western corner of Lantau. The Area lay on a low-lying alluvial plain bounded by Fu Shan in the northwest, mangrove stood in the northeast and Tai O reedbed in the south;
- (f) the Area was rural in character and separated into two major parts by Tai O Creek. It covered the Tai O village proper, Shek Tsai Po and Yim Tin residential area. According to the 2011 Census, the population of the Area was about 2,000. There were no indigenous villages in the Area but the main traditional village settlements characterised with traditional village houses and domestic structures on stilts were located along the banks of Tai O Creek. Village houses were mostly 3 storeys in height while most of the domestic structures on stilts were 1 to 2 storeys (less than 4.6m) in height. Modern residential housings were located at the northern side of Tai O Road. To the south of Tai O Road was a scenic pond which connected to the nearby natural stream and formed an important integral part of the ecological system in the Area;
- (g) Tai O had a strong religious tradition and there were temples and buildings with architectural merits scattered within the Area. The Area was once a vibrant fishing village and an important salt production base. Salt

production in Tai O was one of the earliest industrial activities recorded in Hong Kong. There was a need to conserve the historic fishing village, domestic structures on stilts and historic buildings so as to avoid undesirable disturbance to the existing townscape and maintain the fishing village character and enhance the appeal of Tai O as a main tourist destination in the territory;

### Major Planning Considerations

#### ***Infrastructure Improvement for Tourism***

- (h) CEDD had been carrying out improvement works in Tai O in accordance with the recommendations of the “Improvement Works for Tai O Facelift - Feasibility Study”, including the construction or improvement of entrance plaza and public transport terminus at the end of Tai O Road, coach parking area and event space for community and cultural events to the north of Lung Tin Estate, and a garden and promenade at Shek Tsai Po. These improvement works aimed to enhance visitors’ experience to the Area and promote Tai O as a popular tourism node;

#### ***Domestic Structure on Stilts***

- (i) the unique built form of the domestic structure on stilts along Tai O Creek together with waterway features embodied the identity of Tai O as a fishing village. The domestic structures on stilts comprised mainly one to two storey flat-topped structures erected above the sea level and supported by stone, wooden or concrete pillars. There were over 400 temporary domestic structures built on stilts under Government Land Licences (GLL). To preserve the history and character of the fishing village in Tai O, the “Eastern Venice”, the overall setting and their environs of the traditional domestic structure on stilts played an important role;

#### ***Historic Buildings***

- (j) graded buildings/structures included Old Tai O Police Station at Shek Tsai Po, several shophouses along Tai O Market Street and Kat Hing Street and some temples. Proposed graded building included 2 and 4 Tai O Market



Street. New item pending grading assessment included the domestic structure on stilts in Tai O. If there were any development or redevelopment proposals that might affect the above historic buildings/structures, it was important to have prior consultation with the Antiquities and Monuments Office (AMO). Besides, should the historic buildings be redeveloped, the character-defining elements of buildings should be salvaged and reinstated as far as practicable in liaison with the AMO;

***Nature Conservation***

- (k) between Tai O Road and Tai O Reedbed was a sizable pond comprising government land only with high scenic and ecological value as mangroves and mangrove-associated species could be found along its borders. It linked hydrologically to the nearby streams and wetlands such as Tai O Reedbed and Tai O Mangrove Replanting Area and formed an integral part of the ecological system of the Area. The Agriculture, Fisheries and Conservation Department supported the conservation of the area;

***Commercial Site at Shek Tsai Po Street***

- (l) there was an unfinished structure at a site to the east of Tai O Jockey Club Clinic at Shek Tsai Po. The lease condition of the site was for cinema and/or commercial purposes. The site was at a prime location with high pedestrian flow and had the potential to be developed for commercial uses such as shop and services, eating place and place of entertainment to serve the immediate neighbourhood and cater to the visitors' need;

***Public Housing Estate***

- (m) Lung Tin Estate was an existing rural public housing estate of 3 and 12 storeys high in Tai O. Housing Department (HD) considered that flexibility was required for future replanning and redevelopment of Lung Tin Estate so as to cater for the changing requirements of the commercial, social welfare and/or community facilities serving the local residents and wider Tai O community and a 10% allowance on top of the existing plot ratio needed to be taken into account for the proposed residential zoning for

Lung Tin Estate. Concerned departments had been consulted and raised no objection to HD's proposal;

