

**Minutes of the 1059th Meeting of the
Town Planning Board held on 16.5.2014**

Present

Permanent Secretary for Development
(Planning and Lands)

Chairman

Mr Thomas T.M. Chow

Mr Stanley Y.F. Wong

Vice-Chairman

Mr Roger K.H. Luk

Professor S.C. Wong

Professor P.P. Ho

Professor C.M. Hui

Dr C.P. Lau

Ms Julia M.K. Lau

Mr Clarence W.C. Leung

Mr Laurence L.J. Li

Ms Anita W.T. Ma

Dr W.K. Yau

Professor K.C. Chau

Mr H.W. Cheung

Mr Ivan C.S. Fu

Ms Janice W.M. Lai

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Ms Christina M. Lee

Mr H.F. Leung

Mr Stephen H.B. Yau

Mr F.C. Chan

Mr Francis T.K. Ip

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Deputy Director of Environmental Protection
Mr C.W. Tse

Director of Lands
Ms Bernadette H.H. Linn

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

Assistant Director (2), Home Affairs Department
Mr Frankie W.P. Chou

Director of Planning
Mr K.K. Ling

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

Secretary

Absent with Apologies

Ms Bonnie J.Y. Chan

Dr Wilton W.T. Fok

Mr Sunny L.K. Ho

Mr Lincoln L.H. Huang

Dr Eugene K.K. Chan

Mr Frankie W.C. Yeung

In Attendance

Assistant Director of Planning/Board

Ms Brenda K.Y. Au

Chief Town Planner/Town Planning Board

Ms Lily Y.M. Yam (a.m.)

Mr Louis K.H. Kau (p.m.)

Senior Town Planner/Town Planning Board

Mr T.C. Cheng (a.m.)

Ms. Johanna W.Y. Cheng (p.m)

Agenda Item 1

[Open meeting]

Confirmation of Minutes of the 1058th Meeting held on 2.5.2014

[The meeting was conducted in Cantonese.]

1. The minutes of the 1058th meeting held on 2.5.2014 were confirmed without amendments.

Agenda Item 2

[Open meeting]

Confirmation of Minutes of the 1053rd Meeting held on 10.3.2014, 11.3.2014, 17.3.2014, 20.3.2014, 25.3.2014 and 26.3.2014

[The meeting was conducted in Cantonese.]

2. The minutes of the 1053rd meeting held on 10.3.2014, 11.3.2014, 17.3.2014, 20.3.2014, 25.3.2014 and 26.3.2014 were confirmed without amendments.

Agenda Item 3

3. The discussion of this item was postponed to the afternoon session.

Sha Tin, Tai Po & North District

Agenda Item 4

[Open meeting (Presentation and Question Session only)]

Consideration of Representations and Comments in respect of the Draft Sha Tin Outline Zoning Plan No. S/ST/29
(TPB Paper No. 9598)

[The hearing was conducted in Cantonese.]

Declaration of Interests

4. The following Members had declared interests in this item for owning properties in Sha Tin :

Mr Clarence W.C. Leung	-	his spouse owning a flat in Fo Tan
Professor K.C. Chau	-	owning a flat in Royal Ascot
Professor C.M. Hui	-	owning a flat in City One Shatin

5. Members noted that their properties were not in the vicinity of or did not have direct sight of the representation site, and agreed these Members could stay in the meeting and participate in the discussion.

6. As the representations were concerned with a proposed public rental housing (PRH) development by the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA), the following Members had also declared interests in this item :

Mr Stanley Y.F. Wong	-	being a member of the HKHA and Chairman of the Subsidised Housing Committee of HKHA
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- Professor P.P. Ho - being a member of the Building Committee of HKHA
- Ms Julia M.K. Lau - being a member of the Commercial Properties Committee and Tender Committee of HKHA
- Ms Janice W.M. Lai]
- Mr Dominic K.K. Lam] having business dealings with HKHA
- Mr H.F. Leung]
- Mr K.K. Ling - being a member of the Strategic Planning Committee and Building Committee of HKHA
(as Director of Planning)
- Ms Bernadette H.H. Linn - being a member of the HKHA
(as Director of Lands)
- Mr. Frankie W.P. Chou - being an alternative member for the Director of Home Affairs who was a member of the Strategic Planning Committee and Subsidised Housing Committee of HKHA
(as Chief Engineer/Works, Home Affairs Department)
- Miss Winnie M.W. Wong - being the representative of the Secretary for Transport and Housing who was a member of the Strategic Planning Committee of HKHA
(as Principal Assistant Secretary (Transport))

7. As the interests of the above Members were direct and substantial, Members agreed that they should withdraw from the meeting. Members noted that Ms Julia M.K. Lau, Ms Janice W.M. Lai, Mr Dominic K.K. Lam, Mr H.F. Leung and Ms Bernadette H.H. Linn had not yet arrived to join the meeting.

[Mr Stanley Y.K. Wong and Mr K.K. Ling left the meeting temporarily, and Professor P.P. Ho, Mr. Frankie W.P. Chou and Miss Winnie M.W. Wong left the meeting at this point.]

Presentation and Question Session

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

9. The following representatives of Planning Department (PlanD), and the representers/commenters or their representatives were invited to the meeting at this point:

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

Mr Anthony K.O. Luk - Senior Town Planner/Shu Tin (STP/ST), PlanD

R2 – 石門發展關注組

Mr Yeung Shung He) Representer's representatives

Mr Yu Chi Kwan)

Ms Wong Ping Fan)

R4 – 碩門邨美碩樓及健碩樓互助委員會

Mr Chan Tak Sang - Representer's Representative

R5 – Tsang Hau Wan

R6 – 休憩用地關注組

R84 and C2 – Fung Won Ki

Mr Fung Won Ki - Representers' Representative

R8 – Bernard Wong

Mr Bernard Wong - Representer

R22 – Chan Fu Yung

Ms Chan Fu Yung - Representer

R47 – 張沅婷, Cheung Ting Wai, 劉紫蘭

Mr Cheung Ting Wai - Representer's Representative

R56 – Hung Man Chuen

Mr Hung Man Chuen - Representer

R71 – Yu Chi Kwan

Mr Yu Chi Kwan - Representer

R78 – Tang Lai Ling

Ms Tang Lai Ling - Representer

R100 – Chan King Ying

Ms Chan King Ying - Representer

R343 – Poon Suk Fan

Ms Poon Suk Fan - Representer

R363 – Tsang Mei Ling, Florence

Ms Tsang Mei Ling, Florence - Representer

R431 – Kwok Kin, Ada

Ms Kwok Kin, Ada - Representer

R462 – Hsu Chung Yue, Peter

R1134 – Jeri Ruth Wheeler Hsu and Hsu Chung Yue, Peter

Mr Hsu Chung Yue, Peter - Representer

R494 – Zhou Dijing

Ms Zhou Dijing - Representer

R517 – Lau Yuet Wah, Eppie

Ms Lau Yuen Wah, Eppie - Representor

R559 – Board of Trustees International Christian Schools

Ms Chao Wei Ting - Representor's Representative

R580 – Lee Wai Fan

Ms Lee Wai Fan - Representor

Mr Oliver Leung) Representor's Representatives

Ms Tang Ka Wai)

R637 – Cheung Lai Ha

Ms Cheung Lai Ha - Representor

R713 – Amy Leung

Mrs Amy Leung - Representor

R1036 – Charmaine Law

Ms Charmaine Law - Representor

R1391 – The Hong Kong & China Gas Co. Ltd.

Mr Mak Kwan Hon - Representor's Representative

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

11. With the aid of a Powerpoint presentation, Mr Anthony Luk, STP/ST, made the following main points as detailed in the Paper:

Background

- (a) On 22.11.2013, the draft Sha Tin Outline Zoning Plan (OZP) No. S/ST/29 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The amendments to the OZP were mainly to amalgamate the existing Shek Mun Estate, a section of On Muk Street, the adjoining government land and a portion of the “Open Space” (“O”) zone which was reserved for district open space development by the ex-Municipal Council without any development programme, and to rezone the amalgamated site from “Residential (Group A)” (“R(A)”), “O” and an area shown as ‘Road’ to “Residential (Group A) 4” (“R(A)4”) to facilitate the construction of 4 blocks of PRH on the southern side of Shek Mun Estate as its Phase 2 development. The remaining portion of the “O” zone would be developed into a 20m wide public waterfront promenade;
- (b) the entire public housing development would have a total domestic and non-domestic floor area of 234,000m² and 19,500m² respectively (domestic and non-domestic plot ratio of 6 and 0.5) with the maximum building height ranging from 110mPD to 140mPD. A total of 3,010 new units accommodating an additional population of about 9,200 (a total of about 14,300 for the whole development) would be provided. To meet the needs of the planned population and in the wider district, a number of community facilities, such as retail/commercial, nursery/kindergarten, recreational and social welfare facilities, were proposed within the development. Non-domestic uses and retail facilities (in a welfare block and commercial podium) would be located near the cul-de-sac at On Muk Street and in the north-western part of the subject site near On Ming Street. A total of 136 car parking spaces, 15 light goods vehicle parking spaces, 31 motor-cycle parking spaces and 6 loading/unloading spaces would be provided in both Phases 1 and 2 of the Shek Mun Estate development;

- (c) building separations of 15m to 28m were proposed for the PRH development to enhance the wind environment and to facilitate visual permeability. HD had undertaken a range of impact assessments to demonstrate the feasibility of the proposal and no significant adverse impacts to the surrounding areas were anticipated;
- (d) the Sha Tin District Council (STDC) accepted the proposed PRH development when HD consulted them on 31.10.2013. PlanD consulted the Development and Housing Committee (DHC) of the STDC on the amendments to the OZP on 2.1.2014. Members of DHC expressed their support to the rezoning proposal;
- (e) during the 2-month exhibition period from 22.11.2013 to 22.1.2014, a total of 1,391 representations were received. On 21.2.2014, the representations were published for 3 weeks for public comments. A total of 11 comments were received. The representations were submitted by members of the public (mainly local residents of Shek Mun Estate, and parents and students of the International Christian School (ICS) nearby;
- (f) R1 to R3 submitted by individuals and 石門發展關注組 supported the rezoning proposal for PRH development. R1391 submitted by the Hong Kong & China Gas Co. Ltd. advised that the proposed PRH was in the vicinity of an existing intermediate pressure gas pipeline. The future developer should conduct a risk assessment to evaluate potential risk and propose mitigation measures if required in consultation with the gas company during the design and construction stage. R4 to R1390 from Mutual Aid Committees of Shek Mun Estate, 休憩用地關注組, residents of Shek Mun Estate, and individuals, parents, students or friends of ICS opposed to the rezoning proposal. The 11 comments supported the opposing views of the adverse representations in relation to the proposed PRH development;

Supporting Representations

- (g) R1 to R3 generally supported the rezoning proposal for public housing development but provided the following comments :
- (i) the Board should amend the Plan as soon as possible;
 - (ii) the speaking time given to each representer at the Board's representation hearing meeting should be limited to 5 minutes and the Board should count the number of comments by using computer;
 - (iii) the plot ratio (PR) of the new residential development should be maintained at 5 (instead of 6) which had been commonly adopted in Sha Tin;
 - (iv) the losses in open space suffered by the community as a result of the housing development and increase in population should be compensated;
 - (v) more infrastructure and community facilities should be provided to serve the schools and residential developments in the area;
 - (vi) the traffic arrangement should be improved, especially for the school buses and private cars after conversion of a section of On Muk Street into an estate road; and
 - (vii) ICS should not be allowed to keep the sports field which was not properly maintained and could be put up for other more beneficial uses;

Adverse Representations and Comments

(h) the main grounds of the adverse representations and comments were summarised below :

(i) Development Intensity – there was no objection to the Government building more PRH or making use of the land adjacent to Shek Mun Estate as an extension of the PRH. However, there was strong objection to making use of the whole piece of land which was originally reserved for parks and recreational developments for building four 33 to 47-storey PRH blocks. The development intensity and building height of the public housing development should be reduced to free up space for park, ball court and ventilation;

(ii) Provision of Open Space – the existing Shek Mun Estate, which occupied an area of 1.75 ha and comprised two blocks, had an existing population of about 5,000. The second phase, with an area of 2.27 ha, would be housing 9,200 persons. The whole Shek Mun Estate comprising the new development would accommodate a population of about 14,000. Open space and recreational facilities were lacking in Shek Mun Estate, and the residents had long been waiting for early implementation of the subject open space. Provision of open space should be in line with the Hong Kong Planning Standards and Guidelines (HKPSG), hence the subject open space should be retained. If PRH was to be developed, the loss of open space should be compensated;

(iii) Provision of Community and Recreational Facilities – the existing community and recreational facilities in the area was inadequate given the population growth. In particular, there was an acute shortage of hospital beds in Sha Tin and patients had to wait for

an exceptionally long period of time for medical services, even for emergency or new specialist cases. The subject site should be considered for the development of these facilities to serve the local community, rather than for residential development;

- (iv) Impacts on the Surrounding Areas – Shek Mun was a quiet neighbourhood with residential and educational uses. The proposed PRH development would cause adverse environmental, traffic, sewerage, air ventilation and visual impacts. Tall housing blocks would create wall-like effect. Any development at the subject site should take into account the ridgelines of Tate’s Cairn and the visual impact from the viewpoint of Shing Mun River. More access roads should be provided to address traffic congestion problem of the area. The increase in population would also create more domestic waste, which would burden the existing refuse transfer station nearby and adversely affect the air quality of the area;
- (v) Public Consultation – HD had released the information of Shek Mun Estate extension to the media and made submission for DC Consultation on 5.9.2013 before any consultation with local residents. HD was only willing to undertake local consultation on 20.10.2013 after the adjournment of the DC meeting on 5.9.2013. There was strong objection raised at the local consultation on 20.10.2013; and
- (vi) ICS Sports Field – there were a total of 1,200 students studying in ICS, and during school hours, about 660 students made use of the field for physical education. The field was fully utilised for physical education (PE) lessons. In addition, six athletic teams used it weekly and two hockey teams used it daily for practice. The sports field (under short term tenancy (STT)) should be

retained for the students of ICS for all-round education and the nearby community after school hours;

Representers'/Commenters' Proposals

- (i) the proposals of the representers are summarised as below:
 - (i) the “O” zone at the subject site should be retained for open space use **(R4, R6, R7 and R9 to R314)**;
 - (ii) the Government should build a multi-purpose community centre with sports and recreational facilities, football field, elderly facilities, greening and car parks for schools and public use at the subject site to serve the public **(R315-R1390)**;
 - (iii) the development intensity (i.e. number of blocks and building height) should be reduced taking into account possible adverse visual, air ventilation, traffic and environmental aspects **(R4 to R6, R9 to R314)**;
 - (iv) the subject site should be divided into two parts. The portion adjacent to Tate’s Cairn Highway should be developed for residential use while the other portion fronting Shing Mun River Channel should be retained for open space purpose **(R6)**;
 - (v) the site opposite to 30 On Muk Street, the peripheral “Green Belt” zone or outlying islands should be rezoned for residential use to satisfy housing needs **(R8, R439, R450)**; and
 - (vi) ICS should be given a long-term tenancy agreement to use the subject site instead of short term tenancy. The OZP should be amended to take into consideration the impact on the educational mission of ICS and its long-term community engagement and the

environmental effects. If the ICS's sports field was taken away, alternative sites should be provided for use of the students (**R315 to R1390**);

Responses to Grounds of Supportive Representations

- (j) the three representations supporting the proposed amendments were noted;

Responses to Grounds of Adverse Representations

(k) Development Intensity

- (i) the Government needed to increase the supply of land in the short, medium and long terms through optimal use of developed land and identifying new land for development in order to meet the pressing need for housing land supply;
- (ii) land suitable for development in Hong Kong was scarce and there was a need to optimise the use of land available to meet the increasing housing demand. In the 2014 Policy Address, the Chief Executive announced that the Government considered it feasible to generally increase the maximum domestic plot ratio currently permitted by around 20% as appropriate. The proposed PRH development at a domestic plot ratio of 6 and a maximum building height of 140mPD was considered compatible with the surrounding environment and necessary in meeting the pressing need for increasing housing land supply;

(l) Provision of Open Space

- (i) the overall provision of open space in Sha Tin (about 176 hectares) was sufficient to meet the planned population in Sha

Tin. There were over 70 hectares of surplus open space in Sha Tin New Town as a whole after excluding 1.83 ha of the subject "O" site. LCSD had no objection to the release of the site and consent from DC had been obtained. Specifically, over 6 ha of open space had been provided in Shek Mun and Siu Lek Yuen Area, including the Siu Lek Yuen Road Playground (3 ha), On King Street Park (3 ha) and Shek Mun Playground (0.5 ha). They were about 80m to 500m from Shek Mun Estate providing both passive landscaped areas and active recreational facilities (bowling greens, squash courts, tennis courts, adventure cycling area, elderly fitness equipment, children's play areas and basketball court);

- (ii) a strip of 20m wide open space along Shing Mun River Channel had been reserved and would be developed by HD into a promenade with a total area of 0.7 ha. Subject to further feasibility studies, facilities to be provided in the promenade might include landscaped area with sitting-out facilities, elderly fitness corner, children's play areas and ancillary facilities. The promenade would be completed in parallel with the PRH development. Within Shek Mun Estate, sufficient open space in accordance with the HKPSG (i.e. 14,310m²) would be provided. Apart from a basketball court near Block 4, HD was planning to provide a multi-purpose plaza between Blocks 2 and 3 that could also be used as a 5-a-side soccer field as proposed by some of the representers;

(m) Provision of Community and Recreational Facilities

- (i) Sha Tin was a well planned and established New Town. The planned provision for various community facilities and land reservation were adequate to meet the needs of the planned population of Sha Tin according to the HKPSG. The relevant

departments (LCSD, FHB and HAD) had confirmed that there was no need to provide such facilities at the subject site. A range of social welfare facilities including child care centre, social security field unit, residential care home for the elderly and hostel for mentally handicapped persons would be provided in the future PRH development;

- (ii) as for the provision of medical facility, adequate sites had been reserved for clinic development. At present, the hospital beds were supplied on a regional basis. The FHB also advised that the Government started to plan ahead for Phase 2 redevelopment of Prince of Wales Hospital and would closely monitor the demand for public medical services in Sha Tin;

(n) Impacts on the Surrounding Areas

- (i) HD had undertaken technical assessments for the PRH development with respect to environmental, traffic and visual aspects. The Environmental Assessment Study (EAS) had demonstrated that there was no insurmountable environmental problem for the proposed PRH development based on the current design, layout and environmental conditions and was considered acceptable in principle by the Director of Environmental Protection (DEP). Some of the residential units, which could be exposed to road traffic noise levels in excess of the 70 dB(A) noise levels, would be mitigated through the use of various mitigation measures, including fixed windows and acoustic fins, to within an acceptable level. The development would not be subject to adverse rail noise and air quality impacts arising from Ma On Shan Line and Shek Mun Business Area;
- (ii) the TIA showed that with the implementation of traffic improvement works, including improvement to the pedestrian

crossing at On Ming Street near Shek Mun Station exit; extension of the lay-bys along On Ming Street; and junction improvement at On Ming Street and On Muk Street, the traffic generated by the proposed housing development and the closure of a portion of On Muk Street as a through route would not cause any significant traffic impact on the surrounding road network. TD considered that the Traffic Impact Assessment carried out by HD was acceptable;

- (iii) the AVA conducted by PlanD in accordance with the Housing, Planning and Lands Bureau Technical Circular No. 1/06 on AVA indicated that the PRH development would have no significant air ventilation impacts within the site and on the land uses in the vicinity. The proposed PRH blocks were oriented to facilitate the prevailing winds from northeast, east and southwest direction without substantial impediment from and to the surrounding developments and terrain. There were sufficient separations (15-28m) between the housing blocks to optimise the wind environment. To address STDC's concern on potential adverse visual and ventilation impacts on the surrounding areas, HD had further fine-tuned the blocking layout to slightly reduce the footprint and revise the blocking disposition such that the building separations could be increased from 15-28m to 20-28m. HD would further refine the results of the AVA by way of a micro-climate study in the detailed design of the PRH development. Besides, the 20-metre wide promenade would contribute to the effective wind corridor along Shing Mun River Channel;
- (iv) the preliminary visual assessment (VA) conducted by HD indicated that for the vantage points on both sides of Shing Mun River where there were heavy pedestrian or visitor flows, the visual impact would be insignificant. The Chief Town

Planner/Urban Design and Landscape (CTP/UD&L), PlanD, considered that the development layout had proposed a pronounced height variation ranging from 33 to 47 storeys and provided sufficient building gaps to facilitate air ventilation and visual permeability. CTP/UD&L had no adverse comment on the visual assessment;

- (v) regarding sewerage impacts, the Drainage Services Department and EPD confirmed that there were public sewers in the vicinity of the subject site for connection. HD would undertake sewerage impact assessment during the detailed design stage to address the connection of the PRH development with the existing sewers. There would be no insurmountable sewerage impact;
- (vi) regarding the ecological/landscape impacts, the subject site was a formed site planned for development and had been used as temporary works area and sports field. Therefore, no significant adverse ecological and landscape impacts were anticipated. CTP/UD&L and the Director of Agriculture, Fisheries and Conservation also had no objection to the proposed rezoning from the perspective of landscape and ecology respectively. The Planning Brief for the PRH development would specify that not less than 20% greenery should be provided, and half of which should be at grade and a minimum of three trees per 100m² of the total green coverage;

[Ms Christina M. Lee and Mr Patrick H.T. Lau arrived to join the meeting at this point.]