#### Planning Intention

- (n) the general planning intention of the Area was to preserve the rural character and the fishing village of Tai O and to enhance its appeal as a main tourist destination in the territory. The existing low-rise low-density character of the village together with domestic structures on stilts should be retained to maintain the rural setting of Tai O and to avoid overtaxing the limited access and infrastructure provision. Opportunities for integrating existing and potential recreational facilities with visitor attractions to form a tourism node had also been provided;

#### Land Use Proposals

- (o) land use zones designated within the Area were mainly based on the "Recommended Outline Development Plan" prepared under the "Study on Revitalization of Tai O", the latest findings and recommendations of the CEDD's "Improvement Works for Tai O Facelift - Feasibility Study" and the current physical characteristics of the Area;

#### ***"Commercial" ("C") - 0.18 ha (0.39%)***

- (p) this zone (covering a site at Shek Tsai Po) was primarily for commercial developments, which might include shop, services, place of entertainment and eating place. Development/redevelopment at this site should be restricted to a maximum building height of 3 storeys as stipulated on the Plan or the height of the existing building, whichever is the greater;

#### ***"Residential (Group A)" ("R(A)") - 3.98 ha (8.63%)***

- (q) this zone was primarily intended for medium-density residential developments and to reflect the existing public housing and Home Ownership Scheme. The "R(A)1" zone (covering Lung Tin Estate) was subject to a maximum plot ratio of 1.1 and maximum building heights of 6

and 12 storeys whereas the “R(A)2” zone (covering Lung Hin Court) was restricted to a maximum domestic gross floor area of 11,100 m<sup>2</sup>, a maximum non-domestic gross floor area of 120 m<sup>2</sup> and a maximum building height of 6 storeys;

**“Residential (Group D)” (“R(D)”) - 5.98 ha (12.96%)**

- (r) this zone was primarily intended for preservation of the general character of the domestic structures on stilts. It was also intended for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of these structures into permanent buildings, and low-rise and low-density residential developments might be permitted on application to the Board;
- (s) the redeveloped domestic structures on stilts should be restricted to a maximum building height of 4.6m (excluding stilts) or the height of the existing building, whichever was the greater. Replacement housing for temporary structures should not result in a total redevelopment of a maximum building area of 37.2m<sup>2</sup> and a maximum building height of 2 storeys (6m), or building area and height of the existing building, whichever was the greater. Residential development other than New Territories Exempted House was restricted to a maximum plot ratio of 0.4 and a maximum building height of 2 storeys (6m), or the plot ratio and height of the existing building, whichever was the greater;

**“Village Type Development” (“V”) - 8.79 ha (19.05%)**

- (t) this zone was primarily intended for the provision of land for the retention and expansion of existing villages as well as reservation of land for the reprovisioning of village houses affected by Government projects. Development/redevelopment within this zone should be restricted to a maximum building height of 3 storeys (8.23m) or the height of the existing building, whichever was the greater;

**“Government, Institution or Community” (“G/IC”) - 5.31 ha (11.51%)**

- (u) this zone was primarily intended for the provision of GIC facilities serving

the needs of the local residents and/or a wider district, region or the territory. Development/redevelopment within this zone should be restricted to maximum building heights ranging from 1 to 5 storeys or the height of the existing building, whichever was the greater;

***“Open Space” (“O”) - 2.76 ha (5.98%)***

- (v) this zone was intended primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public;

***“Recreation” (“REC”) - 1.37 ha (2.97%)***

- (w) this zone was primarily intended for recreational developments for the use of the general public so as to encourage the development of active and/or passive recreation and tourism/eco-tourism. Development or redevelopment within this zone should be restricted to a maximum plot ratio of 0.2 and a maximum building height of 2 storeys, or the plot ratio and height of the existing building, whichever was the greater;

***“Other Specified Uses” (“OU”) - 1.11 ha (2.41%)***

- (x) this zone covered the following uses:
  - (i) *“Historic Building Preserved for Cultural, Recreational and Commercial Uses”* which was intended to preserve, restore and adaptively re-use the historic Old Tai O Police Station at Shek Tsai Po Street into a heritage tourism attraction that would provide cultural, recreational and commercial facilities for the enjoyment of local residents and tourists. No new development, or addition, alteration and/or modification to the existing building should result in a total development in excess of the maximum building heights of 2 storeys and/or 29.5m above Principal Datum, or the height of the existing building, whichever was the greater;
  - (ii) *“Amenity Area”* which covered a site fronting Tai O Yat Chung for the provision of amenity and landscaping upon the completion of a riverwall and associated drainage and sewerage improvement works at the site; and

- (iii) *“Promenade with Pier Landing Area”* which covered a section of Shek Tsai Po Street along the waterfront leading to the pier and was mainly for leisure walking and served as an easy access to the Area by water;

***“Green Belt” (“GB”) - 5.49 ha (11.90%)***

- (y) this zone was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. It covered the foothill of Fu Shan and a strip of land adjacent to the pond to the south of Tai O Road;

***“Conservation Area” (“CA”) - 4.02 ha (8.71%)***

- (z) this zone was to conserve the ecological value of wetland and ponds which formed an integral part of the wetland ecosystem. It covered a sizable pond located between Tai O Road and Tai O Reedbed;

Consultation

- (aa) government departments consulted had no adverse comments on the draft plan, its Notes, Explanatory Statement (ES) and the Planning Report. Subject to the Board’s agreement, the Islands District Council and Tai O Rural Committee would be consulted and their comments, if any, would be submitted to the Board prior to the publication of the draft OZP under section 5 of the Town Planning Ordinance.

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

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

163. The Vice-chairman asked whether the proposed “R(D)” zoning was appropriate for preservation of the existing character of the domestic structures on stilts and also for the improvement and upgrading of these structures. Mr Ivan Chung, DPO/SKIs, said that there

were currently over 400 temporary domestic structures built on stilts under GLL administered by the Lands Department. Due to a general concern on structural stability of these temporary structures, upgrading works (e.g. drainage system) had to be further examined and studied by relevant government departments such as Drainage Services Department and Environmental Protection Department. He said that to preserve the existing character of the domestic stilts, redevelopment of an existing domestic structure on stilts was always permitted under the proposed “R(D)” zoning while redevelopment to other uses would be subject to planning permission. For example, planning permission would not be required for the redevelopment of those ten domestic structures on stilts destroyed by fire last year.

164. In view of Vice-Chairman’s comment, Mr K.K. Ling, Director of Planning, asked whether a specified zoning (i.e. under “Other Specified Use”) could be considered to better reflect the planning intention for preservation of the character of the domestic structures on stilts. The Secretary said that it had been clearly stated in the Notes and ES of the OZP that the planning intention of the “R(D)” zone was primarily for preservation of the character of the domestic structures on stilts and also for the improvement and upgrading of existing temporary structures through redevelopment of existing temporary structures into permanent buildings.

165. A Member asked whether the built form of a stilt structure would be subject to planning permission of the Board. Mr Ivan Chung reiterated that under the proposed “R(D)” zone, redevelopment of domestic structures on stilts was always permitted and no planning permission would be required for the stilt structure. However, if the existing temporary domestic structures on stilts were to be redeveloped into permanent buildings, planning permission would be required.

166. After deliberation, Members agreed that:

- (a) the draft Tai O Town Centre Outline OZP No. S/I-TOTC/E together with its Notes (Appendices I and II of the Paper) was suitable for consultation with the Islands District Council and Tai O Rural Committee;
- (b) the ES (Appendix III of the Paper) was suitable to serve as an expression of the planning intentions and objectives of the Board for various land use

zonings of the draft Tai O Town Centre OZP No. S/I-TOTC/E and that the ES should be issued under the name of the Board; and

- (c) the ES (Appendix III of the Paper) was suitable for consultation with the Islands District Council and Tai O Rural Committee together with the draft OZP.

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

#### **Agenda Item 10**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/NE-TK/470

Proposed House (New Territories Exempted House – Small House) in “Green Belt” zone, Government Land in D.D. 15, Shan Liu, Tai Po

**(TPB Paper No. 9543)**

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[The hearing was conducted in Cantonese.]

#### **Presentation and Question Session**

167. Mr Stanley Y.F. Wong had declared an interest in this item as he co-owned a flat with his spouse in Tai Po. Members noted that his property was far away from the application site and agreed that he could stay in the meeting.

168. The following representative of Planning Department (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

169. The Chairman extended a welcome and informed the meeting that the applicant had decided not to attend the hearing. He then invited DPO/STN to brief Members on the review application.