(o) Public Consultation

HD first consulted STDC on 5.9.2013, though the discussion was adjourned. Subsequently, a residents' forum attended by HD, TD and PlanD was arranged on 20.10.2013 to explain the PRH development to

residents. Having considered the public comments, HD had refined the scheme which was generally accepted by STDC on 31.10.2013. During the exhibition of the draft Sha Tin OZP, PlanD also consulted STDC on 2.1.2014 and the proposed amendment was generally accepted by the STDC. As such, proper consultation procedures had been followed;

(p) ICS Sports Field

- (i) the sports field with an area of about 6,730m² was temporarily allocated to ICS since 2009 for a fixed term of two years and thereafter half-yearly until such time the STT was terminated. According to HD's schematic drawing, the sports field area formed an integrated part of the PRH development and would accommodate the major part of a residential tower, part of the welfare block, a basketball court and ancillary car park;
- (ii) according to Education Bureau (EDB), ICS was a private independent school offering an integrative curriculum operated since 2007. The ICS had its own gymnasium, swimming pool, study halls and cafeteria, which were not standard facilities in standard primary and secondary schools. It was noted that ICS had intended to continue to make use of the sports field under STT at nominal rent for the student's track and field, and other school and community activities which were however not a standard or required facility for private independent school. According to DLCS, there were public sports facilities available in the district for school bookings and block booking could also be made by schools if necessary. Playgrounds and sports grounds in the district included Siu Lek Yuen Road Playground, On King Street Park, Shek Mun Playground, Sha Tin Sports Ground and Ma On Shan Sports Ground;

(iii) DLO/ST advised that it was the Government's land policy not to renew STTs perpetually. The Government, if required, might at any time after the fixed term serve three months' notice to terminate a STT and take back vacant possession of the site for other uses. Furthermore, there was no provision under the STT that the Government had to provide a reprovisioning site upon termination. Notwithstanding, with the policy support of EDB, DLO/ST of the Lands Department had suggested two alternative STT sites to ICS but there was no response received from ICS;

(q) Risk Assessment on Gas Facility

regarding HK&CG's advice on the need for risk assessment, according to EMSD's "Code of Practice on Avoiding Danger from Gas Pipe", works in the vicinity of high pressure gas pipelines less than 20m was required to consult the gas company. The site boundary of the PRH development, however, was around 40m away from the underground intermediate Pressure Gas Pipe at On Ming Street. EMSD confirmed that a Quantitative Risk Assessment (QRA) for the subject PRH development was not a compulsory requirement;

Responses to Representers'/Commenters' Proposals

(r) the provision of open space in Sha Tin was sufficient to meet the demand from planned population in accordance with HKPSG and sufficient open space would also be provided in the public housing development;

(s) the provision of community facilities would be adequate to meet the needs of the existing and planned population. There were no planned and proposed community facilities in the area required by the relevant Government departments that needed to be accommodated at the site;

- (t) regarding the proposals of reducing the development intensity of the PRH development (**R4 to R314**), it should be noted that necessary assessments had been carried out to ensure that the future development would be compatible with the surrounding area and would not have significant adverse traffic, environmental, landscape, visual, air ventilation and infrastructural impacts on the surrounding areas. In view of the scarce land resources and the acute demand of land for public housing, there was a need to optimise the development potential of housing sites, particularly those sites already formed and serviced. The development parameters as stipulated in the OZP for the “R(A)4” zone were appropriate;

- (u) regarding the suggestions of the representers (**R439, R450**) that the site opposite to 30 On Muk Street or outlying islands could be rezoned for housing development, it should be noted that the former was being used/to be used as garden or football training school tentatively until 2018, whilst for the latter, the Government had made use of every opportunity to search for suitable site across the territory including green belt and outlying islands for residential development to meet the pressing housing demand;

- (v) for the proposals of some of the representers (**R315 to R1390**) to retain the sports field of ICS at the subject site, EDB advised that it was neither a standard nor required facility for the school. It was the Government’s land policy not to renew STTs perpetually. The Lands Department had already terminated the STT and taken over the site possession on 1.3.2014. If required, the Government would identify alternative sites for ICS. If special training or sports events were to be conducted, public sports facilities operated by LCSD were available for school booking;

PlanD’s Views

- (w) the support and comments of **R1 to R3** were noted; and

- (x) PlanD did not support **R4** to **R1390** and considered that the Plan should not be amended to meet the representations.

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

R2 – 石門發展關注組

13. Ms Wong Ping Fan made the following main points:

- (a) the concern group had liaised with residents on the proposed PRH development at Shek Mun. She pointed out that the residents and the Sha Tin District Council did not accept the development intensity of PR 6 for the proposed PRH at the representation site, which exceeded the maximum PR 5 for Sha Tin;

[Professor S.C. Wong left the meeting temporarily and Mr Clarence Leung arrived to join the meeting at this point.]

- (b) while the residents were not objecting to the proposed PRH, they were of the view that the proposed PRH would have adverse psychological impact on the residents, which could not be perceived by considering the development parameters alone. A less intensive PRH development, e.g. 3 blocks at PR 5, would be acceptable to them;
- (c) While there would be an additional 14,000 population in the proposed PRH, considering the number of existing students and parents commuting to Wong Kam Fai Secondary and Primary School (about 1,800), ICS (about 1,200) and the Hong Kong Baptist University College (about 1,000), and the additional patronage brought in by the commercial element in the proposed Shek Mun Phase 2 development, there would be about 20,000 population in the Shek Mun area and the existing road network in the vicinity, i.e. On Muk Street, On Ming Street and On Yiu

Street, could not cope with the increase in traffic so generated. The above had not taken into account the future patronage from the Shek Mun industrial area, which was being transformed to commercial and hotel uses;

- (d) the scale of Shek Mun Phase 2 development should be reduced. New flats could be provided by developing the Shatin Refuse Transfer Station and the Cicta Shatin Training Building at On Hing Lane for residential use in the future;
- (e) the proposed Block 4 was located near Tate's Cairn Highway and would be subject to traffic noise. The future residents living in this block would suffer from traffic noise;
- (f) the conversion of a section of On Muk Street to an internal estate road of Shek Mun Estate was not acceptable to the residents. The traffic along On Muk Street was currently heavy and the traffic capacity could not cope with the traffic generated by picking up/dropping off activities associated with schools in the area, especially during the morning peak; and
- (g) there was no information on the length of the proposed layby along On Ming Street. The provision of car parking spaces and loading/unloading spaces in the proposed development was not adequate. Public car park should be provided.

[Professor S.C. Wong returned to join the meeting at this point.]

R4 – 碩門邨美碩樓及健碩樓互助委員會

14. Mr Chan Tak Sang made the following main points:

- (a) Shek Mun Playground, which was far away from the residential area, was developed in 2012 but the portion of the representation site reserved for open space development was not developed. At-grade open space near Shek Mun Estate was needed in view of the aging population there. It would not be convenient for them to walk a long distance to Shek Mun Playground. The open space was also important for the elderly to maintain their social connection and to keep track of one another;
- (b) it was hoped that HD could liaise with the residents to review the design of the proposed Shek Mun Phase 2 development, e.g. instead of expanding the existing refuse collection point (RCP) to serve both the existing Shek Mun Estate and the future Shek Mun Phase 2 development, a new RCP should be provided within the commercial podium/market to minimise nuisance caused by transfer of refuse; and
- (c) the conversion of a section of On Muk Street to an internal access road was objected to.

R5 – Tsang Hau Wan

R6 – 休憩用地關注組

R84 – Fung Won Ki

15. Mr Fung Won Ki tabled a letter and made the following main points on behalf of Ms Tsang Hau Wan who could not attend the meeting :

- (a) Shek Mun Estate had adopted a building design with an Annex building and there was odour problem from the toilets of units in the Annex building when the air was stagnant. The four residential blocks in the proposed Shek Mun Phase 2 development would create a wall effect blocking the air flow and worsen the odour problem, which would be hazardous if SARS broke out again. The closure of a section of On Muk Street and the inclusion of this street section in the Shek Mun Phase

2 development to boost the flat production was objected to as it would be unfair to the existing residents in Shek Mun Estate.

16. Mr Fung Won Ki then elaborated his representation by making the following main points :

- (a) the rezoning proposal was against procedural justice. The subject site was included in the 2013/14 Land Sale Programme for Residential R2 development on 28 February 2013 without prior consultation with the public. However, the land was subsequently rezoned to “R(A)” with a higher maximum permissible PR. It was obvious that the Government had no intention of selling the land, but to include it in the Land Sale Programme so that it could be conveniently changed for PRH development. In addition, Ms Wong Bing Fan of Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) visited the subject site with HD in June 2013 to reflect local residents’ views on the proposed PRH development. However, DAB only distributed leaflets in August 2013 to collect views of the Shek Mun residents. It was doubtful how DAB could reflect residents’ views back in June, before their views were even collected;

- (b) the proposed Shek Mun Phase 2 development was discussed in STDC, together with other sites for PRH development in a batch. STDC members did not dare to raise objection to public housing development projects and the local character of these sites was not considered. A site notice was posted by the Lands Department (LandsD) regarding site investigation of the PRH development. However, the notice was too small to be noticed by the residents and they had missed the opportunity to provide comments. Also, the site notice was not posted at the subject site proposed for rezoning. Government departments had not carried out public consultation properly;

- (c) local residents were the users of open space. PlanD could not make the decision for the residents to rezone the land originally intended for open space development;
- (d) Shing Mun River was a special planning feature of Sha Tin. The proposed Shek Mun Phase 2 development was close to the river bank and would disrupt this special feature. It was projected that the population of Sha Tin would reach 710,000 in 2021. The existing population was over 650,000. According to the HKPSG, there was a deficit of more than 760 hospital beds, instead of 110 beds as quoted by PlanD. There was also a deficit of more than 12ha of open space. Further increasing the population without increasing the relevant provisions would worsen the situation; and
- (e) the Government could not decide for ICS that the temporary sports field under STT was not required. Although alternative sites were offered to the school, they were in Ma On Shan which was far away. It would not be practical to use other playgrounds in Sha Tin as they were also too far away. In fact, there were inadequate recreational facilities within Shek Mun Estate. Putting more residents there would not be good for the welfare of the existing residents as well as the future residents.

R47 – 張沅婷, Cheung Ting Wai, 劉紫蘭

17. Mr Cheung Ting Wai made the following main points:

- (a) while most of his points had already been made by Mr Chan Tak Sang (**R4**) and Mr Fung Won Ki (**R84**), he reiterated the residents' wish that HD would consult the residents again and redesign Shek Mun Phase 2 development with a view to reducing the development intensity. If HD was determined to maintain the proposed development intensity and build four residential blocks, HD should consider relocating two

residential blocks to the vacant site to be used as the Jockey Club Kitchee Centre to spread out the population.

R56 – Hung Man Chuen

18. Mr Hung Man Chuen made the following main points:

- (a) it was noted that land was scarce and precious and there was too little open space for the residents. The Government should not only concentrate on the short-term gain in flat production. The rezoning should be acceptable to the residents.

R71 – Yu Chi Kwan

19. Mr Yu Chi Kwan made the following main points:

- (a) in locating the proposed new PRH blocks by the river, the overall planning of Sha Tin had not been taken into account, and they were not compatible with the surrounding environment. The new buildings would create wall effect, thereby blocking the air ventilation and amplifying the traffic noise;
- (b) Shek Mun Estate was subject to traffic noise. Although the noise level was not intense in terms of numbers, it was a nuisance to the residents as they had to live with it everyday. The proposed PRH would subject more residents to such nuisance; and
- (c) there were inadequate facilities in Shek Mun Estate. More supporting facilities should be provided if additional PRH blocks were to be constructed. Only two additional blocks should be built and the height of the building should not exceed that of the existing buildings in Shek Mun Estate. The buildings should be redesigned to ensure that they

would not affect the existing air ventilation, and visual quality and the surrounding character of Shing Mun River.

R100 – Chan King Ying

20. Ms Chan King Ying made the following main points:

- (a) the Shek Mun Phase 2 development should be combined with the existing Shek Mun Estate for a comprehensive design. A multi-storey carpark should be developed at the existing open car park in Shek Mun Phase 1 for the whole of Shek Mun development so that the podium car park in Phase 2 could be used for commercial and welfare facilities. The site for the commercial and welfare block could thus be released to further set back the proposed PRH blocks for more open space, playground, elderly centre and other facilities;
- (b) instead of providing a 20m wide riverside promenade, the space should be utilised for tennis courts, football fields and children's playground for the enjoyment of the residents; and
- (c) the section of On Muk Street should not be closed. The four residential blocks should be redesigned.

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

R363 – Tsang Mei Ling, Florence

21. Ms Tsang Mei Ling, Florence made the following main points:

- (a) there were four schools in Shek Mun. ICS was based on the American curriculum and put much emphasis on physical education. As such, there was a high demand for the sports field currently leased under the STT. It would not be possible to find an alternative site near ICS for

the purpose of sport fields. The residents of Shek Mun also needed more open space;

- (b) while the need for providing more PRH units was noted, the needs of ICS and local residents of Shek Mun should not be overlooked. Although standards were set for the provision of open space and various facilities in the HKPSG, the Government should not plan according to the figures on paper. The actual need and local character should be considered in the planning for more PRH;

R431 – Kwok Kin, Ada

22. Ms Kwok Kin, Ada made the following main points:

- (a) there was a school cluster with four schools near Shek Mun Estate and the area was very congested as a lot of parents would pick up/drop off their children near the schools. They had no choice as there was very limited school bus service. It was hoped that the Shek Mun area could be better planned for a cohesive community where residents and students/parents could enjoy the facilities provided.

R462 – Hsu Chung Yue, Peter

23. Mr Hsu Chung Yue, Peter made the following main points:

- (a) PlanD had repeatedly stressed that the land resource for development was scarce in Hong Kong. There was a general sentiment of unhappiness in Hong Kong and this came from a sense of scarcity and constraints. Although there was a great demand for housing supply, such unhappiness could not be resolved by building more PRH alone; and

- (b) more power should be given to local residents to decide their future and to take charge of what affected their daily life.

24. The meeting was adjourned for a short break of 5 minutes.

[Dr W.K. Yau arrived to join the meeting at this point.]

R517 – Lau Yuet Wah, Eppie

25. Ms Lau Yuet Wah, Eppie made the following main points:

- (a) the rezoning would adversely affect the living quality of residents of Shek Mun Estate and the parents, students and teachers of the schools nearby. The new PRH buildings would have wall effect and the additional residents would generate demand for the existing facilities. This would affect the harmony of the local community; and
- (b) site investigation works should stop. The local residents should be consulted on any development and construction before actual works were carried out.

R580 – Lee Wai Fan

26. Ms Lee Wai Fan made the following main points:

- (a) the Parent Association of ICS had collected over 800 objection letters from parents on the rezoning proposal;

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

- (b) the Shek Mun area was surrounded by elevated Tate's Cairn Highway in the east and north, and the elevated Ma On Shan railway and high-rise commercial developments in the west. Air ventilation in the area

depended very much on wind coming in from Shing Mun River. The proposed PRH development would block the air flow and adversely affect the air quality;

- (c) the Government should not just aim at providing PRH units to solve the housing shortage problem without considering other factors. The Board should consider whether Shek Mun could cope with the additional traffic as a result of the additional residential development;
- (d) currently, On Muk Street formed a loop going round the school cluster. School traffic would come in from the northern and southern side of On Muk Street. The area was already very congested at present. It was hard to understand why the TIA conducted for the proposed PRH development was still considered acceptable, with the closure of a section of On Muk Street and the addition of four PRH blocks with over 10,000 population; and
- (e) the sports field was leased to ICS under an STT. EDB supported ICS in leasing the sports field nearby when there were only about 900 students then. The number of students in ICS had increased to about 1,200 and hence a greater demand for the sports field. It was not correct for EDB to comment that the sports field was not necessary for private international school. The termination of the STT for sports field use would adversely affect the quality of education provided by ICS. The Board should consider whether the proposed PRH development could override the need for quality education.

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

27. Mr Oliver Leung made the following main points:

- (a) there was a restriction under the lease for Wong Kam Fai School that 85% of their students should come from outside Sha Tin. In this regard,

the majority of the school traffic was generated from students coming in from other parts of Hong Kong; and

- (b) only the traffic at the morning peak (7:30am to 8:15am) was the most critical as lessons started at about the same time for all the schools in the cluster, whereas different schools finished at different times. The closure of On Muk Street would worsen the traffic congestion, creating conflicts between the residents and the schools which would be harmful to the harmony of the community of Shek Mun.

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

28. Ms Tang Ka Wai made the following main points:

- (a) the Board should consider whether the road network could cope with the traffic generated by the schools and the future Shek Mun Phase 2 development. While the students of ICS were from various districts outside Sha Tin, school bus operators declined to provide school bus service for ICS. Hence, parents had to take their children to school by car and hence generated heavy traffic. With the closure of On Muk Street, the situation would be worse. The traffic generated by construction works would also pose safety hazard to the students. Also, the schools in the area would be subject to noise from construction works.

[Mr F.C. Chan returned to join the meeting at this point.]

R637 – Cheung Lai Ha

29. Ms Cheung Lai Ha made the following main points:

- (a) EDB previously considered that the sports field leased under STT by ICS was necessary and supported ICS in applying for the STT. However,

EDB changed its view now and commented that the sports field was not a standard provision and hence not required. The quality of education was important and the policy on education should be upheld and not easily be affected by other considerations;

- (b) the TIA carried out by HD had considered the afternoon traffic peak of the schools. However, the actual traffic peak occurred in the morning as the schools started more or less at the same time in the morning whereas the school hours finished at different times and the traffic was spread out in the afternoon. The morning peak traffic of the schools should be considered in assessing the traffic impact. On Muk Street should not be closed as it would not be possible for the road network to cope with the traffic; and
- (c) the Board should be responsible for the planning for the well being of the community in Hong Kong. In Hong Kong, people was under immense pressure due to the over-crowdedness and a lot of people had depression and needed counseling service. The additional PRH blocks would generate additional population in Shek Mun and adversely affect the living environment. The adverse psychological impact caused by the increasing population in Shek Mun would only manifest itself in the long term. The Board was urged not to rezone the site for the additional PRH.

R713 – Amy Leung

30. Mrs Amy Leung made the following main points:

- (a) ICS was a private international school with over 1,200 students in the primary and secondary sections. Over 80% of the students were local students from families in Hong Kong. The school adopted the American curriculum and emphasised on physical education and arts development.

- (b) the school site for ICS at Shek Mun was granted in 2002 subject to fulfilling of architectural design requirement. Although there were a swimming pool and two gymnasiums at ICS, it was recognised that these facilities were not able to meet the demand for the activities of the students. As there was no space within the school site, the Principal applied for additional site for sports field use. The school applied for a long-term lease to use the current sports field. It turned out that the sports field within the representation site was granted under STT in 2007 with the support of EDB. ICS had made improvement to the condition of the STT site for use as a sports field;
- (c) ICS was notified in 2013 that the STT for the sports field would be terminated and ICS started negotiating for alternative sites for sports field. The alternative sites offered for sports ground use were not acceptable in view of the topography, size, site condition and the location. It was hoped that alternative site readily usable for sports field to meet the demand for 1,200 students under a long lease and within walking distance could be identified; and
- (d) the termination of the STT for the sports field had immediate detrimental impact on the physical education lessons as the gymnasiums in ICS, which were used for other events, would not be able to meet the demand. In addition, after school activities of ICS and sports competition organised by ICS with international schools sports alliance, school fair etc. and football training classes would be affected. Although there were other venues in Sha Tin for hire, it was difficult to book these venues in advance; and
- (e) ICS was one of a few schools that provided hockey training, which relied heavily on the sports field. The termination of the sports field would adversely affect the hockey training, not only to ICS students, but to students from other schools who had joined the training programme.

R1036 – Charmaine Law

31. Ms Charmaine Law made the following main points:

- (a) the Government had not considered the rights of the public in proposing the closure of a section of On Muk Street. She quoted an example of the schools on Caldecott Road where there were conflicts between the local residents and the schools due to traffic congestion caused by school traffic. The situation would be the same in Shek Mun if a section of On Muk Street was closed. She urged the Board to withdraw the road closure proposal.

R1391 – The Hong Kong & China Gas Co. Ltd.

32. Mr Mak Kwan Hon made the following main points:

- (a) while the Hong Kong & China Gas Co. Ltd was neutral in the rezoning of the representation site, it should be pointed out that there was a medium to high-pressure gas pipeline along On Muk Street and On Ming Street. The future development at the representation site would increase the population in the area, which might change the associated risk factor. Although EMSD had commented that a risk assessment was not required as the representation site was situated 40m away from the pipeline, it was hoped that the developer would take initiative to carry out the risk assessment to ensure public safety.

R8 – Bernard Wong

33. Mr Bernard Wong made the following main points:

- (a) planning had a long-term impact on the society. The rezoning would sacrifice some open space for PRH development. There were 28 previous versions of OZP for Sha Tin. The land zoned “O” along

Shing Mun River was to provide a buffer between the residential area and industrial area. Rezoning the “O” for PRH development would bring residential development closer to the industrial area, which was against the original planning intention;

- (b) it seemed that EDB had no communication with LandsD as they had no knowledge that the STT for the sports field used by ICS would be terminated. It was difficult for ICS to obtain policy support from EDB, although LandsD had assisted in identifying alternative sites for the reprovisioning of the sports field; and
- (c) the zoning amendment was made hastily and the inclusion of a section of On Muk Street in the site area for PRH development to increase GFA/flat production was short-sighted. The Board was urged to consider all factors carefully before making a decision on the zoning amendment.

34. As the presentation from PlanD’s representatives, the representers and the representers’ representatives had been completed, the Chairman asked whether the only commenter C2 at the meeting, who had previously spoken in the capacity of R84, would supplement his views. Mr Fung Won Ki (R84 and C2) replied that he had no other points to add. The Chairman then invited questions from Members.

35. The Chairman requested PlanD to elaborate on the AVA and the impact of the proposed PRH on the wind environment; the traffic situation of Shek Mun area during peak hours; and the impact on traffic caused by the closure of On Muk Street.

36. In response, Mr C.K. Soh said that PlanD had carried out an AVA for the rezoning of the site for PRH development. It was noted that the annual prevailing wind in Sha Tin was from east and north-east and the wind in summer was mainly from south-west. Even if there were four housing blocks along Shing Mun River Channel, the prevailing wind from the north-east would not be affected. The area to the north-east of Shek Mun Estate was a vegetated hillside, and the Shek Mun area was interspersed with

low-rise Government, institution or community developments and open space, and the road network (north-east to south-west orientation) in the area served as wind corridors. Hence, the general air ventilation in Shek Mun was acceptable. Regarding the south-westerly wind in summer, HD had adopted building separations to maintain wind permeability. HD would separately carry out a micro-climate study in the detailed design of the PRH development to fine tune the disposition of the building blocks with the aim to achieve an acceptable wind environment at pedestrian level.

37. Mr C.K. Soh further said that HD had carried out a TIA for the proposed development, which was acceptable to the Transport Department. In particular, assumptions were made on the amount of various modes of traffic, including that of pedestrian, at different times. The peak traffic period of the schools occurred earlier in the morning instead of the peak traffic period of residents of Shek Mun going to work. As Shek Mun Estate was located near the railway station, most of the residents would travel by rail. Nevertheless, measures would be taken to improve the road-crossing facilities to cope with the increase in population due to the proposed PRH development. The existing laybys along On Ming Street would also be lengthened to cater for the dropping off of students in the nearby schools. An additional traffic lane would be provided at the road junction between On Ming Street and On Muk Street to cope with the increase in traffic due to the closure of the southern section of On Muk Street. Since a section of On Muk Street would be converted to an internal access road for Shek Mun Estate, entrance gates would be provided at both ends of the street and vehicular traffic could enter On Muk Street with Octopus card. A roundabout would be provided at the northern entrance to facilitate the turning around of school traffic. The road area would be included in the site area for PR calculation.

38. A Member asked whether there was any reason for increasing the adopted maximum PR 5 for Sha Tin to PR 6 for the representation site; and whether EDB had been consulted for varying the restriction regarding the percentage of student enrolment from outside Sha Tin to mitigate the traffic congestion.

39. Mr C.K. Soh responded that the Government would adopt a general increase of 20% in development intensity where the infrastructure permitted increasing housing supply,

as announced by the Chief Executive in the 2014 Policy Address. However, such an increase would be considered on a case-by-case basis taking into consideration the local character and other relevant factors. There were cases in Ma On Shan where the development intensity could only be increased slightly. PlanD would examine each case with a view to fully utilising the development potential of each site. For the subject site, PR 6 was considered appropriate. PlanD had not consulted EDB on the issue regarding varying the percentage of student enrolment from outside Sha Tin. However, there were adequate primary and secondary school places in Sha Tin.

40. The Chairman further requested PlanD to elaborate on the G/IC and open space provisions in Sha Tin as well as EMSD's comment on the safety assessment requirement for development in the vicinity of gas pipelines. Mr C.K. Soh responded that the Sha Tin District Council boundary was covered by the planning scheme boundaries of the Sha Tin OZP and the Ma On Shan OZP. While the population in the Sha Tin OZP area was projected to be around 500,000, requiring about 50ha each for local open space and district open space, there would be surplus in the open space provision for Sha Tin. In addition, adequate land was reserved for local open space development to cope with the future population increase. There were over 200,000 population in the Ma On Shan OZP area and open space provision in the area was adequate. On hazard assessment, Mr C.K. Soh added that as per EMSD's comment, the assessment on development near gas pipelines in this case was not necessary. However, he would convey the comments of Hong Kong & China Gas Co. Ltd. to HD for consideration.

41. A Member asked PlanD to elaborate the development and design concept of Sha Tin New Town and its special features. This Member also enquired how the feature of Sha Tin New Town, i.e. Shing Mun River Channel and its riversides as pointed out by one of the representers, could be preserved.

42. In response, Mr C.K. Soh said that Sha Tin New Town was the first-generation new town. The planning principle was to create a self-contained new town with balanced provision of employment opportunities to support the residents. Most of the land was reclaimed from Sha Tin Sea and Shing Mun River was formed. Priority was given to providing open space along Shing Mun River to provide active and passive recreational

area for the residents. However, transformation took place over time in Shek Mun for commercial/business developments. There were also some new high-rise buildings along Shing Mun River. However, these new developments had not changed the overall development concept for Sha Tin. The proposed PRH in Shek Mun would not affect open space provision along the river as a 20 metre wide promenade would be provided. The green hillside to the east was maintained to provide a pleasing environment for Sha Tin.

43. The same Member enquired about the current status of the Jockey Club Kitchee Centre to the northwest of the representation site, and whether waterfront promenade was provided there. Mr C.K. Soh said that a four-year STT was granted last year for the Jockey Club Kitchee Centre site, where two football fields and some training facilities would be provided. The development of this site would commence in 2014. As the site had not been developed, no waterfront promenade had been provided yet. A waterfront promenade would be provided within the Shek Mun Phase 2 development when it was implemented.

44. A Member asked when the ICS site was granted for the school development and whether the sports field under STT was also granted at the same time. In response, Ms Amy Leung (R713) said that the land was granted in 2002 while the school was constructed in 2005. The Government tendered out several sites for school development at that time and ICS had applied for the existing school site. The sports field was not included in the school site as part of the land grant.

45. A Member enquired about the use of the piece of land between ICS and Wong Kam Fai Secondary School. Ms Amy Leung clarified that the strip of land belonged to ICS and was being used as a fire escape route and for delivery of goods for the maintenance of the swimming pool. Another Member asked whether the roof area of ICS was put into use by the school or students for playground. Ms Amy Leung replied that the design of the roof area was not intended for use by students and was not accessible to them.

46. A Member remarked that one of the representers from Shek Mun had raised concern on noise nuisance from Tate's Cairn Highway and asked whether ICS also experienced such noise nuisance. Ms Amy Leung said that their students and teachers had not complained about traffic noise from Tate's Cairn Highway.

47. As Members had no further questions to raise, the Chairman said that the hearing procedure had been completed and the Board would deliberate on the representations in the absence of the representers, the representers' representatives and the commenters, and would inform them of the Board's decision in due course. The Chairman thanked the representers, the representers' representatives, the commenter and the representatives from PlanD for attending the hearing. They all left the meeting at this point.

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

Deliberation

48. A Member supported PR 6 for the PRH development, which was determined after having considered its impact on traffic and other supporting facilities. Another Member concurred but pointed out that as some of the representers had expressed concerns on the drastic change of the use of the representation site from open space to PRH development, more at-grade open space should be incorporated into the PRH design. The Chairman said that it could be dealt with in the detailed design stage of the development. A Member had reservation on adopting PR 6, as PR 5, which was the maximum generally adopted for Sha Tin, would be more acceptable to the local residents. A Member expressed his support of PR 6 as PlanD had pointed out that the development intensity had been carefully studied, and technical assessments had been carried out to demonstrate that there would not be significant adverse impacts on Shek Mun and its surrounding areas. This Member also said that the design of Shek Mun Phase 2 development should blend in with the existing Shek Mun Estate so that it would be more acceptable to the local residents. The Secretary supplemented that open space provision would be in accordance with the standards stipulated in the HKPSG. In addition, there would be requirements on the greening ratio. Hence, the open space provision and landscape design would be in

accordance with established standards. The proposed PRH development was treated as Phase 2 development of Shek Mun Estate for an integrated design. The Chairman said that Members' comments could be conveyed to HD for consideration at the detailed design stage. A Member also supported PR 6 but remarked that the traffic impact should be carefully considered, particularly on whether the capacity of the railway station could cope with the additional population. The Chairman responded that the TIA had demonstrated that no adverse traffic impact was anticipated. Also, the peak hours for the school and residents going to work were different.

49. Members noted and agreed to the following responses to the grounds of representations as suggested by PlanD :

GIC and open space provision

- (a) There would be adequate G/IC and open space provision within the Shek Mun Phase 2 development. FHB had also advised that Phase 2 extension to the Prince of Wales Hospital would commence soon to increase the number of hospital beds.

Technical assessments

- (b) Various impact assessments, e.g. AVA, VA and TIA etc., had been carried out and the proposed PRH development would not generate significant adverse impact on the surrounding areas.

Public consultation

- (c) Public consultation regarding the OZP amendments had been carried out according to the TPO. HD consulted STDC in September 2013 and a subsequent refined scheme was generally accepted by STDC. PlanD also consulted STDC on the zoning amendments during the plan exhibition period, which was accepted by STDC.

ICS sports field

- (d) The sports field did not form part of the site granted for ICS development. As the sports field was leased under an STT after ICS

had started operation, which could be terminated with notice served, there would not be any issue of legitimate expectation. EDB had also provided its comments and LandsD had offered alternative sites for ICS's consideration. The reprovisioning of the sports field could be followed up by LandsD.

Gas hazard assessment

- (e) EMSD had commented that according to the code of practice, it was not mandatory to carry out a Quantitative Risk Assessment for the PRH development. PlanD also agreed to convey Hong Kong & China Gas Co. Ltd's advice to HD for consideration.

50. After deliberation, Members noted the support of representations R1 to R3. Whilst noting the comments made by R1391, Members agreed to request PlanD to convey R1391's advice to HD for consideration in the PRH development.

51. Members decided not to uphold representations R4 to R1390. Members then went through the suggested reasons for not upholding the representations as detailed in paragraph 6.2 of the Paper and considered that the reasons were appropriate.

52. After further deliberation, Members decided not to uphold representations R4 to R1390 for the following reasons:

R4 to R314

- “(a) land suitable for development in Hong Kong is scarce and there is a pressing need for increasing housing supply. As the representation site is suitable for public housing development and is not required for immediate open space use or provision of community facilities, it is considered appropriate to rezone the site for public housing to meet the housing needs of the community;

- (b) the rezoning of the subject site for public housing development with development restrictions of a maximum domestic plot ratio of 6.0 and a maximum building height of 140mPD under the “R(A)4” zone are considered appropriate to optimise the use of scarce land resources and acute demand on land for public housing. Necessary assessments have been carried out to ensure that the future development will be compatible with the surrounding area and will not have significant adverse traffic, environmental, landscape, visual, air ventilation and infrastructural impacts on the surrounding areas; and
- (c) there are sufficient provision of open space, recreational and community facilities and land reservation in Sha Tin to meet the requirements of the existing and planned population. Concerned government departments have confirmed that the site is not required for the provision of these facilities.”

R315 to R1390

- “(a) land suitable for development in Hong Kong is scarce and there is a pressing need for increasing housing supply. As the representation site is suitable for public housing development and is not required for immediate open space development, it is considered appropriate to rezone the site for public housing to meet the housing needs of the community;
- (b) the rezoning of the subject site for public housing development with development restrictions of a maximum domestic plot ratio of 6.0 and a maximum building height of 140mPD under the “R(A)4” zone are considered appropriate to optimise the use of scarce land resources and acute demand on land for public housing. Necessary assessments have been carried out to ensure that the future development will be compatible with the surrounding area and will not have significant adverse traffic,

environmental, landscape, visual, air ventilation and infrastructural impacts on the surrounding areas; and

- (c) the sports field is neither a standard nor required facility for ICS. ICS may arrange booking of public sports facilities if special event or training is conducted. Alternative sites have been identified for their consideration.”

53. The meeting was adjourned for lunch break at 1:00 p.m.

54. The meeting was resumed at 2:45 p.m.

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

Mr Thomas T.M. Chow Chairman

Mr Stanley Y.F. Wong Vice-chairman

Mr Roger K.H. Luk

Ms Julia M.K. Lau

Mr Ivan C.S. Fu

Ms Janice W.M. Lai

Mr Dominic K.K. Lam

Mr H.F. Leung

Mr F. C. Chan

Mr Francis T.K. Yip

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Deputy Director of Environmental Protection

Mr C.W. Tse

Director of Lands

Ms Bernadette Linn

Director of Planning

Mr K.K. Ling

Agenda Item 3

[The meeting was conducted in Cantonese.]

Matters Arising

- (i) Amendments to Confirmed Minutes of the 1056th Town Planning Board (TPB) Meeting held on 11.4.2014

[Open Meeting]

56. The Secretary asked members to note some editorial amendments proposed by the Director of Lands to the confirmed minutes of the 1056th Town Planning Board Meeting held on 11.4.2014 concerning Application No. A/NE-TKL/459, which were tabled at the meeting. The first sentence in paragraph 81 was proposed to be amended as “Ms Bernadette H.H. Linn said that the applicant would need to submit an application to the Lands Department for erecting structures on site for the purpose of operating staff quarters, but it was quite unlikely that such an application would be approved for a site to be used for agricultural purposes.” In the first sentence of paragraph 83, the wording “mode of operation of the proposed farm” was proposed to be amended to “scale of operation of the proposed farm”. After deliberation, Members agreed to the proposed amendments.

- (ii) Request for an amendment to the minutes of the 1045th Meeting held on 11.12.2013

[Open Meeting]

57. The Secretary said that the minutes of the 1045th TPB meeting were confirmed by the Board on 28.3.2014. On 30.4.2014, an e-mail was received from Miss Yu Hin Pik, the representative of Commenter No. 8912, proposing amendments to the confirmed minutes to include all the points in the speaking notes that were attached to the e-mail presented at the representation hearing.

58. The Secretary said that the minutes of the Board were not intended to be a

verbatim record and the main points of Miss Yu's presentation were already covered in the minutes. Members were asked to consider the request in Miss Yu's e-mail as tabled.

59. The Chairman said that one option was to attach Ms Yu's speaking notes to the minutes. The Vice-chairman and two other Members said that the Board's minutes were not verbatim and considered that, for consistency, it was not necessary to attach the speaking notes to the minutes. In response to the Chairman's question, the Secretary said that all materials tabled at meetings would be kept on file for record. The Chairman concluded that it was not necessary to amend the confirmed minutes as they were not intended to be verbatim and had already included the main points of the representation. Moreover, the Board noted that Miss Yu's letter together with the speaking notes that were tabled had been kept on file for record purpose.

(iii) Town Planning Appeal Received

Town Planning Appeal No. 3 of 2014

Proposed Comprehensive Development with Wetland Enhancement (including House, Flat, Wetland Enhancement Area, Nature Reserve, Visitors Centre, Social Welfare Facility, Shop and Services) as well as Filling of Land/Pond and Excavation of Land at Lots 1520 RP, 1534 and 1604 in D.D.123 and adjoining Government Land, Nam Sang Wai and Lut Chau, Yuen Long

(Application No. A/YL-NSW/218)

[Open Meeting]

60. The Secretary reported that a Notice of Appeal was received by the Appeal Board Panel (Town Planning) on 28.4.2014 against the decision of the Town Planning Board (the Board) on 14.2.2014 to reject on review an application for proposed comprehensive development with wetland enhancement (including house, flat, wetland enhancement area, nature reserve, visitors centre, social welfare facility, shop and services) as well as filling of land/pond and excavation of land at Lots 1520 RP, 1534 and 1604 in D.D.123 and adjoining Government Land, Nam Sang Wai and Lut Chau, Yuen Long.

61. The site was zoned “Other Specified Uses” annotated “Comprehensive Development and Wetland Enhancement Area 1” on the approved Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/8 and “Site of Special Scientific Interest (1)” on the approved Mai Po and Fairview Park OZP No. S/YL-MP/6.

62. The application was rejected by the Board for the following reasons:

- (a) the proposed development was not in line with the planning intention of the “Other Specified Uses” annotated “Comprehensive Development and Wetland Enhancement Area” zone which was intended for conservation and enhancement of ecological value and functions of the existing fish ponds or wetland. The applicants had not demonstrated how the “no-net-loss in wetland” principle specified in the planning intention of the zone had been met;
- (b) the proposed development was not in line with Town Planning Board Guidelines for “Application for Developments within Deep Bay Area” (TPB-PG No. 12B) in that the “no-net-loss in wetland” and “minimum pond filling” principles were not complied with. There were inadequacies in the baseline habitat ecological information. Besides, with the calculation of only the “water surfaces” before and after development (and omitting pond buds) without considering the direct ecological impact on the wetland habitats within the development site, the applicants had under-estimated the existing ecological values of the habitats and the net loss in wetland, which referred to both loss in area and function. The Ecological Impact Assessment and the proposed mitigation measures were also inadequate. The applicants had failed to demonstrate that the loss of ecological function could be adequately compensated by the proposed mitigation and habitat enhancement measures. The development area of 40 ha was excessive and could not be regarded as a “limited development” as stated in TPB-PG No. 12B. The precautionary approach enshrined in the Guidelines to

protecting the wetland system had not been met;

- (c) the proposed development did not conform to the “Private-Public Partnership Approach” in that the development was not limited to the ecologically less sensitive portions of the site, and there was inadequate information to demonstrate how the long-term conservation and management of the Wetland Enhancement Area in Nam Sang Wai and the Lut Chau Nature Reserve could be satisfactorily achieved;
- (d) the submitted Environmental Assessment, Drainage Impact Assessment, Visual Impact Assessment and Landscape Master Plan were inadequate to demonstrate that the proposed development would not generate adverse environmental, drainage, visual and landscape impacts on the surrounding areas; and
- (e) the approval of the application would set an undesirable precedent for similar applications within the “Other Specified Uses” annotated “Comprehensive Development and Wetland Enhancement Area” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

63. Members noted that the hearing date of the appeal had yet to be fixed and agreed that the Secretary would act on behalf of the Board in dealing with the appeal in the usual manner.