170. With the aid of a Powerpoint presentation, Mr C.K. Soh made the following main points as detailed in the Paper:

- (a) the applicant sought planning permission to build a house (New Territories Exempted House (NTEH) – Small House) on the application site which fell within an area zoned “Green Belt” (“GB”) on the Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/17;
- (b) the application was rejected by the Rural and New Town Planning Committee (RNTPC) on 11.10.2013 and the reasons were:
  - (i) the proposed development was not in line with the planning intention of the “GB” zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. The applicant failed to provide information in the submission to justify a departure from this planning intention;
  - (ii) the proposed development did not comply with the Interim Criteria for consideration of application for NTEH/Small House in New Territories (the Interim Criteria) as the site was entirely outside the “Village Type Development” (“V”) zone and the village ‘environs’ (‘VE’) of any recognised villages; and
  - (iii) the application did not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “Green Belt” zone under section 16 of the Town Planning Ordinance’ (TPB PG-No.10) in that the proposed development would affect the natural landscape of the area;



- (c) the Site was vacant and covered with weeds and scattered trees. It was located outside the 'VE' of any recognised villages and was within the lower indirect water gathering ground (WGG). It was accessible via a local track leading from Shan Liu Road off Ting Kok Road;
- (d) the Site was situated in an area on the upper foothills between Pat Sin Leng Country Park and Ting Kok Village, and surrounded by hills, valleys, woodland, streams and fallow agricultural land covered with grass;
- (e) there was no previous application for NTEH/Small House development at the site. There were 16 similar applications within the same "GB" zone (11 rejected and five approved) and another six similar applications straddling "AGR" and "GB" zones (five rejected and one approved) for Small House development in the vicinity of the application site since the first promulgation of the Interim Criteria on 24.11.2000;
- (f) the further justifications provided by the applicant in support of the review application were summarised as follows:
  - (i) the five trees within the Site were planted three years ago and could be transplanted elsewhere;
  - (ii) the proposed Small House development under Application No. A/NE-TK/411 was not considered incompatible with the surrounding area. Thus, the current application should be the same;
  - (iii) about 20 Small Houses within the lower indirect WGG were approved and Water Supplies Department (WSD) had no objection. There was no relationship between whether the Site was within 'VE' and whether it would cause pollution to the water quality within the WGG. The 'VE' was only drawn up by Lands Department according to the village house existed in 1972 and might include forest and river. Thus, the 'VE' should have no relevance to WSD's assessment standard for WGG; and

- (iv) the shortage of land for Small House development at Shan Liu was so acute because PlanD did not accede to the request of Tai Po Rural Committee to further extend the “V” zone of Shan Liu.
- (g) departmental comments – the departmental comments were summarised in paragraph 5 of the Paper. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD had reservation on the application as five trees on Government land were required to be felled with no possible mitigation within the application site boundary. The current application was not comparable to Application No. A/NE-TK/411 as the site of the latter application was zoned “Agriculture” with no existing vegetation and open area was available for landscape planting. The Chief Engineer/Development(2), WSD (CE/Dev(2), WSD) objected to the application as the Site was located within the lower indirect WGG and was less than 30m away from the nearest stream. The Site fell entirely outside the “V” zone and ‘VE’ of Shan Liu. The Interim Criteria (a) and (b) were not satisfied and the proposed NTEH development should not be favourably considered. The District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) did not support the application as the site fell wholly outside the ‘VE’ and “V” zone of Shan Liu. The Commissioner for Transport (C for T) had reservation on the application as such type of development should be confined within the “V” zone as far as possible. Notwithstanding the above, as the subject application only involved development of one Small House, it could be tolerated. The Director of Environmental Protection (DEP) had no objection to the application subject to approval conditions and that the Site would be able to be connected to the planned sewerage system in the area;
- (h) public comment – during the statutory public inspection period, one public comment was received from the Kadoorie Farm and Botanic Garden Corporation objecting to the application mainly on the grounds that the proposed development was not in line with the planning intention of “GB” zone and there would be potential cumulative impacts in the “GB” zone, e.g. increasing human disturbance and degrading the rural character of the area;

and

(i) PlanD's views – PlanD did not support the application based on the assessment as stated in paragraph 7 of the Paper, which were summarised below:

- (i) although there was a general shortage of land in meeting the future Small House demand in Shan Liu Village, the proposed development did not comply with the Interim Criteria in that the footprint of the proposed Small House was entirely outside the “V” zone and the ‘VE’ of any recognised villages. DLO/TP did not support the application;
- (ii) CE/Dev(2) of WSD objected to the application as the proposed development was within the lower indirect WGG and was less than 30m away from the nearest stream, notwithstanding that a trunk sewer was being constructed to serve the Small House developments within the “V” zone of Shan Liu and both the DEP and the CE/MN, DSD had no objection to the application;
- (iii) the proposed development was not in line with the planning intention of the “GB” zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone;
- (iv) the CTP/UD&L of PlanD had reservation on the application from landscape planning point of view as landscape mitigation within the site was impractical. As such, the application did not comply with the TPB PG-No.10 in that the proposed development would affect the natural landscape of the area; and
- (v) as for the issue on the shortage of land within “V” zone for Small House development at Shan Liu, the PlanD had undertaken a land use review of Shan Liu (the Review) and submitted a proposal to expand the “V” zone of Shan Liu to the RNTPC for consideration. On 7.12.2012, the

RNTPC noted the findings of the Review and agreed to the rezoning proposals. However, the site under the current application was more than 50m away from the boundary of the proposed extension area of the “V” zone. There was no exceptional circumstance or strong justification provided by the applicant that sympathetic consideration could be given to the application.

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

172. In response to a Member’s question on the purpose of Plan R-2b, Mr C.K. Soh, DPO/STN, said that the left-hand side of Plan R-2b was to show the locations of those previous and similar applications within “GB” zone whereas the right-hand side of Plan R-2b was to indicate the locations of the approved applications for Small House development in the vicinity of the site mentioned by the applicant. As shown on Plan R-2b, all or more than 50% of the Small House footprint of those approved applications mentioned by the applicant was within the ‘VE’ and such applications complied with the Interim Criteria. However, as the site of the current application fell outside the ‘VE’, it did not warrant the same consideration as those of the approved applications.

173. As Members had no further question, the Chairman thanked DPO/STN for attending the meeting. He left the meeting at this point.

#### Deliberation Session

174. Members noted that there was no change in the planning circumstances since the consideration of the subject application by the RNTPC and agreed to maintain the previous decision to reject the application.

175. 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 considered that they were appropriate. The reasons were:

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. The applicant fails to provide information in the submission to justify a departure from this planning intention;
- (b) the proposed development does not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in New Territories as the site is entirely outside the “Village Type Development” zone and the village ‘environs’ of any recognised villages; and;
- (c) the application does not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “Green Belt” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would affect the natural landscape of the area.”

### **Agenda Item 11**

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/NE-TK/467

Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone, Lots 646 S.G ss.2, 646 S.H ss.1 and 646 S.O RP in D.D. 15, Shan Liu, Tai Po

(TPB Paper No. 9544)

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[The hearing was conducted in Cantonese.]

### **Presentation and Question Session**

176. Mr Stanley Y.F. Wong had declared an interest in this item as he co-owned a flat with his spouse in Tai Po. Members noted that his property was far away from the application site and agreed that he could stay in the meeting.

177. The following representative of 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

178. The Chairman extended a welcome and informed the meeting that the applicant had decided not to attend the hearing. He then invited DPO/STN to brief Members on the review application. Members noted that a replacement page of the Paper was tabled at the meeting.

179. With the aid of a Powerpoint presentation, Mr C.K. Soh made the following main points as detailed in the Paper:

- (a) the applicant applied for planning permission to build a New Territories Exempted House (NTEH) (Small House) at the application site which fell within an area zoned "Agriculture" ("AGR") on the approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/17;
- (b) the application was approved by the Rural and New Town Planning Committee (RNTPC) on 27.9.2013 subject to the following approval conditions:
  - (i) submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the Board;
  - (ii) submission and implementation of a drainage impact assessment including flood relief mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the Board;
  - (iii) 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

- (iv) provision of protective measures to ensure that no pollution or siltation occurred to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the Board;
- (c) on 30.10.2013, the applicants' representative applied for a review of the RNTPC's decision on imposing approval condition (b) requesting the submission and implementation of a drainage impact assessment including flood relief mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the Board;
- (d) the site was a piece of abandoned agricultural field covered with weeds. It was located entirely within the village 'environs' ('VE') of Shan Liu Village and was straddling the upper and lower indirect Water Gathering Ground (WGG). It was accessible via local track leading to Shan Liu Road off Ting Kok Road;
- (e) the further justifications in support of the review submitted by the applicant were summarised as follows:
  - (i) the applicant conducted a site inspection to the whole village which revealed that the topographic condition for the area was sloping from north and east to south and west with unobstructed drainage. Even after heavy rainpour, there would not be any water accumulated at any location of the village. Flooding never happened to the village and there was no complaint against flooding; and
  - (ii) the applicant wished that the approval condition (b) could be amended from 'submission and implementation of a drainage impact assessment including 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' as the same approval condition on drainage requirement had been imposed by the Board on the approved planning application No. A/NE-TK/431;