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Appeal Statistics

64. The Secretary reported that as at 16.5.2014, 15 cases were yet to be heard by Appeal Board Panel (Town Planning). Details of the appeal statistics were as follows:

Allowed	:	31
Dismissed	:	131
Abandoned/withdrawn/invalid	:	178
Yet to be heard	:	15
Decision outstanding	:	2
Total	:	357

(iv) Approval of Draft Outline Zoning Plan
[Open Meeting]

65. The Secretary reported that on 29.4.2014, the Chief Executive in Council (CE in C) approved the draft Cha Kwo Ling, Yau Tong, Lei Yue Mun OZP (renumbered as S/K15/21) under section 9(1)(a) of the Town Planning Ordinance (the Ordinance). The approval of the OZP was notified in the Gazette on 16.5.2014.

(v) Reference Back of Approved Outline Zoning Plans
[Open Meeting]

66. The Secretary reported that on 29.4.2014, the CE in C referred the approved Chai Wan OZP No. S/H20/21; Tseung Kwan O OZP No. S/TKO/20; and So Kwun Wat OZP No. S/TM-SKW/11 to the Board for amendment under section 12(1)(b)(ii) of the Ordinance. The reference back of the above OZPs was notified in the Gazette on 16.5.2014.

(vi) Matters Arising (vi)
[Closed Meeting]

67. This item was recorded under confidential cover.

General

Agenda Item 6

[Open Meeting]

Proposed Revisions to Town Planning Board Guidelines on Extension of Time for Commencement of Development

(TPB Paper No. 9653)

[The meeting was conducted in Cantonese.]

68. Mr Louis K.H. Kau (Chief Town Planning/Town Planning Board, Planning Department (PlanD)) was invited to the meeting at this point.

69. The Chairman extended a welcome and invited Mr Louis K.H. Kau to brief Members on the Paper. With the aid of a powerpoint presentation, Mr Kau made a presentation covering the following main points as detailed in the Paper:

Purpose

- (a) to seek Members' agreement to the proposed revisions to the Town Planning Board Guidelines on Extension of Time for Commencement of Development (TPB PG-No. 35B);

Background

- (b) any planning permission granted by the Town Planning Board (the Board), except those for regularization of uses and those granted on a temporary basis, was subject to a time-limited condition that the permission should cease to have effect on a specified date unless prior to that date, the permitted development had commenced or an extension of time for commencement of development was granted;
- (c) the standard time limit for a planning permission was currently 4

years. Where an approved development had not commenced within the specified time limit, the applicant might apply for an extension of time for commencement of the development;

- (d) as stipulated under TPB PG-No. 35B, any extension(s) should not result in an aggregate extension period longer than the original duration for commencement of the approved development proposal;
- (e) according to the criteria set out in paragraph 2 of TPB PG-No. 35B, the approval of building plans, the execution of land grant or lease modification, issue of short term waiver, or completion of government land allocation (GLA) would constitute a commencement of development;

Current Situation

- (f) some large-scale comprehensive development schemes might not be able to commence in whole before the expiry of the planning permission even with extension of time (i.e. eight years). If so, the applicants would be required to submit fresh planning applications in accordance with the provision of the extant statutory plans to further proceed with the developments;
- (g) some government projects might not involve submission of building plans nor new GLA/amendment to an existing GLA. In such circumstances, it was sometimes difficult to determine whether the approved developments could be regarded as commenced based on the existing criteria on commencement of development;
- (h) it was considered appropriate to review the criteria on commencement of development currently set out in paragraph 2 of TPB PG-No. 35B to cater for the above situations;

Proposed Revisions to TPB PG-No. 35B

URA's Development Schemes

- (i) according to the existing practice of the Buildings Department and Lands Department, it was a pre-requisite to secure ownership or demonstrate reasonable prospect of control of the land involved prior to the processing of building plan submissions and land grant/lease modification applications;
- (j) due to the time required for land resumption, it was sometimes difficult for Urban Renewal Authority (URA) to meet the existing criteria on commencement of development in respect of obtaining building plan approvals or execution of land grant for the whole development before the expiry of planning permission;
- (k) in accordance with section 29 of the URA Ordinance, URA was required to submit an application to the Secretary for Development (SDEV) requesting him to recommend to the Chief Executive in Council (CE in C) the resumption of land under the Lands Resumption Ordinance (LRO) (Cap. 124). The resumption application should be submitted no later than 12 months after the approval of a development scheme plan by the CE in C. Upon the approval of the resumption application by the CE in C, resumption notice would be gazetted under LRO;
- (l) as land resumption was an essential part for the implementation of the URA developments, it was considered reasonable to treat URA development schemes as commenced upon the approval of the resumption application by the CE in C;

Government's Projects

- (m) to cater for circumstances where approved government projects did not involve any land administration procedure, it was considered that the approval of the necessary funding for carrying out detailed design/building works, which was necessary for each government project, might also constitute a commencement of development;

Other Large-scale Comprehensive Development Schemes

- (n) where the Board was satisfied that particular large-scale comprehensive development schemes would require a longer implementation period based on the development programme and justifications provided by the applicants, the Board might consider granting a longer validity period of more than 4 years for commencement of development, say 5 or 6 years. If so, upon application, the maximum extension period could be up to the approved original duration for commencement of development; and

Advice Sought

- (o) Members were invited to consider and endorse the amendments made in the draft TPB PG-No. 35C at Annex I of the Paper that reflected the above as well as other minor refinements made to the guidelines.

70. The Chairman then invited questions from Members. The Chairman asked whether the proposed amendments could be abused to delay commencement of developments. In response, Mr Louis K.H. Kau said that the Board had the discretion of whether to grant a longer approval period based on the justifications provided by applicants. Another Member asked why the proposal for the Board to

grant a longer validity period of more than 4 years for commencement of development for large-scale comprehensive development scheme was not reflected in the amendments highlighted in the revised TPB Guidelines. In response, Mr Kau said that as the actual duration of the normal validity period of planning permission was not stated in the TPB Guidelines, there was no need to make any revision.

71. After deliberation, Members agreed to endorse the draft TPB PG-No. 35C at Annex I of the Paper and considered it suitable for promulgation to the public. The Chairman thanked the representative of PlanD for presenting the Paper.

Agenda Item 7

[Open Meeting]

Proposed Revisions to Town Planning Board Guidelines No.12B for Applications for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance

(TPB Paper No. 9656)

[The meeting was conducted in Cantonese.]

72. Mr Louis K.H. Kau (Chief Town Planner/Town Planner Board) and Mr C.K. Soh (District Planning Officer/Shatin and Fanling West) were invited to the meeting at this point.

73. The Chairman extended a welcome and invited Mr Louis K.H. Kau to brief Members on the Paper. With the aid of a powerpoint presentation, Mr Kau made a presentation covering the following main points as detailed in the Paper:

Purpose

- (a) to seek Members' agreement to the proposed revisions to the Town Planning Board (TPB) Guidelines No. 12B for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance (the Ordinance) (TPB PG-No. 12B);

Background

TPB PG-No. 12

- (b) in view of the public concern and development pressure on the Deep Bay Area, TPB introduced a set of planning guidelines (TPB PG-No. 12) in 1993, which delineated two buffer zones (Buffer Zones 1 and 2) with a view to protecting the ecological value of the Deep Bay Area. The guidelines were subsequently revised twice in 1994 and 1999 respectively (promulgated as TPB PG-No. 12A);
- (c) the revisions to TPB PG-No. 12 in 1994 were mainly related to requiring the applicants to submit an ecological study and continuing to adopt the “precautionary approach” in considering development proposals in the Deep Bay Area (promulgated as TPB PG-No. 12B);
- (d) in April 1999, TPB PG-No. 12A was further revised based on the Study on the Ecological Value of Fish Ponds in the Deep Bay Area (the Fish Ponds Study) completed by the Planning Department in 1997. The revisions were mainly related to the replacement of the buffer zones with Wetland Conservation Area (WCA) and Wetland Buffer Area (WBA) with revised boundaries, and refinement to the precautionary approach;
- (e) according to TPB PG-No. 12B, in view of the intrinsic value of fish ponds, which functioned as an important habitat for roosting and foraging of waterbirds in the Deep Bay Area, and the complex response of birds to future land use changes and carrying capacity which had not been fully understood, a “precautionary approach” was adopted to protect and conserve the existing ecological functions of fish ponds in order to maintain the ecological integrity of the Deep Bay wetland ecosystem as a whole;
- (f) a WCA for all existing continuous and adjoining active/abandoned

fish ponds was designated, where no new development would be allowed unless it was required to support the conservation of the ecological value of the area or the development was an essential infrastructural project. About 500m wide buffer area along the landward boundary of WCA was designated as WBA to protect the ecological integrity of WCA;

Hoo Hok Wai (HHW)

- (g) the fish ponds in HHW were within the study area of the Fish Ponds Study. However, as HHW was not covered by any statutory plan at that time, the fish ponds in HHW were not included in the TPB PG-No. 12B;
- (h) it was announced in 2008 that about 2,400 ha of land would be released from the Closed Area in phases. A “Land Use Planning for the Closed Area – Feasibility Study” (the FCA Study) was conducted and completed in 2010. One of the recommendations of the FCA Study was that TPB PG-No. 12B be revised by extending its coverage to the HHW area;
- (i) statutory plans were prepared to cover the former Closed Area, including the fish ponds in HHW, and exhibited for public inspection in July 2013. An Ecological Field Survey for HHW (the Ecological Field Survey) was undertaken in parallel and completed in June 2013;
- (j) the Ecological Field Survey revealed that HHW comprised primarily fish ponds, fresh water and reed marshes, which had formed important habitats for fauna of conservation significance and were habitats of high ecological significance. The findings of the Ecological Field Survey re-affirmed the findings of the FCA Study on the ecological value of HHW;

- (k) the continuous and contiguous fish ponds, the fresh water marshes and the isolated marshes in HHW were zoned “Conservation Area (1)” (“CA(1)”) on the draft Ma Tso Lung and HHW OZP No. S/NE-MTL/2 (the OZP). The woodland, scrubland and grassland were zoned “Green Belt” on the OZP due to their relatively lower importance in ecological value;
- (l) with HHW now covered by OZP, TPB PG-No. 12B should be revised to include HHW so as to provide guidance for consideration of applications for different uses and developments within HHW. The same principles and approach of development in the other Deep Bay wetland area as laid down in the TPB PG-No. 12B should also be applicable to the HHW area;

Delineation of WCA and WBA in HHW

Boundary of WCA

- (m) given the WCA was to discourage new development unless it was required to support the conservation of the ecological integrity of the wetland ecosystem or the development was an essential infrastructure project with overriding public interest, it was proposed that the existing WCA boundaries in the TPB PG-No. 12B be extended to link and cover the extensive fish ponds and the freshwater marshes in HHW which fell within the “CA(1)” zone on the OZP. The revised boundary of WCA to include HHW was shown on Plan 4 of the Paper;

Boundary of WBA

- (n) the boundary of WBA was also proposed to be revised to cover the area in HHW that fell within 500m along the landward boundary of the revised WCA. WBA, which included the planted mitigation woodland in the north-eastern part of the HHW area, grassland,

shrubland and marshes/reedbeds on the landward side of the area, served to prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds;

Proposed Revisions to the TPB PG-No. 12B

- (o) TPB PG-No. 12B would need to be revised to include the revised WCA and WBA boundaries. The draft TPB Guidelines No. 12C was at Annex II of the Paper for the Members' consideration. A comparison of the existing and revised boundaries of WCA and WBA was at Plan 4 of the Paper;
- (p) the main revisions were highlighted as follows:
 - (i) paragraph 3 – incorporating the findings of the Ecological Field Survey with respect to the HHW area;
 - (ii) figure A – the boundaries of WCA and WBA were revised with the contiguous and ecologically sensitive wetland complex in HHW currently zoned “CA(1)” (about 228 ha) on the OZP being designated WCA; and an area of about 131 ha covering various zones on the OZP including “Green Belt”, “Agriculture”, “Other Specified Uses” annotated “Eco-lodge” (“OU(Eco-lodge)”), “Village Type Development” and “Government, Institution or Community”, being designated WBA; and
 - (iii) Appendix A – a footnote was added to specify that the exemption of two of the uses, i.e. ‘Government Refuse Collection Point’ and ‘Public Utility Installation’, from Ecological Impact Assessment (EcoIA) did not apply to the “OU(Eco-lodge)” zone. The “OU(Eco-lodge)” covered a small knoll to the west of Tse Koo Hang which served as a valuable natural setting and had access to the high value

ecological areas, and hence EcoIA was required to minimize potential adverse impacts on the natural landscape and the surrounding rural environment. The revision to Appendix A was to reflect the requirement of the OZP in respect of the “OU(Eco-lodge)” zone;

Consultation

- (q) the revised WCA and WBA had been circulated to the Agriculture, Fisheries and Conservation Department for comments, and the comments received had been incorporated into the draft TPB PG-No. 12C;

Advice Sought

- (r) Members were invited to consider and endorse the draft revised TPB Guidelines number TPB PG-No. 12C at Annex II of the Paper; and agree that the revised guidelines could be promulgated to the public.

74. The Chairman then invited questions from Members. Members had no question to raise.

75. After deliberation, Members agreed to endorse the draft TPB PG-No. 12C at Annex II of the Paper and considered it suitable for promulgation to the public.

76. The Chairman thanked the representatives of PlanD for presenting the Paper. Mr C.K. Soh left the meeting at this point.

Agenda Item 8

[Open Meeting]

Electronic Planning Application Submission System

[The meeting was conducted in Cantonese]

77. The following representatives from the Planning Department were invited to the meeting at this point:

- | | | |
|---------------------|---|---|
| Mr Silas K.M. Liu | - | Chief Town Planner/Information System and Land Supply |
| Ms Carrie K.C. Chan | - | Senior Town Planner/Land Supply |
| Mr Ernest C.K. Wong | - | Town Planner/Land Supply |

78. The Chairman extended a welcome and invited PlanD's representatives to brief Members on the Paper. Mr Silas K.M. Liu said they would brief members about the Electronic Planning Application Submission System (EPASS) currently under preparation and seek Members' views.

79. With the aid of a powerpoint presentation, Ms Carrie K.C. Chan made a presentation covering the following main points:

- (a) after enactment of the Electronic Transactions Ordinance (ETO), electronic records/digital signatures were given the same legal status as that of paper-based counterparts;

Objective of EPASS

- (b) current submissions to the Town Planning Board (the Board) were all paper-based. The objective of EPASS was to provide an additional channel for receiving on-line submission of planning applications. E-submissions would be in prescribed digital format, file size and would need to comply with specific requirements;

- (c) EPASS would only allow for receiving e-submissions, but it would not be for full e-processing of the submissions;

Proposed Requirements

- (d) an on-line platform would be set up at the Board's website. Nine e-forms would be available to handle applications under sections 16, 16A, 12A and 17 and for submission of further information;
- (e) the file sizes were proposed to be less than or equal to 10MB, taking into account the Government's electronic infrastructure capacities;
- (f) digital signatures were required to be provided in the application forms. The digital signatures had to be issued by two certification authorities, Hong Kong Post and Digi-Sign, that were recognised by the Office of the Government Chief Information Officer;
- (g) the form together with supplementary information would be restricted to a maximum of 20 pages with font sizes equal or larger than 12 font size. Land ownership record/owner consent documents would be excluded from the above page limits. For Members' reference, about 77% of the submissions made to the Board in 2012 were within 20 pages;
- (h) attachments would need to be in pdf format and not larger than A3 size. Attachments might be in black and white or coloured. Same as for paper-based submissions, sufficient hard copies had to be submitted for e-submissions in colour;
- (i) other supplementary information exceeding the above file size or page limit had to be submitted in hard copy;

On-line Submission

- (j) a demonstration of the detailed steps in the on-line submission system was shown to Members; and

Advice Sought

- (k) Members were invited to provide views on EPASS.

80. As the presentation was completed, the Chairman invited questions from Members. A Member asked whether hard copies of submissions would still be required after implementation of EPASS. In response, Mr Silas K.M. Liu said for documents within the 20-page limit, there was no need to provide hard copies; however, hard copies would be required for coloured plans, booklets and other supplementary information exceeding the page limit.

81. Another Member asked what were the next steps after implementation of EPASS. Mr Liu said that EPASS was to provide an additional venue for submission of planning applications in electronic format. Full processing of planning applications in electronic format would involve complicated process and had to be explored in an incremental way.

82. As Members had no further questions, the Chairman thanked the representatives of PlanD for making the briefing and they all left the meeting at this point.

83. As the applicant's representatives attending the next agenda item had not yet arrived, the Chairman proposed considering Agenda Items 11 to 18 and 21 to 24 first. Members agreed.

Agenda Item 11

[Open Meeting]

Request for Deferment of Review of Application No. A/NE-TK/486

Proposed House (New Territories Exempted House – Small House) in “Green Belt” Zone, Lots 138 S.A ss.2 S.B and 138 S.B ss.3 in D.D. 28, Lung Mei, Tai Po

Agenda Item 12

[Open Meeting]

Request for Deferment of Review of Application No. A/NE-TK/487

Proposed House (New Territories Exempted House – Small House) in “Green Belt” Zone, Lots 138 S.A ss.2 S.A in D.D. 28, Lung Mei, Tai Po

Agenda Item 13

[Open Meeting]

Request for Deferment of Review of Application No. A/NE-TK/488

Proposed House (New Territories Exempted House – Small House) in “Green Belt” Zone, Lots 138 S.A ss.1 RP, 138 S.B ss.1 and 145 S.C in D.D. 28, Lung Mei, Tai Po

Agenda Item 14

[Open Meeting]

Request for Deferment of Review of Application No. A/NE-TK/489

Proposed House (New Territories Exempted House – Small House) in “Green Belt” Zone, Lots 138 S.A ss.1 S.B and 145 S.B in D.D. 28, Lung Mei, Tai Po

Agenda Item 15

[Open Meeting]

Request for Deferment of Review of Application No. A/NE-TK/490

Proposed House (New Territories Exempted House – Small House) in “Green Belt” Zone, Lots 138 S.A ss.1 S.A and 145 S.A in D.D. 28, Lung Mei, Tai Po

Agenda Item 16

[Open Meeting]

Request for Deferment of Review of Application No. A/NE-TK/491

Proposed House (New Territories Exempted House – Small House) in “Green Belt”

Zone, Lot 146 in D.D. 28, Lung Mei, Tai Po

Agenda Item 17

[Open Meeting]

Request for Deferment of Review of Application No. A/NE-TK/492

Proposed House (New Territories Exempted House – Small House) in “Green Belt” Zone, Lots 149 and 150 S.A in D.D. 28, Lung Mei, Tai Po

Agenda Item 18

[Open Meeting]

Request for Deferment of Review of Application No. A/NE-TK/493

Proposed House (New Territories Exempted House – Small House) in “Green Belt” and “Village Type Development” Zones, Lot 150 R.P in D.D. 28 and Adjoining Government Land, Lung Mei, Tai Po
(TPB Paper No. 9600)

[The meeting was conducted in Cantonese.]

84. The following Members had declared interests on the item:

Mr Stanley Y.F. Wong	-	co-owning properties at Deerhill Bay
Mr H.W. Cheung	-	owning a flat Heung Sze Wui Street
Dr Y.K. Yau	-	owning properties and land at Kwong Fuk Road and Cheung Shue Tan

85. Members agreed that as the properties/land owned by the above Members were not in the vicinity of the application sites, Members who had declared interest should be allowed to stay in the meeting. Members noted that Mr H.W. Cheung and Dr Y.K. Yau had left the meeting.

86. The Secretary said that on 24.2.2014, the applicant applied for a review of the RNTPC’s decision to reject the eight applications. Since then, the applicants had not submitted any written submission for the review applications.

87. On 29.4.2014, the applicants wrote to the Board and requested the Board to defer making a decision on the review applications for two months to allow time for preparation of the justifications for the review applications and the design of the retaining wall. This was the applicants' first request for deferral.

88. Members noted that for each of the applications, 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 made under the Town Planning Ordinance (TPB PG-No. 33) in that the applicant needed more time to prepare justifications and the design of the retaining wall, the deferment period was not indefinite, and that the deferment would not affect the interest of other relevant parties.

89. After deliberation, the Board agreed to defer consideration of the review applications as requested by the applicants. The Board also agreed that the review applications should be submitted for its consideration within three months upon receipt of further submission from the applicant. If the further information submitted by the applicants was not substantial and could be processed within a shorter time, the applications could be submitted to an earlier meeting for the Board's consideration. The applicants should be advised that the Board had allowed two months for preparation of submission of further information and that no further deferment would be allowed unless under very special circumstances.

Agenda Item 23

[Open Meeting]

Submission of the Draft Central District (Extension) Outline Zoning Plan No. S/H24/8A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance
(TPB Paper No. 9655)

[The meeting was conducted in Cantonese.]

90. The Secretary briefly introduced the Paper. On 16.3.2012, the draft Central District (Extension) Outline Zoning Plan (OZP) No. S/H24/7 mainly to revise

the Notes of the OZP in accordance with the revised Master Schedule of Notes to Statutory Plans and to incorporate minor relaxation clauses for building height restrictions into the Remarks of the Notes for various zones was exhibited for public inspection under section 5 of the Ordinance. No representation was received upon expiry of the exhibition period.

91. On 15.2.2013, the draft Central District (Extension) OZP No. S/H24/8 mainly to amend the zoning of a strip of waterfront land to the north of the existing People's Liberation Army Hong Kong Garrison Headquarters from "Open Space" to "OU(Military Use)1" ("OU(MU)1") for the Central Military Dock (CMD) was exhibited for public inspection under section 7 of the Ordinance. During the 2-month exhibition period, a total of 9,812 representations were received. On 7.5.2013, the representations were published for public comments for three weeks and 9,228 comments were received.

92. On 18.10.2013, the Board agreed to seek the Chief Executive (CE)'s agreement, under section 8(2) of the Ordinance, to extend the time limit for submission of the draft Central District (Extension) OZP to the Chief Executive in Council (CE in C) for a further period of six months from 15.1.2014 to 15.7.2014. On 25.10.2013, the CE agreed to the proposed extension of the time limit.

93. After giving consideration to the representations and comments in 18 sessions of a meeting during the period from 4.11.2013 to 14.2.2014, the Board decided not to propose any amendment to the draft OZP to meet the representations. The Board agreed to revise paragraph 8.5(a) of the Explanatory Statement (ES) to indicate that the Garrison had, on the request of the Hong Kong Special Administrative Region Government, agreed in 2000 that it would open the area of the military dock site to the public as a part of the promenade when it was not in military use, having regard to its operation and need for protecting the military dock.

94. Since the representation consideration process had been completed, the draft OZP was ready for submission to the CE in C for approval in accordance with section 8 of the Ordinance. For submission to the CE in C, the opportunity had been taken to update the ES to reflect the latest position of the draft OZP and the latest

developments in the area.

95. The Secretary asked Members to note that, as reported in the matters arising item (recorded under confidential cover), Designing Hong Kong Limited had lodged a judicial review against the Board's decision on the representations and comments in respect of the OZP and had requested the Court to order a stay of the submission of the OZP to the CE in C for approval. Members agreed that the submission of the OZP to the CE in C should proceed as per normal practice as the Court had not granted leave to the judicial review nor ordered a stay of the submission to the CE in C.

96. After deliberation, the Board :

- (a) agreed that the draft Central District (Extension) OZP No. S/H24/8A at Annex I of the Paper and its Notes at Annex II of the Paper were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) endorsed the updated ES for the draft Central District (Extension) OZP No. S/H24/8A 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 issued under the name of the Board; and
- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

[The meeting took a five-minute break.]

Sha Tin, Tai Po & North District

Agenda Item 21

[Open Meeting]

Preliminary Consideration of the Draft Lai Chi Wo, Siu Tan and Sam A Tsuen
Outline Zoning Plan No. S/NE-LCW/C
(TPB Paper No. 9614)

97. Mr C.K. Soh, District Planning Officer/Shu Tin, Tai Po & North, and Mr David Y.M. Ng, Senior Town Planner/Country Park Enclave Team, Planning Department (PlanD) were invited to the meeting at this point.

98. The Chairman extended a welcome and invited Mr David Y.M. Ng to brief Members on the Paper. With the aid of a Powerpoint presentation, Mr Ng made a presentation covering the following main points as detailed in the Paper:

Purpose

- (a) to seek Members' agreement that the draft Lai Chi Wo, Siu Tan and Sam A Tsuen Outline Zoning Plan (OZP) No. S/NE-LCW/C (the Plan) together with its Notes were suitable for consultation with the North District Council (NDC) and Sha Tau Kok Rural Committee (STKRC);

Background

- (b) on 26.8.2011, the draft Lai Chi Wo, Siu Tan and Sam A Tsuen Development Permission Area (DPA) Plan No. DPA/NE-LCW/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the exhibition periods of the DPA Plan, six representations were received;
- (c) on 9.3.2012, after giving consideration to the representations, the

Board decided not to propose any amendment to the draft DPA plan to meet the representations;

- (d) on 26.6.2012, the Chief Executive in Council approved the draft Lai Chi Wo, Siu Tan and Sam A Tsuen DPA plan, which was subsequently renumbered as DPA/ NE-LCW/2;
- (e) the Lai Chi Wo, Siu Tan and Sam A Tsuen DPA Plan was effective only for a period of three years until 26.8.2014. An OZP had to be prepared to replace the DPA Plan in order to maintain statutory planning control over the Lai Chi Wo, Siu Tan and Sam A Tsuen area (the Area) upon expiry of the DPA Plan;
- (f) on 12.3.2014, under the power delegated by the Chief Executive, the Secretary for Development directed the Board, under section 3(1)(a) of the Ordinance, to prepare an OZP to cover the Area;

Strategic Planning Context

- (g) the Area, covering a total area of 131 ha, was surrounded by the Plover Cove Country Park except where it adjoined the Lai Chi Wo Special Area and fronted on the Yan Chau Tong Marine Park. It was accessible by boats via small piers at Lai Chi Wo and Sam A, and by walking trails leading from Wu Kau Tang and Bride's Pool;
- (h) several pieces of burial grounds were located in the hilly areas in the central part of the Lai Chi Wo and adjacent to the woodlands of Mui Tsz Lam and Ko Tong. According to the 2011 Census, there were about 100 persons residing in the Area. About 56% of the land in the Area was government land;
- (i) the specific land uses in the three sub-areas in the Area as highlighted in paragraph 7 of the Paper were summarised below:

Lai Chi Wo

- (i) Lai Chi Wo, with an area of about 90 ha, mainly comprised mangrove, woodland, shrubland, watercourse and fallow agricultural land;
- (ii) Lai Chi Wo faced the scenic Yan Chau Tong Marine Park and the Lai Chi Wo Beach Site of Special Scientific Interest (SSSI). Behind the Lai Chi Wo was a fung shui woodland, about 1 ha of which was designated as a “Special Area” under the Country Parks Ordinance in 2005, for its high flora diversity and the presence of uncommon tree species as well as old and valuable trees;
- (iii) there was a natural stream flowing across Lai Chi Wo, about 500m of which was recognized as an Ecologically Important Stream (EIS);
- (iv) a Geo-heritage Centre displaying the geological resources and illustrations of old Hakka village in Hong Kong, the Lai Chi Wo Site of Archaeological Interest, and the Hip Tin Temple and Hok Shan Monastery (Grade 3 historic buildings) were in the Area;
- (v) a nature trail linked up Lai Chi Wo and the coastal area and the area was a popular destination for tourists and hikers;
- (vi) recognised villages in the Area included Lai Chi Wo, Kop Tong and Mui Tsz Lam. Mui Tsz Lam and Kop Tong, located about 1 km southwest of Lai Chi Wo, had been deserted and most of the village houses had become ruins. Fung shui woodlands were found behind the Kop Tong and Mui Tsz Lam area;

Siu Tan

(vii) the area mainly comprised flat and low-lying abandoned agricultural land, which had become intertidal water ponds and freshwater marshes surrounded by shrubs and woodland. It was adjacent to the Yan Chau Tong Marine Park and the Lai Chi Wo Beach SSSI where there were mangrove and seagrass habitats;

(viii) there was a natural stream near the western boundary of the area flowing from south to north towards the Marine Park. Habitats in Siu Tan supported a high diversity of wildlife and flora species worthy of protection, and it was also identified as a hotspot for butterflies. Mangrove stands were found along the watercourse and at intertidal water ponds near the coastal area, where uncommon species of seagrass had been found. Surrounding the wetlands on the east, south and west were continuous woodlands forming the foothill of the Plover Cove Country Park;

Sam A Tsuen

(ix) the area mainly comprised woodland, shrubland, active and abandoned agricultural land, freshwater marsh, stream, estuarine mangrove and mudflat habitats. The woodlands in the peripheral hill-slopes and a fung shui wood behind the village formed a continuum of woodland habitat together with the adjoining Plover Cove Country Park. The habitats supported a high diversity of wildlife and plant species worthy of protection and were identified as hotspots for butterflies and freshwater fishes;

(x) the recognised village in the area was Sam A which faced southwest, directly overlooking the scenic shore flat land and

was surrounded by wooded hills on three sides in the north, west and south with some active farmland in the south-eastern part of the village. A few of the village houses had recently been refurbished and were being used for serving visitors. Some beekeeping had been operated at Sam A;

Issues Arising from Consideration of the DPA Plan

- (j) since the gazettal of the draft DPA Plan on 26.8.2011, no planning proposal or application had been received by the Board. During the exhibition period of the draft DPA Plan, six representations were received and main considerations raised were:
 - (i) the green groups suggested that conservation zonings such as “Conservation Area” (“CA”) should be designated to reflect the ecological value of the Area, to protect the coastal habitats and the EIS inside the Area, or to designate the Area as country park to better conserve the integrity of the natural settings of the Area; and
 - (ii) the Village Representatives (VRs) of Lai Chi Wo, Kop Tong, Mui Tsz Lam and Sam A proposed to expand the Village Type Development” (“V”) zones to meet their future Small House demand;
- (k) on 9.3.2012, while the Board decided not to propose any amendment to the draft DPA Plan to meet the representations, it was agreed that detailed studies and analysis would be conducted to determine the appropriate zonings for areas of high ecological value and the boundary of the “V” zones;

Land Use Planning Considerations and the draft OZP

- (l) the planning intention of the OZP was to protect its high conservation and landscape value which complemented the overall naturalness and the landscape beauty of the surrounding Plover Cove Country Park;
- (m) based on the land use planning considerations in paragraph 10 of the Paper, the following land use zonings were proposed on the draft OZP as highlighted in paragraph 11 of the Paper and summarised below:

“CA” (23.42h ha)

- (i) areas zoned “CA” included the relatively undisturbed native woodland with mature trees to the north of the existing Lai Chi Wo and the fung shui woodlands at Mui Tsz Lam and Kop Tong; the coastal area comprising mangroves, mangrove-associated plants and backshore vegetation along the eastern boundary of the Lai Chi Wo that was adjacent to Yan Chau Tong Marine Park and the Lai Chi Wo Beach SSSI; and the wetland system of ecological importance in Siu Tan and Sam A Tsuen comprising natural stream, intertidal ponds and marshes;

“Green Belt” (“GB”) (95.19 ha)

- (ii) areas with natural vegetation, woodland, hilly terrain, hillside shrubland, grassland and streamcourses including the EIS and its riparian zone, permitted burial ground at the central part of Lai Chi Wo, and the fringes of the planning scheme boundaries near Kop Tong had been designated as “GB”;

“Government, Institution or Community” (0.11 ha)

- (iii) the major existing Government, Institution or Community facilities under this zone included the Hip Tin Temple and Hok Shan Monastery, former Siu Ying School, a toilet building and a telephone exchange in Lai Chi Wo;

“Agriculture” (“AGR”) (6.28 ha)

- (iv) some active agricultural land intermixed with abandoned farmland/grassland could be found at the southern part of the villages at Lai Chi Wo and Sam A. The land area to the north of the EIS also comprised largely wet abandoned agricultural land. These areas were designated as “AGR” not to retain active and fallow arable land for agricultural purpose, including leisure farming or organic farming, and to preserve the rural setting/natural environment in the Area;

“V” (6.04 ha)

- (v) there were four recognised villages, namely Lai Chi Wo, Mui Tsz Lam, Kop Tong located in Lai Chi Wo area and Sam A Tsuen located in the Sam A area;
- (vi) the boundaries of the “V” zone were drawn up having regard to the ‘VE’, the local topography, the existing settlement pattern, site constraints, the approved applications for Small House development, the outstanding Small House applications, as well as the estimated Small House demand. Areas of difficult terrain, dense vegetation and stream courses had been avoided as far as possible;
- (vii) the proposed “V” zones included about 2.71 ha of land at Lai Chi Wo, about 1.09 ha at Mui Tsz Lam, about 0.59 ha at Kop

Tong, and about 1.65 ha at Sam A Tsuen. The total developable land reserved for new Small House developments amounted to about 3.33 ha, that was equivalent to about 133 Small House sites. This could satisfy about 8% of the total 10-year forecast of Small House demand in the Area (i.e. 133 out of 1,665);

(viii) when considering the “V” zone, it was noted that no justification had been provided by the VRs of Lai Chi Wo village for the substantial increase in the latest 10-year forecast (from 1,098 to 2,800). In accordance with the established practice of the Board, the previous figures for Lai Chi Wo village (i.e. 1,098 rather than 2,800) had been adopted. For Mui Tsz, Kop Tong and Sam A Tsuen, the updated Small House demand was adopted; and

Consultation

- (n) the draft OZP together with its Notes and Explanatory Statement (ES) and the Planning Report had been circulated to the relevant Government bureau and departments for comments. Comments received had been incorporated as appropriate.

Advice Sought

- (o) Members were invited to agree that the draft OZP No. S/NE-LCW/C was suitable for consultation with NDC and STKRC. After consultation, comments from NDC and STKRC would be submitted to the Board for consideration prior to the publication of the draft OZP under section 5 of the Ordinance.

99. The Chairman then invited questions from Members. Members had no question to raise.

100. After deliberation, the Board agreed that the draft Lai Chi Wo, Siu Tan and Sam A Tsuen OZP No. S/NE-LCW/C together with its Notes and ES were suitable for consultation with NDC and STKRC. After consultation, comments from NDC and STKRC would be submitted to the Board for consideration prior to publication of the draft OZP under section 5 of the Ordinance.

101. The Chairman thanked the PlanD's representatives for their presentation and they left the meeting at this point.

Agenda Item 22

[Open Meeting]

Proposed Amendments to the Draft Ta Kwu Ling North Outline Zoning Plan No. S/NE-TKLN/1 arising from the Consideration of Representations and comment on the Outline Zoning Plan No. S/NE-TKLN/1
(TPB Paper 9658)

[The meeting was conducted in Cantonese.]

102. Mr C.K. Soh, District Planning Officer/Sha Tin, Tai Po & North, Planning Department (DPO/STN, PlanD) was invited to the meeting at this point. The Chairman extended a welcome and invited Mr C.K. Soh to present the Paper.

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

Background

- (a) on 19.7.2013, the draft Ta Kwu Ling North Outline Zoning Plan (OZP) No. S/NE-TKLN/1 was exhibited for public inspection under section 5 of the Ordinance. During the two-month exhibition period, a total of four valid representations were received. On 11.10.2013, the representations were exhibited for public comment. Upon the expiry of the publication period on 1.11.2013, one

comment was received.

- (b) on 28.2.2014, upon hearing of the representations and comment on the OZP, the Town Planning Board (the Board) decided to uphold two representations submitted by the World Wide Fund for Nature Hong Kong and the Kadoorie Farm and Botanic Garden Corporation;
- (c) Members generally considered that sufficient protection should be given to Heung Yuen Wai (HYW) Stream and its riparian area which were assessed to have high ecological value under the Frontier Closed Area Study completed in 2010. In particular, there was concern that some of the site formation works incidental to recreational developments along the stream might have adverse ecological impact on the stream;
- (d) Members considered that the zoning of the HYW Stream and its 20m riparian area should be amended and the Notes for the "Recreation" ("REC") zone of the OZP should clearly reflect the planning intention for low-density recreational developments;
- (e) PlanD was requested to work out the appropriate zoning for the HYW Stream and its 20m riparian area in consultation with the Agriculture, Fisheries and Conservation Department (AFCD) and submit the proposed amendments to the Board for agreement prior to the gazetting of the proposed amendments under section 6C(2) of the Ordinance;

Planning Considerations

Ecological/Habitat Conditions of HYW Stream

- (f) HYW Stream ran through the TKLN area from the east to the west and was connected with Sham Chun River in the west. Its tributaries were wide spread at the upper sections in the east and the

southeast of the planning scheme area of the OZP;

- (g) HYW Stream could be broadly divided into five sections:
- (i) the stream section connecting the NENT Landfill site and Sham Chun River, which was often known as the Kong Yiu Stream, had been channelized with the maintenance track of the Drainage Services Department on one side. The water quality was not good and limited use of the stream by wildlife was observed. The ecological value of this stream section was limited;
 - (ii) the lower section between the HYW fung-shui woodland and Kong Yiu Stream had good riparian zone and most of it was lined with mature trees. Both the water quality and stream habitat conditions were good. Native fish and other aquatic organisms had been observed. From the ecological perspective, this section was the best part of the stream;
 - (iii) the tributary of HYW Stream south of Ha Heung Yuen (HHY) had good water quality. The lower section within the “Village Type Development” (“V”) zone was rather narrow and mainly bordered by abandoned agricultural land overgrown with grass. Some parts of the middle section of this tributary were lined with trees;
 - (iv) the tributary east of HYW was a small stream with good water quality. The lower part adjacent to the fung-shui woodland was lined with trees. The upper stream section of this tributary could not be easily accessed as the area was heavily overgrown; and
 - (v) the middle and upstream sections of HYW Stream in the east were rather narrow and meandered through mainly abandoned

agricultural land. The stream should have been modified by farming activities in the past and its riparian zones were mainly earth banks overgrown with grass and with some isolated trees;

Proposed Amendments

- (h) taking into account the ecological/habitat conditions of the HYW Stream as highlighted above, the following amendments to the zoning for the HYW Stream and its riparian area were proposed:
 - (i) for the lower stream sections which had been channelized, no amendment to the land use zoning was necessary as the area concerned was considered of low ecological/intrinsic value. The current zoning of “REC”, “Agriculture” (“AGR”) and “V” on the OZP were proposed to be retained;
 - (ii) for the stream section running through the “V” zones of HYW, HHY and Tsung Yuen Ha Villages, no amendment to the land use zoning of the stream and its riparian area was proposed as according to the Notes for the “V” zone, any diversion of streams should not be undertaken without the planning permission from the Board, and there were existing administrative mechanisms to ensure that any potential adverse impacts on the natural streams would be properly addressed;
 - (iii) for the stream section and its riparian area falling within conservation zonings already, say “Conservation Area” or “Green Belt” (“GB”), no amendment to their land use zonings were suggested as sufficient protection was already in place under the Notes of the OZP, and any site formation related activities such as filling of land/pond or excavation of land required planning permission from the Board. This included the upper sections of HYW Stream in the hilly area of Wong Mau Hang Shan in the east and southeast of the planning

scheme area, where the “GB” zoning on the OZP would be retained;

- (iv) for the HYW Stream section to the south of the “V” zone of HYW and HHY villages which were currently zoned “AGR” on the OZP, no amendment was proposed as “AGR” was a non-development zone and it was considered that sufficient protection to the stream was already in place;
- (v) for the stream section which was natural and with little human disturbance, the stream and its 20m riparian zone were proposed to be rezoned to “GB” so as to provide the required protection. This included the middle and upper sections of the HYW Stream in the east and southeast which were currently zoned “REC” on the OZP, and the lower section of HYW Stream between the HYW fung-shui woodland and Kong Yiu Stream which was the section with the highest ecological value as advised by AFCD;
- (vi) the stream itself and its 20m riparian area were proposed to be rezoned from “REC”, “AGR” and “V” to “GB” (up to the area already zoned “GB” on the OZP). As a result, isolated land pockets/strips of land along the stream section created due to the proposed zoning amendments to HYW Stream and its riparian area were also proposed to be rezoned to “GB” having regard that such residual land area might have limited potential for recreational development;

“V” zone affected by the Proposed Amendments

- (i) as a result of the above, some 0.32 ha of land along the northern boundary of the “V” zone of HYW and HHY villages was proposed to be rezoned from “V” to “GB” so as to provide sufficient protection to the HYW Stream;

- (j) to compensate for the loss of “V” zone, it was proposed to rezone the same area of land to the west of this “V” zone, i.e. an area between Kong Yiu Stream and the western boundary of the “V” zone of HHY village, which was currently fallow agricultural land, from “AGR” to “V”;
- (k) the resultant “V” zone would be bounded by HYW Stream to its north, an area zoned “GB” to the east, the 250m Landfill Gas Consultation Zone of the NENT Landfill to the south, and Kong Yiu Stream to the west;

Proposed Amendments to the Draft Ta Kwu Ling North OZP

- (l) details of the proposed amendments to the OZP were in paragraph 5 and shown on Plan Ha-5 of the Paper;
- (m) the planning intention in the Notes for the “REC” zone was proposed to be revised to indicate that the zoning was for low-density recreational developments; and

Consultation

- (n) relevant government bureaux/departments had been consulted on the proposed amendments to the draft TKLN OZP No. S/NE-TKLN/1, its Notes and Explanatory Statement and their comments had been incorporated where appropriate.