- (f) departmental comments – the departmental comments were summarised in paragraph 5 of the Paper. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) had no in-principle objection to amend the approval condition (b). At the time of consideration of the s.16 application, there was report of flooding around the stream course at the downstream end of the site and he had reservation on the application from the flood control and prevention point of view and requested the applicant to submit a drainage impact assessment including flood relief mitigation measures. To eradicate residual flooding in the area, Shan Liu had now been included in the recent consultancy study on “Review of Drainage Master Plan in Tai Po”. After reassessing the application, CE/MN, DSD 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 a drainage proposal”. Other government departments had no objection to or adverse comments on the review application;
  
- (g) public comment – during the statutory public inspection period, one public comment from Designing Hong Kong Limited was received who objected to the review application mainly on the ground that the failure of providing sewerage would affect the quality of ground water and nearby water bodies; and
  
- (h) PlanD’s view – PlanD had no objection to the application based on the assessment in paragraph 7 of the Paper, which was summarised below:
  - (i) at the time of consideration of the s.16 application, approval condition (b) was suggested by CE/MN, DSD who had reservation on the application from flood control and prevention point of view as there was report of flooding around the stream course at the downstream of the Site. To eradicate residual flooding in the area, CE/MN, DSD had now included Shan Liu in the recent consultancy study “Review of Drainage Master Plan in Tai Po”. After reassessing the application, he considered that his previous requirement for drainage impact assessment and implementation of the flood relief mitigation measures



identified therein could be relaxed to the requirement of submission and implementation of a drainage proposal. Hence, the original approval condition could be replaced with “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

- (ii) two similar applications No. A/NE-TK/463 and 464 on reviewing the same approval condition were approved by the Board on 20.12.2013 and 6.12.2013 respectively mainly on the consideration that the CE/MN, DSD had included Shan Liu in the recent consultancy study “Review of Drainage Master Plan in Tai Po” to eradicate residual flooding in the area and his previous concern on flooding around the stream course at the downstream of the Site could be duly addressed.

180. As the presentation from the representative of PlanD had been completed, the Chairman invited questions from Members. As Members had no question, the Chairman thanked DPO/STN for attending the meeting. He left the meeting at this point.

#### Deliberation Session

181. Members noted that as DSD had considered that the requirement of a drainage impact assessment was no longer necessary, approval condition (b) should be appropriately amended.

182. After deliberation, the Board decided to approve the application on review 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 and the remaining conditions and advisory clauses 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 Board;
- (b) submission and implementation of drainage proposal 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.

Advisory clauses

- (a) the applicant is required to register, before execution of Small House grant documents, 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;
- (b) to note the comments of the Director of Environmental Protection that the construction of the proposed Small House shall not be commenced before the completion of the planned sewerage system. The applicant shall connect the proposed Small House to the future public sewer at his own cost. Adequate land shall be reserved for the future sewer connection work;
- (c) to note the comments of the Commissioner for Transport that the existing village access connecting the application site is not under Transport Department's management. The land status, management and maintenance responsibilities of the village access should be clarified with the relevant lands and maintenance authorities accordingly in order to avoid potential land disputes;

- (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 Lands Department;
- (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 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.”

### **Procedural Matters**

#### **Agenda Item 12**

[Open Meeting]

Submission of the Draft Aberdeen and Ap Lei Chau Outline Zoning Plan No. S/H15/28A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance  
(TPB Paper No. 9564)

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[The meeting was conducted in Cantonese.]

183. The Secretary introduced the Paper. On 12.7.2013, the draft Aberdeen & Ap Lei Chau Outline Zoning Plan (OZP) No. S/H15/28, mainly incorporating the amendments of rezoning a site at the junction of Wong Chuk Hang 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)”), was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). One representation was received and there was no public comment. On 20.12.2013, after giving consideration to the representation, the Board agreed not to propose any amendment to the OZP. Since the representation consideration process had been completed, the OZP was now ready for submission to the Chief Executive in Council (CE in C) for approval.