104. The Chairman then invited questions from Members. Members had no question to raise.

105. After deliberation, Members agreed that:

- (a) the proposed amendments to the draft TKLN OZP No.

S/NE-TKLN/1 and its Notes as shown at Annexes I and II of the Paper were suitable for publication for public inspection in accordance with section 6C(2) of the Ordinance; and

- (b) the revised Explanatory Statement at Annex III of the Paper was suitable for publication together with the Plan.

106. The Chairman thanked Mr Soh for the presentation and he left the meeting at this point.

Agenda Item 24

[Open Meeting]

Application to the Chief Executive under Section 8(2) of the Town Planning Ordinance for Extension of Time Limit for Submission of the Draft Ta Kwu Ling North Outline Zoning Plan No. S/NE-TKLN/1 to the Chief Executive in Council for Approval (TPB Paper No. 9657)

[The meeting was conducted in Cantonese]

107. The Secretary briefly introduced the Paper. The Paper requested for Members' agreement to seek the Chief Executive (CE)'s agreement, under section 8(2) of the Town Planning Ordinance (the Ordinance), for extension of time limit for submission of the draft Ta Kwu Ling North Outline Zoning Plan (OZP) No. S/NE-TKLN/1 to the Chief Executive in Council (CE in C) for approval. The time limit for submission of the draft OZP was required to be extended for a further period of six months from 19.6.2014 to 19.12.2014.

Background

108. On 19.7.2013, the draft Ta Kwu Ling North OZP No. S/NE-TKLN/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of four valid representations were received. On 11.10.2013, the representations were published for three weeks for public comment. Upon expiry of the publication period on

1.11.2013, one comment was received.

109. At the meeting on 28.2.2014, the Board Members decided to uphold two representations by amending the zoning of Heung Yuen Wai (HYW) Stream and its 20m riparian area and to amend the Notes for “Recreation” (“REC”) zone of the OZP to clearly reflect the planning intention for low-density recreational developments. Members also agreed to request the Planning Department to work out the appropriate zoning for HYW Stream and its 20m riparian zone in consultation with the Agriculture, Fisheries and Conservation Department and submit the proposed amendments to the draft Ta Kwu Ling North OZP No. S/NE-TKLN/1 to the Board for agreement prior to the gazetting of the proposed amendments under section 6C(2) of the Ordinance.

Need for Extension of the Statutory 9-month Time Limit

110. Following the Board’s decision on 28.2.2014, PlanD had worked out, in consultation with AFCD, the appropriate zoning for HYW Stream and its 20m riparian zone. The proposed amendments to the draft Ta Kwu Ling North OZP No. S/NE-TKLN/1 were earlier considered and agreed by the Board under Agenda Item 22. The proposed amendments would be gazetted under section 6C(2) of the Ordinance for three weeks and some more time was required for consideration of further representation received, if any.

111. Taking into account the time required for publication of the proposed amendments and processing of further representation, if any, it was unlikely that the representation consideration process could be completed within the 9-month statutory time limit for submission of the draft OZP to the CE in C for approval (i.e. before 19.6.2014).

112. In view of the above, there was a need to apply to the CE for an extension of the statutory time limit for six months to allow sufficient time to complete the representation consideration process of the draft OZP prior to submission to the CE in C for approval.

113. After deliberation, Members agreed that the CE's agreement should be sought under section 8(2) of the Ordinance to extend the time limit for submission of the draft Ta Kwu Ling North OZP No. S/NE-TKLN/1 to the CE in C for a period of six months from 19.6.2014 to 19.12.2014.

Kowloon District

Agenda Item 9

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/K18/305

Proposed Temporary School (Kindergarten and Nursery) for a Period of 3 Years in "Residential (Group C) 1" zone, 22 Kent Road, Kowloon Tong (TPB Paper No. 9565)

[The meeting was conducted in Cantonese.]

114. The following Members had declared interests on the item:

- | | | |
|------------------------|---|--|
| Mr Thomas T.M. Chow |] | each owning a flat at Parc Oasis |
| Mr H.W. Cheung |] | |
| Ms Christina M. Lee | - | being close relative with the owner of the application site and owning properties on Durham Road |
| Mr Clarence W.C. Leung | - | owning property on Durham Road |
| Ms Julia M.K. Lau | - | owning a share of a property near Hereford Road |
| Ms Janice W.M. Lai | - | owning a flat on Earl Street with her spouse |
| Professor S.C. Wong | - | being the Director of the Institute of Transport Studies of the University of Hong Kong and CKM Asia Limited (CKM), the transport consultant of the applicant, had sponsored some activities |

of the Institute
Professor P.P. Ho - having current business dealings with
CKM

115. Members agreed that the interest of Ms Christina M. Lee was direct and noted that she had already left the meeting. As the properties owned by the other Members who had declared interests were not in the vicinity of the Site and as Professor S.C. Wong and Professor P.P. Ho had no involvement in the subject application, Members considered that their interests were indirect and agreed that they should stay in the meeting. Members noted that Mr H.W. Cheung, Mr Clarence W.C. Leung, Professor S.C. Wong and Professor P.P. Ho had already left the meeting.

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

Mr Tom C.K. Yip	-	District Planning Officer/Kowloon, Planning Department (DPO/K, PlanD)
Mr Leung Tak Chi	-	Engineer/Kowloon City, Transport Department
Mr Chan Kit Fung	-	AOC (Road Management Office) (Enforcement & Control Division) (Traffic Kowloon West), Senior Inspector, Hong Kong Police Force (HKPF)
Mr Wu Wing Cheong	-	Patrol Sub-Unit 3 (Enforcement & Control Div) (Traffic Kowloon West), Inspector, HKPF
Mr Brian K.P. Law]	
Mr Chin Kim Meng]	
Mr Li Hon Hung]	
Mr Pak Hung Lau]	
Mr Vincent W.C. Ng]	Applicant's Representatives
Ms Chu Choi Yin]	

Mr William W.T. Leung]
Mr Wilson C.C. Lee]
Mr Man W.M. Lee]
Mr Michael C.K. Lee]
Mr Lau Lee Kei]

117. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited Mr Tom C.K. Yip, DPO/K, to brief Members on the review application.

118. Mr Tom C.K. Yip asked Members to note that replacement pages for the Paper regarding public comments received were issued to the applicant and Members the day before. With the aid of a Powerpoint presentation, Mr Yip made a presentation of the application covering the following main points as detailed in the Paper:

Background

- (a) the applicant sought planning permission to convert an existing 2-storey building for a proposed temporary school (kindergarten and nursery) for a period of 3 years at 22 Kent Road, Kowloon Tong (the Site);
- (b) the Site fell within an area zoned “Residential (Group C)1” (“R(C)1”) under the draft Kowloon Tong Outline Zoning Plan Outline Zoning Plan (OZP) No. S/K18/17 at the time of the application, and remained under the same zoning under OZP No. S/K18/18 that was currently in force;
- (c) the Site, about 1325 m², was located at the north western part of the Kowloon Tong Garden Estate, at the junction of Kent Road and Cornwall Street and near the Kowloon Tong MTR station. There was a 2-storey building on the Site which was currently vacant. On Kent Road, there were three sites used for kindergarten/nursery uses

and two sites used for primary school uses. There were schools, hotels, elderly homes and religious institutions in the vicinity of the Site;

- (d) the proposed kindergarten would have 9 classrooms, 5 for kindergarten and 4 for nursery. One car parking space for disabled, two taxi/private car lay-by and eight 28-seater school minibus laybys were proposed. The proposed school would accommodate 248 students per morning and afternoon sessions. It would be an extension of the existing Keen Mind Kindergarten which was located at 13 Cumberland Road to the further south of the Site;
- (e) on 13.12.2013, the Metro Planning Committee (MPC) of the Town Planning Board (the Board) decided to reject the application for the following reasons:
 - (i) the proposed development at the junction of Kent Road and Cornwall Street and near Kowloon Tong MTR Station with busy traffic could not comply with the Town Planning Board Guidelines No. 23A for 'Application for Kindergarten/Child Care Centre in Kowloon Tong Garden Estate under Section 16 of the Town Planning Ordinance' (TPB PG-No. 23A) in that possible adverse traffic impacts on local roads were anticipated and no effective traffic mitigation measures were proposed to mitigate the impacts; 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 of the Kowloon Tong area;

Application for Review

- (f) on 14.1.2014, the applicant applied under section 17(1) of the Ordinance for a review of MPC's decision to reject the application. In support of the review, the applicant had submitted further information including responses to departmental and public comments, traffic condition assessment and video clips showing the traffic condition of the peak hours in Annexes E, E(i) and F of the Paper;
- (g) the main justifications put forth by the applicant in support of the review were summarised in paragraph 3 of the Paper and highlighted below:
 - (i) there would be negligible effect on the nearby traffic as tailor-made measures would be implemented to address the related traffic issues. These measures included: (i) school bus only policy; (ii) large open area to provide on-site parking, loading and unloading spaces so as not to overload the external road network; (iii) staggered school hours;
 - (ii) a revised traffic impact assessment as required under TPB PG-No. 23A had been submitted. Possible traffic problems were examined, suitable mitigation measures were suggested and solutions were proposed. The approval of the review would set a good example for other land owners and school operators to follow;
 - (iii) the school management had confirmed and the parents of the proposed students (including current and the new students in 2014/15) had affirmative feedback on the mandatory school bus only arrangement;

- (iv) traffic associated with the proposed kindergarten would not add to the peak traffic of other schools as its start and finish times did not coincide with those of the other schools. At the section 17 review stage, the applicant had revised the proposed school hours of the afternoon session from 1:45pm - 4:45pm to 2:15pm - 5:15pm to avoid the peak school traffic, while retaining the morning school hours at 9:30am to 12:30pm; and
- (v) the proposed kindergarten had provided internal transport facilities which had exceeded the recommendation of the Hong Kong Planning Standards and Guidelines. All pick-up/drop-off activities would be conducted within the proposed kindergarten and no on-street pick-up/drop-off activities were anticipated. The TPB PG-No.23A was complied with as the potential traffic associated with the proposed kindergarten would be negligible;
- (h) departmental comments - comments from relevant government departments were summarised in paragraph 5 of the Paper and highlighted below:
 - (i) Commissioner for Transport (C for T) – having considered the applicant’s submission (including the traffic report) for the review application, C for T was of the view that the proposed traffic improvement measures would in theory avoid traffic generated on site clashing with the peak hour traffic, reduce traffic generation and avoid consuming kerbside capacity, and if implemented effectively, the traffic impact generated from the school development would unlikely be significant. Nevertheless, the implementation of the proposed traffic mitigation policies depended on the co-operation from the parents and the school bus operators which could not be assessed/ predicted at this stage;

- (ii) Commissioner of Police (C of P) – Having considered the overall traffic policing and the poor traffic situation in the Kowloon Tong area during the peak hours, C of P maintained their stance at the section 16 stage of objecting to the application. C of P was of the view that no new mitigation measures were proposed in support of the review and the staggering of school hours and school bus only policy could not fully cope with the adverse traffic impact at Kent Road. As there were uncertainties on the effectiveness of the traffic mitigation measures proposed by the applicant to mitigate the impacts, the concerns on the possible traffic impact remained unaddressed in the review application;

- (iii) Education Bureau (EDB) – suggested that the end of the proposed period of planning permission, if granted, should tie in with the school year of Keen Mind Kindergarten so as to avoid school closure in the middle of the school year that would cause nuisance to students and parents; and

- (iv) other government departments consulted had no further comments on the review and maintained their views at the section 16 stage of having no objection to or no adverse comment on the application;

Public Comments on the Review Application

- (i) on 24.1.2014 and 14.3.2014, the review application and its further information were published for public inspection respectively for 3 weeks. During the statutory public inspection periods, 153 public comments were received with 137 supporting and 16 objecting to or having adverse comments on the review application:
 - (i) the supporting comments were submitted by individual members of the public. The main grounds were that the Site

that had been left vacant for years had adversely affected the cityscape and environment; school development was a better use on the Site compared to hotel or temple uses; the school would provide space for picking-up/dropping off students within the campus and would not affect traffic in the area; the Site had sufficient floor space and located away from the traffic congested areas and was suitable for school operation; the proposed school would increase the choices of schools in the area; existing schools not meeting the traffic requirements should not be allowed to continue operation and opportunities should be offered to operators of new school;

- (ii) the objecting comments were submitted by a Kowloon City District Council member Mr. Ho Hin-ming, the Lung Tong Area Committee Chairman Mr. Chan Ki-tak, the principal of a nearby school, the owners' committee of a nearby building, nearby owners/residents and the public. Their main grounds were on the adverse traffic impact that could not be satisfactorily addressed; Kent Road was overloaded with lots of kerbside loading/unloading activities that had created blockages and serious traffic congestions during school peak hours; the proposed school would further aggravate the existing traffic situation and would bring about air and noise pollution and pose potential risk/danger to the community;

Previous Application

- (j) the Site was the subject of one previous application (No. A/K18/303) submitted by the same applicant for proposed temporary school (kindergarten and nursery) for a duration of three years, that was rejected by MPC on 7.6.2013 for the same reasons as the subject application;

Similar Applications

- (k) since the promulgation of the revised TPB Guidelines No. 23A, only one application (No. A/K18/288) was approved for a temporary period of 18 months (lapsed on 5.5.2013) having considered its unique circumstances for reprovisioning of a kindergarten in existence at that time in the Kowloon Tong area and the proposed traffic mitigation measures. Four other similar applications (No. A/K18/294, 300, 304, and 308) were rejected mainly for the reasons that adverse traffic impacts were anticipated and no effective traffic mitigation measures were proposed to mitigate the impacts, and approval of the applications would set undesirable precedent for similar applications for kindergarten/child care centre development in the area;

Planning Considerations and Assessment

- (l) PlanD's view - PlanD did not support the review application based on the planning considerations and assessments set out in paragraph 7 of the Paper, which were summarised below:
- (i) the proposed development on the Site could not comply with the TPB Guidelines PG-No. 23A in that possible adverse impacts on local roads were anticipated. C of P and C for T raised doubts on the effectiveness of the proposed traffic mitigation measures to mitigate the traffic impacts. In particular, C of P objected to the application;
 - (ii) the traffic congestion problem in the area was serious. Since the promulgation of the revised TPB Guidelines PG-No. 23A, only one application (No. A/K18/288) was approved for a temporary period of 18 months (lapsed on 5.5.2013) having considered its unique circumstances and the five other similar

applications were rejected for reasons similar to the subject application on adverse traffic impacts and undesirable precedent effect; and

- (iii) approval of this 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 in the Kowloon Tong Garden Estate;

119. The Chairman then invited the applicant's representatives to elaborate on the review application. Mr Brian K.P. Law, the surveying consultant and submitting agent of the application, gave a brief introduction and said that the applicant was an experienced school operator and the proposed school was a new campus for their existing kindergarten. The Site was suitable for school development and a new school would benefit more students. The proposed school would not create any adverse traffic impact nor a precedent effect.

120. With the aid of a Powerpoint presentation, Mr Chin Kim Meng, the traffic consultant of the applicant, made the following main points:

Compliance with TPB PG-No. 23A

- (a) paragraph 3.1 of TPB PG-No. 23A required that new proposal for kindergarten/child care centre within the Kowloon Tong Garden Estate should be supported by a traffic impact assessment and suitable mitigation measures should be proposed;
- (b) the applicant proposed staggered school hours and school bus only policy as traffic mitigation measures. The staggered school hours proposed were 9:30am to 12:30pm for the morning session and 2:15pm to 5:15pm for the afternoon session. For school bus only policy, students would take school bus or public transport (excluding taxi) or walk to school;

- (c) C for T agreed with the proposed traffic mitigation measures, and considered that they would in theory avoid traffic generated clashing with peak hour traffic, reduce traffic generation and avoid consuming kerbside capacity. Videos taken on a school day on 16.1.2014, between 9:00 to 9:30am, were shown to illustrate that there was no traffic congestion at the junction of Kent Road and Cornwall Street during that time period. The traffic impact of eight additional school buses from the proposed school bus only policy would be negligible;
- (d) to comply with requirements for on-site transport facilities specified in paragraph 3.2 of TPB PG-No.23A, eight school bus lay-bys, two taxi/private car lay-bys and one car parking space for persons with disabilities were proposed. There would also be space for parking of three additional private cars on the Site;
- (e) the requirement in paragraph 3.2(c) of TPB PG-No.23A that school buses should be able to enter and depart the Site in forward gear could be complied with as school buses would enter the Site at Cornwall Street and leave the Site at Kent Road requiring no reverse movement. In paragraph 5.2.1 of the Paper, C for T also indicated that the large campus might facilitate implementation of the proposed traffic management measures;

Effectiveness of Traffic Mitigation Measures

- (f) the school bus only policy had been effectively implemented in the York Kindergarten at 2 Essex Crescent in Kowloon Tong and German Swiss International School in Pok Fu Lam. According to the bi-monthly reports for the two schools, students generally complied with the policy and took school bus or public transport (excluding taxi), or walked to school and the non-compliance rate was less than 1%;

- (g) TD's comment on the effectiveness of school bus only policy at 2 Essex Crescent was recorded in MPC Paper No. A/K18/304B, which indicated that although there was some level of non-compliance during the first planning permission period (under Application No. A/K18/288), as observed from the bi-monthly monitoring report, the non-compliance was actually minor and had no significant traffic impact on Essex Crescent. TD had no adverse comment on compliance of staggered school hours and in campus pick-up/drop-off, which were the mitigation measures proposed on the Site;
- (h) a sensitivity test was conducted to assess the effectiveness of the school bus only policy based on York Kindergarten and German Swiss International School. TD was satisfied with the findings of the sensitivity test; and
- (i) should the Board approve the application, the applicant would undertake to submit bi-monthly monitoring report regarding implementation of school bus only policy. The Board could be reassured that the applicant would comply with the requirement through stipulating the relevant approval conditions;

121. With the aid of a Powerpoint presentation, Mr Li Hon Hung made the following main points:

Background

- (a) he was an architect by profession. He was a member of the Board of Governor of Keen Mind Kindergarten as well as two other schools. He also served in a number of government advisory committees;
- (b) Mr Pak Hung Lau and Mr Vincent W.C. Ng were partners of the

proposed kindergarten. Mr Pak Hung Lau was the owner of the Site, and the director of a charitable organisation that had built many schools and financed the education of many students in the Mainland;

- (c) the existing Keen Mind Kindergarten was located at 13 Cumberland Road. The Keen Mind Kindergarten had operated for 13 years and provided high quality nursery and kindergarten education with 520 students. The kindergarten proposed on the Site was planned to be an extension of the existing Keen Mind Kindergarten to meet the increasing demand for kindergarten places;
- (d) although a mandatory school bus only policy was not implemented in the existing Keen Mind Kindergarten, about 85% of students were taking school bus or public transport, or walked to school on a voluntary basis. Hence, no problem was envisaged for implementation of mandatory school bus only policy in the proposed kindergarten on the Site;
- (e) kerbside parking of school buses was a serious problem outside other kindergartens on Cumberland Road. On the contrary, all school buses of Keen Mind Kindergarten would pick up and drop off their students within the campus to ensure the students' safety;
- (f) the Site was within short walking distance from public transport including the MTR Kowloon Tong station, bus stops and taxi stand. The Site had separate run-in/run-out onto different roads and this was not commonly found in Kowloon Tong. The existing building on the Site would be refurbished into classrooms. The proposed kindergarten was planned for about 240 students per session;
- (g) to address the concerns of TD and C of P, they would implement a mandatory requirement for all students to take school bus or public transport, or walk to school. The situation would be monitored and

students might be expelled for violating the school bus only policy;

- (h) the proposed staggered school hours were also to address traffic concerns of TD and C of P. Under their proposed school hours, students would go to and leave school at a much later time as compared to other schools in the locality. In addition, as only eight school buses would be used to service the 200 odd students per session, there would not be any traffic impact;
- (i) they had proposed eight school bus laybys, two taxi/private car laybys, one car parking space for persons with disabilities. The driveway of the school would be sufficient for accommodating three more private car parking during emergency situations;
- (j) with all the traffic measures they proposed, the approval of the subject planning application would not lead to an undesirable precedent;
- (k) they only received information from PlanD the day before rectifying the information on public comments received on the review application. In fact, the 137 public comments in support of the review were not mentioned in the original Paper that they received last Friday. The original Paper only mentioned about the 16 comments that objected to the application and the recommendation to reject the case was based on the objecting public comments. This was unfair to the applicant; and
- (l) PlanD recommended that if the Board was to approve the application, the temporary permission should only be valid until 29.8.2016 (i.e. a validity period of two years and four months). This was an unrealistic timeframe as it required a very long time to obtain approvals from all relevant government departments.

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

Manoeuvring Space for School Buses

123. The Chairman and another Member asked the applicant to explain how the eight school buses could manoeuvre smoothly within the campus without disrupting traffic on the adjacent roads. With the aid of a swept path plan, Mr Chin Kim Meng said that the swept paths showed that there would be sufficient space for the eight school buses to manoeuvre within the Site.

124. Mr Li Hong Hung said that school buses would arrive at the school about 15 minutes before the start of school and the school buses would not all arrive at the same time and hence there would be sufficient buffer to allow smooth circulation of the school buses. Moreover, the school buses would only leave the campus after all students had entered the school building. The school would have traffic patrol to direct the movement of school buses into/out of the Site to avoid any disruption to traffic on the adjacent roads.

[Mr David Y.T. Lui left the meeting at this point.]

125. In response to the Chairman's question, Mr Chin Kim Meng said that the school bus spaces were about 3m wide and 8m long, and the school buses were around 2 to 2.2m wide and about 7.6m long. Car parking spaces No. 3 and 4 were for private car/taxi layby to satisfy the requirements in paragraph 3.2 (a) of TPB PG-No. 23A. However, they would not be used on a regular basis under the school bus only policy. Staff of the school would not afford to drive and would take public transport to school. The Chairman said that if cars/taxis were parked at car parking spaces No. 3 and 4, they would block the school buses from entering the Site and would cause tailback onto Cornwall Street.

School Bus Only Policy

126. In response to a Member's question, Mr Li Hon Hung explained that they had not implemented a mandatory school bus only policy in the existing Keen Mind Kindergarten. Their records showed that, even on a voluntary basis, about 85% of their students were taking either school bus or walked to school. Hence, they were confident that the school bus only policy could be effectively implemented in the proposed kindergarten. If students violated the school bus only policy, they would be expelled from the school after two warnings.

127. The Member asked whether there were examples of school bus only policy being implemented. Mr Chin Kim Meng said that one example was implemented by York Kindergarten at 2 Essex Crescent. Bi-monthly monitoring reports were submitted and TD and other relevant departments were satisfied that the school bus only policy was being implemented effectively. The German Swiss International School at Pok Fu Lam had also implemented a self-imposed mandatory school bus only policy effectively and no parking spaces were provided within that campus.

128. Mr Tom C.K. Yip supplemented that the kindergarten at 2 Essex Crescent was the subject of planning application No. A/K18/288, that was the only application approved after the Board promulgated the revised TPB PG-No. 23A. The planning application was approved on a temporary basis for a period of 18 months. The Board approved the planning application under unique circumstances to allow for reprovisioning of a kindergarten in existence at that time. The planning permission had already lapsed and that kindergarten had also ceased operation. As for the German Swiss International School, the requirement for school bus only policy was stipulated in the land lease.

129. The Vice-chairman asked how 248 students could be accommodated in eight school buses and whether the school bus routes would service students of all districts. In response, Mr Chin Kim Meng said that the calculation was included in paragraphs 3.9 and 3.10 of the Traffic Impact Assessment Report dated August 2013

(Appendix 1a of MPC Paper No. A/K18/305). According to TD standards, three children aged three years or above were allowed to be seated in two seats in the school bus and nursery students under the age of three would occupy one seat each. As such, eight school buses (28 seats each) would be able to accommodate all the students. In addition, the school had the discretion to choose their students to ensure that they could all be served by school buses.

130. Ms Chu Choi Yin, the Principal of Keen Ming Kindergarten, said that as most of their students were living in the Kowloon district, it was not difficult to design bus routes to serve all students. They seldom had applications from students living outside Kowloon district.

131. A Member said that with the proposed school bus policy, it might increase the traffic loading on other districts because the school buses might have to circulate a long route to pick up students as compared to the situation where students only took public transport. In response, Mr Chin Kim Meng said that trips generated by eight school buses would be much less than that if students were to take private cars/taxis, and hence it would be an environmental-friendly measure. Mr Li Hon Hung said that the travelling times of the school buses would only be around 20 minutes to a maximum of about 45 minutes.

132. A Member asked about the percentage of students of the existing Keen Mind Kindergarten travelling to school on foot and taking school bus. The Member also asked whether students dropped off nearby by parents and then walked to school would be counted as walking to school and if so, how far away from the school would the students be dropped off. Ms Chu Choi Yin said that 85% of the students took school bus and the remaining 15% walked to school. The Member said that the information was different from that mentioned by Mr Li Hon Hung earlier who indicated that 85% of the students in the existing Keen Mind Kindergarten took school bus, public transport or walked to school and the remaining 15% was dropped off by parents. In response, Ms Chu Choi Yin clarified that about 80% of their students took school bus and about 5% of them walked to school.

133. In response to a Member's question, Ms Chu Choi Yin said that there were eight to ten school bus routes serving the existing Keen Mind Kindergarten. The school bus routes served districts ranging from Tsim Sha Tsui, Mong Kok, Sham Shui Po to Mei Foo, Tseung Kwan O and Tsing Yi.

Traffic Impact

134. The Chairman asked the representatives of TD and HKPF to explain their views and concerns about the application. Mr T.C. Leung, Engineer of TD, said that the swept path analysis had shown that theoretically, there would be sufficient manoeuvre space for each school bus to get into the respective lay-by. However, if a few school buses were to arrive at the Site at the same time, some buses might have to queue up outside the Site.

135. Mr K.F. Chan, Senior Inspector of HKPF, said that their concerns were mainly on the impact of the proposed kindergarten on the existing poor traffic conditions in Kowloon Tong. Parent would often park illegally for dropping off/picking up within Kowloon Tong, and illegal parking on Kent Road could cause disruption to Cornwall Street and Waterloo Road. The swept path showed that the school buses could only be parked inside the spaces after some manoeuvring. If the school buses were to arrive at almost the same time, there would not be enough manoeuvring space within the Site. As for the proposed staggered hours, parents might arrive earlier during the rush hour to drop off their kids before the official school hour at 9:30am. They were concerned about the potential traffic impacts as it would require more public resources to manage the traffic in the locality.

136. Mr William Leung, traffic management consultant of the applicant, said that he had been in HKPF for 34 years before retirement and he had 16 years of the experience with traffic management. He was the Chief Inspector in the Traffic Kowloon West Section of HKPF between 2005 to 2008, which post supervised Mr K.F. Chan's post. He had reviewed the applicant's proposal and considered it acceptable from traffic perspective. Kowloon Tong was one of the areas requiring regular patrol. To avoid disruption to traffic on Waterloo Road, it was necessary to

ensure that there was no congestion at the junctions of Cornwall Street/Kent Road and To Fuk Road/Norfolk Road as well as the interchange near the MTR Kowloon Tong station. He often patrolled the area in the vicinity of the Site when he was still in HKPF and there was no traffic congestion at the junction, although there might be illegal parking on Kent Road. As such, traffic patrol of the area was only undertaken by the local district traffic teams (DTT). He had conducted a survey a week ago in the area and no traffic congestion was observed in the locality, this was similar to the traffic conditions a few years ago when he patrolled the area when he was still in HKPF.

137. The Chairman said that the Board would be concerned about the current views of HKPF on the application and Mr William Leung's experience in HKPF was of the past and might not be up-dated. The Chairman expressed the hope that Mr William Leung's presentation would not exert pressure on the HKPF's representative present at the meeting. Mr K.F. Chan said that Mr William Leung had retired and had not been his supervisor in the HKPF. He assured the Board that he was not under any pressure from Mr Leung. Mr K.F. Chan said that it was normal practice for traffic patrol of local streets, such as Kent Road, to be undertaken by DTT of HKPF. Deployment of DTT also required public resources. Traffic congestion was a major problem in Kowloon Tong and there was on average more than 1,000 complaints per year during the am/pm peaks. DTT would regularly undertake patrolling against illegal parking in the area so that there would be no major impact on the strategic roads, such as Waterloo Road.

138. Ms Bernadette H.H. Linn, D of Lands, asked TD and HKPF to clarify their stance as to whether they considered that the proposed traffic mitigation measures were not adequate to address the potential traffic impact or whether they only had doubts on whether the mitigation measures could be implemented effectively. Mr T.C. Leung said that TD's view was that the proposed measures were theoretically sufficient to mitigate potential traffic impacts. Nevertheless, there was no professional knowledge involved to guess whether the applicant would genuinely and effectively implement the proposed measures and so TD was not in position to make such guess.

139. Mr K.F. Chan said that from the Police's perspective, they considered that staggered school hours might not be adequate to address the potential traffic impacts, as working parents might choose to drive/take taxi to drop off their students during the peak hour. For the school bus only policy, their concern was on whether it could be effectively implemented. Mr Li Hon Hung said that parents would normally only be allowed to drop off their kids 20 to 30 minutes before school started. Hence, if the school was to start at 9:30am, parents would not be allowed to drop off their kids at say, 8:30am, during the peak hour.

140. Mr Li Hon Hung said that they had already shown videos of the uncongested traffic conditions in the locality and he urged Members to consider the case in a fair manner. Mr Wilson Lee said that the applicant was sincere about implementing the school bus only policy, the requirement would be stipulated in the application form for parents' agreement. Students who violated the policy might be expelled. They had CCTVs and their own traffic patrols to monitor the implementation of both staggered school hours and school bus only policy, and they would submit bi-monthly monitoring report to Government if necessary.

141. Two Members said that if the school buses were not staggered in their arrival time, the school buses would inevitably tail back onto Cornwall Street. In response, Mr Chin Kim Meng said that it was unlikely that all the school buses would arrive at the same time, and even if they did, there was a lay-by area near the run-in at Cornwall Street that would allow for short waiting without disrupting traffic on Cornwall Street. In response to the Chairman's question, Mr Chin Kim Meng further said that the school buses would normally arrive in random manner, depending on traffic conditions, within the 25-minute period before the start of school.

[Mr Roger K.H. Luk left the meeting at this point.]

142. In response to a Members' question, Ms Chu Choi Yin said that when school ended at 4:30pm, their students would leave the school by 4:45pm to 4:50pm, and hence the staggered school hour might not have a major effect on the time students could spend in daylight after school. The Chairman said that according to the time required to despatch the students, under the new school hours, the students

might be leaving school around 5:30pm to 5:45pm and might fall into the pm peak hours. In response, Mr K.F. Chan said that the pm traffic would start around 6:30pm on Waterloo Road, and if the school bus were to head towards Lion Rock Tunnel, it might be just be able to avoid pm peak traffic. However, if the school buses were to head to farther away places like Mei Foo, it would likely run into the pm peak traffic.

143. A Member asked whether HKPF had information about the man hours spent on traffic management in Kowloon Tong. Mr K.F. Chan said that HKPF did not keep such data, but he estimated that every day during both am and pm peaks, a DTT comprising one sergeant, two police constables and about ten traffic wardens would be deployed for about two hours to manage the traffic in Kowloon Tong.

Application for Temporary Use

144. The Chairman asked the applicant why they applied for kindergarten use on a temporary basis and what were their plans after three years. Mr Brian Law said that the applicant applied for temporary kindergarten use in view of a higher chance of obtaining planning approval. The applicant was confident that they would satisfy the Board's requirement for obtaining renewal of the planning permission in future. Mr Li Hon Hung said that the planning approval for the existing Keen Mind Kindergarten at 13 Cumberland Road was a permanent approval. They only applied for planning permission on a temporary basis upon the advice of their consultant that there would be a slim chance of obtaining planning permission for permanent school use in Kowloon Tong.

145. Ms Bernedette H.H. Linn said that given the long lead time required for obtaining various approvals for the proposed kindergarten, application on a temporary basis for a period of 3 years might be unrealistic. Mr Li Hon Hung reiterated that they did not wish to apply for temporary kindergarten use but given the past records of planning approvals, they had no choice but to apply for temporary use.

146. The Chairman said that even if planning permission was granted, it might be revoked if planning conditions were not fulfilled. In such circumstances, he asked what the arrangement would be for the students. Mr Li Hon Hung said that

there were other schools being operated and planned in other districts by the same school operator which would have the capacity to accommodate the displaced students.

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

Deliberation

148. The Chairman asked Members to deliberate on the review application, taking account of the written submission and presentations at the hearing. The Chairman said that the main concern was the potential traffic impact of the proposed kindergarten. He asked Members to consider whether the applicant had provided sufficient assurance that the proposed measures would be adequate to mitigate traffic impacts taking into account concerns raised by TD and HKPF.

149. The Vice-chairman said that the review application should not be approved. In particular, HKPF seemed to be very concerned about any potential increase in traffic in Kowloon Tong. There were doubts on whether all the school buses would be able to manoeuvre within the Site without causing disturbance to traffic on Cornwall Street. It was also not uncommon for students from different districts in Hong Kong to study in a kindergarten in Kowloon Tong, and hence, whether the school would be able to select students only from districts that would be served by the school buses was doubtful.

150. Another Member also considered that the review application should be rejected as the applicant had not provided sufficient assurance that the proposed kindergarten would not create potential traffic impacts. The applicant had not clarified whether students being dropped off on the nearby streets by private cars and

walked to the school would be counted as walking to the school.

151. A Member said that there was no strong objection to the review application as there was a real need for more kindergarten places, and TD had not raised doubts on the proposed mitigation measures and HKPF's objection seemed to be based on unsubstantiated speculation rather than concrete evidence. According to the Member's personal experience, the traffic in that area was not too congested around 9:30am.

152. A Member said that the review application should be rejected. It was noted that TD considered that if the proposed mitigation measures could be effectively implemented, there might not be significant traffic impact. However, some of the information provided by the applicant was unclear, for example, the percentage of students taking school bus or walking to school. By staggering the school hours into the later evening time might shift the traffic problem to the pm peak. The Chairman said that some points presented by the school were doubtful, such as the traffic consultant's claim that staff of the kindergarten could not afford to drive to work.

153. In conclusion, whilst noting the efforts made by the applicant, Members still had doubts about the potential traffic impact of the proposed kindergarden. Members agreed that the application did not comply with TPB PG-No. 23B and should be rejected.

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

- “ (a) the proposed development at the junction of Kent Road and Cornwall Street and near Kowloon Tong MTR Station with busy traffic cannot comply with the TPB PG-No. 23A in that possible adverse traffic impacts on local roads are

anticipated and there are uncertainties on the effectiveness of the proposed traffic mitigation measures to mitigate the impacts; and

- (b) the traffic congestion problem in the area is already serious. The approval of the application will set an undesirable precedent for similar applications in the area. The cumulative effect of approving such similar applications will aggravate the traffic congestion of the Kowloon Tong area.”

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 10

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-NSW/226

Temporary Container Tractors/Trailers Park for a Period of 3 Years in “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” Zone, Lots 1212 S.D RP (Part) and 1212 S.D Encroached Area (Part) in D.D. 115, Nam Sang Wai, Yuen Long

(TPB Paper No. 9587)

[The meeting was conducted in Cantonese.]

155. Ms Maggie M.Y. Chin, District Planning Officer/Fanling, Sheung Shui and Yuen Long East (DPO/FS&YLE), Planning Department (PlanD) and the applicant’s representative, Mr Ip Kam Kwan were invited to the meeting at this point.

156. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited Ms Maggie M.Y. Chin, DPO/FS&YLE, to brief Members on the review application.

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

Background

- (a) the applicant sought planning permission to use the application site (the Site) for temporary container tractors/trailers park for a period of 3 years. The Site fell within an area zoned “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”) on the approved Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/8 at the time of the application and currently in force;
- (b) on 17.1.2014, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) rejected the application and the reasons were that it was not in line with the planning intention of the “OU(CDWRA)” zone and the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No. 13E); there were adverse environmental and landscape impacts on the surrounding areas; and approval of the application would create undesirable precedent;
- (c) on 19.2.2014, the applicant applied for a review of RNTPC’s decision to reject the application. The applicant had not submitted any written representation in support of the review.

The Site

- (d) the Site, with an area of 7,680m², was currently used for the applied use without valid planning permission. There were 5 structures (including 3 converted containers for storage and site offices and 2 porches for storage), 43 parking spaces for container tractors/trailers

and 2 parking spaces for private cars for staff/visitors on the Site. According to a site visit conducted in February 2014, the Site was being used for the applied use with an intensification of the use as there were 4 additional converted containers for storages and site offices in the northern portion of the Site;

- (e) the proposed operation hours of the container vehicle park were between 9:00am to 6:00pm from Monday to Saturday and there would be no operation on Sunday and public holiday;
- (f) the Hong Kong School of Motoring was located to the North of The Site; to the east and south of the Site were a pond, Kam Tin River, vacant land, Shan Pui Hung Ting Tsuen and The Parcville; to the south west were vacant land, a pond, a private car park and a container trailer/tractors park (Applications No. A/YL-NSW/220 and 221); to its further south west was the Tung Tau Industrial Area (TTIA) in which a strip of land at the western and northern edges was zoned “Residential (Group E)” on the Yuen Long OZP;
- (g) the Site fell within the Wetland Buffer Area (WBA) under Town Planning Board Guidelines No 12B for ‘Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 12B) where application for new open storage or port back-up uses, whether temporary or permanent, would normally not be allowed;
- (h) the Site fell with Category 3 areas under TPB PG-No. 13E and applications would normally not be favourably considered unless the applications were on sites with previous planning approvals and subject to no adverse departmental comments and local objections;

Previous Applications

- (i) the Site was the subject of nine previous applications for similar uses.