184. After deliberation, the Board:

- (a) agreed that the draft Aberdeen & Ap Lei Chau OZP No. S/H15/28A 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) endorse the updated ES for the draft Aberdeen & Ap Lei Chau OZP No. S/H15/28A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and to be issued under the name of the Board; and
- (c) agreed that the updated ES was suitable for submission to CE in C together with the draft OZP.

### **Agenda Item 13**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft Kowloon Tong Outline Zoning Plan No. S/K18/17

(TPB Paper No. 9566)

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[The meeting was conducted in Cantonese.]

185. The Secretary reported that the following Members had declared interests in the item:

- Mr Laurence L.J. Li - being an ex-honorary member of the Court of the Hong Kong Baptist University (HKBU) and was once involved in the discussion in the Court regarding the use of the concerned site. HKBU has submitted Representation No. 25 and Comment No. 4
- Mr Stephen H.B. Yau - being Chairman of the Social Work Advisory Committee of the Department of Social Work in HKBU
- Mr Dominic K.K. Lam - having previous business dealings with HKBU in 2006
- Ms Christina M. Lee - being a part time student of HKBU since September 2013 and owned a property in Durham Road
- Ms Julia M.K. Lau - being the director of a company that owned a property in Kowloon Tong
- Mr H.W. Cheung - owned a flat at Parc Oasis
- Ms Janice W.M. Lai - owned a flat in Earl Street with her spouse
- Mr Thomas T.M. Chow - owned a flat at Parc Oasis. His father owned a flat in Broadway Drive
- Mr H.F. Leung - having current business dealings with HKBU
- Mr Clarence W.C. Leung - currently lived in La Salle Road near to the representation site
- Mr Roger K.H. Luk - being a Member of the Council of HKBU from 1992 to 1998

186. Members noted that Mr Laurence L.J. Li and Mr Dominic K.K. Lam had already tendered an apology for not attending the meeting and Ms Christina M. Lee, Ms Julia M.K. Lau, Ms Janice W.M. Lai and Mr Clarence W.C. Leung had already left the meeting. As the item was procedural in nature, Members agreed that the above Members could stay in the meeting but should be refrained from involving in the discussion.

187. The Secretary introduced the Paper. On 15.2.2013, the draft Kowloon Tong Outline Zoning Plan No. S/K18/17 (the Plan) was exhibited for public inspection under

section 5 of the Town Planning Ordinance (the Ordinance). The amendments involved the following items:

- Item A - Rezoning of the southern portion of the ex-Lee Wai Lee Campus site at Renfrew Road (the Site) from “Government, Institution or Community(9)” (“G/IC(9)”) to “Residential (Group B)” (“R(B)”)
- Item B - Rezoning of a site at Dumbarton Road covering the western part of the Bethel Bible Seminary from “G/IC(3)” to “Residential (Group C)9” (“R(C)9”)
- Item C - Rezoning of a site at Dumbarton Road covering the eastern part of the Bethel Bible Seminary from “G/IC(3)” to “G/IC(12)”

188. During the two-month exhibition period, a total of 25,884 representations were received. On 21.5.2013, the representations were published for 3 weeks for public comments. A total of 2,981 comments were received. However, 27 representers subsequently wrote to the Town Planning Board (the Board) indicating that they had not submitted the representations and 2 representations were duplicated. As such, the total number of valid representations was 25,856.

189. All the 25,856 valid representations (7 supporting, 25,847 objecting and two offering comments) were related to Item A, i.e. the rezoning of the Site from “G/IC(9)” to “R(B)”. The 2,981 comments were mainly submitted by students and alumni of HKBU and individual members of the public. All of them supported the representations against Item A.

190. Since the amendments incorporated in the Plan, which involved the rezoning of the Site from “G/IC(9)” to “R(B)”, had attracted wide public interests, it was recommended that the representations and comments should be considered by the full Board. Since all the representations and comments were related to Amendment Item A on the rezoning of the Site (except that R5 and R8 had also touched on Item B and/or C) and their grounds were similar, it was suggested that they should be considered collectively.

191. After deliberation, the Board agreed to the proposed hearing arrangement for the consideration of representations and comments as detailed in paragraphs 3.1 and 3.2 of the Paper.

**Agenda Item 14**

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

192. This item was recorded under confidential cover.

193. There being no other business, the meeting closed at 4:20 p.m.