The first three previous approvals for planning applications (No. A/YL-NSW/56, 85 and 109) were granted between 1999 and 2001, each for 1 year, with a view to monitoring the situation;

- (j) the Parcville, a nearby private residential development of about 1,600 flats, was completed in April 2002. As there were changes in planning circumstances, the subsequent six applications (No. A/YL-NSW/118, 123, 126, 135, 142 and 163) were rejected by RNTPC/the Board upon review between 2002 and 2005. The main reason was that there was insufficient information in the submission to demonstrate that the development would not have adverse environmental/traffic/drainage/landscaping impacts on the surrounding areas;
- (k) compared with the last application (No. A/YL-NSW/163), the current application was submitted by a different applicant for similar use on a smaller site;

Similar Applications

- (l) there were 14 similar applications. There was one similar application (No. A/YL-NSW/189) to the immediate southwest of the Site for temporary container tractors/trailers park rejected by the Board upon review on 30.4.2010;
- (m) to the further southwest was a site with 13 similar applications all for lorry and container vehicle park and/or open storage of containers and lorries since 1997. Four applications (No. A/YL-NSW/35, 82, 99, 114) were approved for one year each. After completion of the Parcville in 2002, three applications (No. A/YL-NSW/81, 117 and 125) were rejected as there were insufficient information to demonstrate the development would not have adverse impacts on the surrounding areas. On 31.7.2007, the Town Planning Appeal Board approved the application No. A/YL-NSW/147 for temporary

container tractors/trailers park for two years. Thereafter, five renewal applications (No. A/YL-NSW/191, 201, 211, 214 and 221) were approved between 2009 and 2013 all for one year each;

Departmental Comments

- (n) comments from relevant government departments were summarised in Section 4 of the Paper and highlighted below:
 - (i) the Director of Environmental Protection (DEP) did not support the application on environmental ground because there were sensitive receivers along the access road and environmental nuisance was expected. The container vehicles of the development travelling to and from the Site would have to route through Chung Yip Road and Tak Yip Street which were close to the nearby residential development, Shan Pui Hung Tin Tsuen and the Parcville; and
 - (ii) the Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L) had reservation on the application as the Site was within the WBA. Tree groups and fish pond were found to the immediate east of the Site and the proposed container tractors/trailers park would likely further degrade the landscape environment and integrity of the WBA. The submitted landscape proposal was considered not acceptable; and
 - (iii) other government departments had no adverse comment on or no objection to the planning application;

Public Comments

- (o) at the section 16 stage, three public comments submitted San Tin Rural Committee, Designing Hong Kong Limited and a member of

the public were received. At the section 17 stage, two public comments submitted by Designing Hong Kong Limited and a member of the public were received. All of the public comments objected to the application;

- (p) the main objecting grounds of the public comments were that the heavy vehicles along Chung Yip Road via Hong Yip Street and an unnamed single lane road would create potential danger to the nearby residents; no environmental assessment had been submitted by the applicant; the proposed uses would adversely affect wetland in the Nam Sang Wai area; and approval of the application would set undesirable precedent for similar applications;

Planning Considerations and Assessment

- (q) PlanD's view – PlanD did not support the review application based on the planning considerations and assessments set out in paragraph 6 of the Paper, which were summarised below:
 - (i) temporary container tractors/trailers park use was not in line with the planning intention of “OU(CDWRA)” zone. The Site was located within the WBA under TPB PG-No. 12B where application for new open storage or port back-up uses, whether temporary or permanent, would normally not be allowed;
 - (ii) the application was not in line with TPB PG-No.13E in that the Site was located within Category 3 areas and there were adverse departmental comments as highlighted above;
 - (iii) the transformation of the “R(E)1” zone in TTIA was now beginning to take place. Two planning applications (No. A/YL/191 and 194) for residential use were approved by the Committee on 21.12.2012 and 11.1.2013 respectively, and one planning application No. A/YL/201 for residential use was

being processed and would be submitted to Committee for consideration in due course. The container vehicles travelling to and from the Site would have to route through Chung Yip Road and Tak Yip Street which were close to these future residential developments;

- (iv) previous and similar applications as highlighted above were rejected by the Board after the Parcville was completed in April 2002. The Hong Kong School of Motoring (application No. A/YL-NSW/209) and the applicant of application No. A/YL-NSW/220 and 221 were advised that further renewal would not be granted in order to avoid undesirable interface with the proposed residential developments in TTIA and to facilitate early implementation of the subject “OU(CDWRA)”; and
- (v) there were five public comments, mainly objecting to the development on adverse traffic safety, environmental and ecological impacts to the surrounding areas.

158. The Chairman then invited the applicant’s representatives to elaborate on the review application. With the aid of some plans and photos, Mr Chan Wing Chuen made the following main points:

Background

- (a) lot 1212 sections A to E (including the Site) were under the same restrictions under the lease for agricultural use;
- (b) since 1924, the owners of Lot 1212 section A and Lot 121 Section D, had relied on the rent from the Site and the adjoining government land they had occupied for a living;
- (c) in 1996, the Hong Kong School of Motoring and Tung Tau

Industrial Area (TTIA) were established in the vicinity of the Site. As there were no container vehicle parking spaces in TTIA, the site owner decided to convert the Site for container vehicle park use;

- (d) in 1997, the Board approved temporary container vehicle park use on the Site and the adjoining government land. In 2000, the owners of Lot 1212 sections A and D and other related persons applied for adverse possession of the government land that they had occupied for more than 60 years (HCA 10670/2000);
- (e) on 16.11.2001, the RNTPC approved container vehicle park on Lot 1212 section D on a temporary basis. However, on 16.2.1002, the planning approval was revoked. On 26.4.2001, the planning approval for temporary car park on Lot 1212 section A was also revoked. However, the planning permission for the Hong Kong School of Motoring had not been revoked and was renewed by the Board on an annual basis. Within the next five years, planning permission for temporary car park uses in Lot 1212 section D were all rejected for reasons that the Site was close to Shan Pui River. However, the Board renewed the planning permission for the School of Motoring on an annual basis;
- (f) in 2007, the owner of Lot 1212 section A lodged an appeal with the Appeal Board Panel (Town Planning) against the Board's decision to reject his application. The main grounds were that PlanD should have treated the planning applications for vehicle park on the Site and that for the School of Motoring on the same basis and rejected both of them as the School of Motoring site was closer to Shan Pui River and domestic dwellings as compared to the Site; there were no complaints from residents of The Parcville, since its occupation in 2002, on the temporary vehicle park use on the Site; and the container vehicle park on the Site would reduce illegal parking and improve traffic conditions in TTIA;

- (g) the Town Planning Appeal Board allowed the appeal and permission for temporary container vehicle park was granted on Lot 1212 section A. Since 2007, the applications for temporary container vehicle park on Lot 1212 section A and applications for the School of Motoring on the adjacent site had been approved and renewed annually;
- (h) in December 2009, the Court dismissed the application for adverse possession of government land adjoining the Site. However, three months after the Court's decision, Yuen Long District Lands Office put up a tender of the concerned government land for container vehicle park and vehicle repair uses for a three-year short term tenancy. The tender was terminated after the site owners lodged legal proceedings against the tender. Nevertheless, the proposed tender confirmed that the proposed vehicle park use was a suitable land use on the Site and was acceptable to all concerned government departments. The Government was unfair to the applicant by rejecting their application;

The Proposed Application

- (i) the Site was located to the north of Yuen Long Industrial Area, south of the Hong Kong School of Motoring, east of a nullah and about 100m west of the village settlement and Lot 1212 section A was located further west. It was further away from Shan Pui River as compared to the School of Motoring site and further away from The Parcville as compared to Lot 1212 section A. Hence, approving the application would not create adverse environmental and traffic impacts and would alleviate demand for container vehicle parking;
- (j) the proposed container vehicle park would not be open to the public, and it would only be used for parking of company vehicles. Many container vehicle park in the Northern district had been converted for storage and logistic uses and there was drastic reduction in container

vehicle park in the Territory;

- (k) the applicant had engaged professionals to prepare the planning application to ensure that traffic, environmental and drainage impacts were adequately addressed. As the Site was more than 100m away from residential dwellings, it complied with the requirements of the relevant guidelines;
- (l) Lot 1212 section D had an area of about 13 ha. In order to reduce any potential impacts on surrounding residential uses and traffic impacts, the applicant only proposed using 8 ha of the Site to provide 43 container vehicle parking spaces;
- (m) during the public consultation period, PlanD received three objections from individuals or organisations who objected to similar applications on a regular basis. The Yuen Long District Council member, Mr Wong Wai Yin, raised objection even though he had not received any objections from people residing in Yuen Long; Designing Hong Kong Limited always objected to applications of similar nature; and the San Tin Rural Committee raised objection but San Tin was over 20 minutes travelling distance from the Site;
- (n) on the contrary, no objection was raised by their immediate neighbours, including residents in The Parcville (with 1,600 units and about 5,000 residents); the villagers living in Chung Hau Tsuen, the Hong Kong School of Motoring, operators in TTIA or the Shap Pat Heung Rural Committee that represented all villages in Yuen Long. The village representative of Shan Pui Tsuen supported the application on grounds that it would improve the illegal parking situation and traffic conditions in the surrounding industrial area (the support letter was shown on the visualiser);
- (o) all government departments, including the Transport Department, Drainage Services Department, Lands Department and Fire Services

Department, had no comment on the application. Only EPD and PlanD objected to the application;

- (p) despite objecting to the application, EPD confirmed that there was no complaint received within the past three years about the existing vehicle park (with 10 odd container vehicles parked) on the Site;
- (q) PlanD objected to the application on grounds that there were changes in the surrounding land uses. However, a container vehicle park at an adjacent site was recently approved and the planning permission for the Hong Kong School of Motoring was recently renewed. This was double standard and unfair;
- (r) given that the Site and the adjacent site with planning approval were similar in size and similar distance away from residential dwellings, the subject application should similarly be approved;
- (s) the applicant agreed to change the applied period from three years to one year and undertook to comply with all approval conditions, including landscaping, to be stipulated by the Board;
- (t) if the application was rejected, the ten odd container vehicles parked on the Site would have to be parked on the streets within the TTIA. Furthermore, if the applicant could not identify another site to park the container vehicles, the company might have to close down. If so, it would affect ten odd container vehicle drivers and their families and some 40 to 50 people would be affected; and
- (u) the Board was urged to approve the application for reasons mentioned above.

159. As the presentation was completed, the Chairman invited questions from Members. A Member said that as the applicant's representative had claimed that the Board had approved other similar applications in the locality and it was unfair to

reject the subject application, whether DPO could provide more information about the similar applications mentioned in the applicant's presentation.

160. In response, Ms Maggie M.Y. Chin provided information on the following planning applications in the vicinity of the Site:

- (a) when considering the renewal application for the Hong Kong School of Motoring in 2011, the Board noted the planning intention of the "OU(CRWA)" zone for restoration of degraded wetlands through comprehensive residential and/or recreational development to include wetland restoration area as well as phasing out of sporadic open storage and port back-up areas and was aware that restructuring was taking place in the vicinity of the Site to advance the planning intention. Hence, the Board had already informed the applicant that it was the last approval which was only to allow time for the relocation of the School of Motoring. The planning permission would only be valid until September 2014;
- (b) a site to the immediate west of the Site was the subject of planning application No. A/YL-NSW/189 for temporary container tractors/trailers park that was rejected by the Board in 2010; and
- (c) a site further southwest had a long planning history and was the subject of 13 similar applications for lorry and container vehicle park and/or open storage of containers and lorries. The application (No. A/YL-NSW/147), on land zoned "Residential (Group D)" at that time, was approved with conditions by the Town Planning Appeal Board for the parking of private car or light vehicles on a temporary basis for a period of 2 years until 28.8.2009. The Town Planning Appeal Board considered that the application should be approved as it was only of temporary nature, the application sites had been previously used for vehicle parking purposes, no drainage problem was caused by the vehicle parking uses, and that departmental concerns could be addressed by imposing planning conditions.

Thereafter, the Board approved all subsequent applications for renewal of the planning permission, at which time the site had been rezoned as “OU(CDWRA)”. In approving the last planning application (No. A/YL-NSW/221), the Board had also informed the applicant that it was the last renewal which was only to allow time for its relocation; and

- (d) with regard to revocation of the last approved application on the Site as mentioned in the applicant’s presentation, the application was revoked due to non-compliance with all of the stipulated approval conditions.

161. The Vice-chairman asked whether the applicant had tried in the past to find a site to relocate the container vehicle park and whether the one year now applied for under the review was to allow time for the relocation. Mr Chan Wing Chuen said that they only realised at the meeting that the Board would not further renew any planning permission for their applied uses and they wished to obtain planning approval of one year to allow time for its relocation arrangement.

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

Deliberation

163. The Chairman asked Members to deliberate on the review application, taking account of the written submission and presentation at the hearing. Noting that the applied use was not in compliance with the planning of the “OU(CDWRA)” zone and the justifications put forth by the Applicant did not warrant departure from the planning intention even on a temporary basis, Members agreed to reject the

application.

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

- “ (a) the development on the site is not in line with the planning intention of the “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”) zone which is intended to phase out existing sporadic open storage and port back-up uses on degraded wetlands and there is no strong planning grounds to justify a departure from the planning intention, even on a temporary basis;
- (b) the approval of the development is not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that there are adverse departmental comments on the environmental and landscape aspects and also objection from local residents;
- (c) the applicant fails to demonstrate that the development would not have adverse environmental 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 “OU(CDWRA)”)” zone. The cumulative effect of approving such application would result in general degradation of the environment of the area.”

[Ms Janice W.M. Lai left the meeting at this point.]

Hong Kong District

Agenda Item 19

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/H25/14

Temporary Shop and Services (Motor-Vehicle Showroom) for a Period of 3 Years in “Open Space” zone, Basement Level B1 of the Car Park Complex, Hong Kong Convention and Exhibition Centre (Phase 1), 1 Harbour Road, Wan Chai, Hong Kong (TPB Paper No. 9636)

[The meeting was conducted in Cantonese.]

165. The following Members had declared interests on the item:

- Mr Dominic K.K. Lam - having current business dealings with New World and Kenneth To and Associates Ltd. (KTA). The application was submitted by The Automall Limited, which was a subsidiary of New World Development Company Limited (New World) and KTA was one of the consultants for the application
- Mr Ivan C.S. Fu - having current business dealings with New World
- Mr Patrick H.T. Lau - having current business dealings with KTA
- Ms Julia M.K. Lau - owning properties in Star Street
- Mr Laurence L.J. Li - co-owning a property at St Francis Street
- Mr Clarence W.C. Leung - co-owning a property in Queen’s Road East
- Mr Stephen H.B. Yau - office locating in Southorn Centre

166. Members considered that the interests of Mr Dominic K.K. Lam and Mr Ivan C.S. Fu were direct and they were invited to leave the meeting temporarily. Members considered that the properties owned by Members who had declared interests and the office of Mr Stephen H.B. Yau were not in the vicinity of the Site and their interests were indirect and agreed that those Members should be allowed to

stay in the meeting. Members noted that other than Ms Julia M.K. Lau, the other Members who had declared interests regarding properties owned or used as office had left the meeting.

[Mr Ivan C.S. Fu left the meeting temporarily and Mr Dominic K.K. Lam left the meeting at this point.]

167. The following representatives from Planning Department (PlanD) and the applicant's representatives were invited to the meeting at this point:

Ms Ginger K.Y. Kiang	-	District Planning Officer/Hong Kong (DPO/HK), PlanD
Miss Josephine Y.M. Lo	-	Senior Town Planner/Hong Kong (STP/HK)
Mr Kenneth L.K. To]	
Mr Michael K. S. Shum]	
Mr Henry C.Y. Au]	
Mr Ryan S.F. Wong]	
Mr Tony W.M. Chui]	
Mr John S.W. Tang]	
Mr Lo Kin Ho]	
Mr Tommy W.M. Chan]	Applicant's Representatives
Ms Summer H.Y. Lam]	
Mr Michael S.C. Chan]	
Mr Yeh Yu Hsuan]	
Mr Raymond L.M. Tong]	
Ms Koi Han]	
Mr Choi Kwok Wai]	
Mr Wan Wai Sing]	
Mr Ng Chi Kwan]	
Mr Tam Kam Wa]	

168. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited Miss Josephine Y.M. Lo (STP/HK) to brief

Members on the review application.

169. With the aid of a Powerpoint presentation, Miss Lo made a presentation and covered the following main points as detailed in the Paper:

Background

- (a) the applicant sought planning permission for temporary shop and services (motor-vehicle showroom) use for a period of 3 years at Basement Level B1 of the Car Park Complex in the Hong Kong Convention and Exhibition Centre (HKCEC) (Phase 1) (the application premises);
- (b) at the time of the submission, the application premises was zoned “Open Space” (“O”) on the draft Wan Chai North Outline Zoning Plan (OZP) No. S/H25/3. The zoning remained unchanged under the current approved OZP No. S/H25/4;
- (c) the application premises, with a floor area of about 8,200m², was used as a temporary motor-vehicle showroom since 2003;
- (d) in the proposed temporary motor-vehicle showroom, the total number of cars to be parked would not exceed 345, and the total number of visitors in the car parking area would not exceed 300. There would also be some space used for sales office. Efforts had been made by the applicant to meet the means of escape and fire service installations requirements under the approval conditions for previous applications;
- (e) on 17.1.2014, the Metro Planning Committee (MPC) of the Town Planning Board (the Board) approved with conditions the application for a period of one year, instead of the three years applied for. The approval conditions (a) to (i) were detailed in paragraph 1.2 of the Paper. The major consideration of the Board was that there might

not be enough car parking spaces in the Wan Chai North area when major events were held in HKCEC. The one year approval period was to allow flexibility for reviewing and, if necessary, timely adjustment of the provision of car parking spaces in the area;

Application for Review

- (f) on 28.2.2014, the applicant applied for a review against the MPC's decision to approve the application for only a period of one year. The justifications put forth by the applicant in support of the review application were highlighted in paragraph 3.1 of the Paper and summarised as follows:
- (i) no strong reasons had been provided as to why an approval period of one year was granted by MPC, despite that both the Transport Department (TD) and Secretary of Commerce and Economic Development (SCED) had recommended an approval period of two years;
 - (ii) such short approval period would seriously defeat the operational viability of the motor-vehicle showroom and would affect the livelihood of the operators; and
 - (iii) there were hardly any changes in the planning circumstances in one year whilst the permission would need to be renewed every eight months, and that would create unnecessary workload for both the applicant, government departments and the Board;

Departmental Comments

- (g) Comments from relevant government departments were summarised in paragraph 5 of the Paper and highlighted below:

- (i) the District Lands Office/Hong Kong East Lands Department (DLO/HKE, LandsD) indicated that 670 car parking spaces should be made available for short-term public parking under the lease. The existing car park was subject to a temporary waiver for the purpose of display and sale of motor vehicles;
- (ii) the Commissioner for Transport, TD (C for T, TD) had no objection in principle to the application. According to the applicant's parking demand survey conducted after the closure of the cars parks at Harbour Road Sports Centre and China Resources Buildings, vacant car parking spaces were still available at HKCEC and the adjacent car parks with or without major events being held at HKCEC. The approval period should be limited to two years to allow for flexibility for reviewing the car parking provision in the vicinity. The Development, Planning and Transport Committee (DPTC) of Wan Chai District Council had expressed concerns on the illegal parking of coaches near the Bauhinia Square, and HKCEC and TD had followed up the issue with the DPTC members;
- (iii) SCED had no in-principle objection to the application. They understood from stakeholders that there were vehicles queuing outside HKCEC when major events were being held in HKCEC and the car parks nearby were full during certain peak periods. They agreed with TD that the period of approval should be limited to two years;
- (iv) other government departments had no adverse comment on or no objection to the planning application;

Public Comments on Review Application

- (h) there were four public comments received at the section 16 stage, three of them supported the application and one expressed concerns

on the adverse traffic impact created and limited parking spaces for coaches in the area near HKCEC;

- (i) there were two public comments received on the review, one supporting and one objecting the review application:
 - (i) the public comment submitted by a Wan Chai District Council member supported the review application on the grounds that the car park at HKCEC had a high vacancy rate and an approval period of one year would affect the investment plan of the motor-vehicle showroom and hence the livelihood of the employees thereat and other related businesses; and
 - (ii) the public comment submitted by Shui On Centre Property Management Limited on behalf of the tenants/owners of Shui On Centre objected to the review application on traffic grounds;

Planning Considerations and Assessments

- (j) PlanD's view - PlanD did not support the review application based on the planning considerations and assessments set out in paragraph 7 of the Paper. In summary, the approval period of one year was imposed to enable close monitoring and better control of the supply of and demand for car parking spaces at HKCEC and its vicinity; there were concerns about insufficient provision of car parking spaces in the area on major event days; and the applicant could apply for temporary motor-vehicle showroom again upon expiry of the application permission, if the car parking condition was adequate in the Wan Chai North area.

170. The Chairman then invited the applicant's representatives to elaborate on the review application. Mr Kenneth L.K. To, the applicant's planning consultant,

made the following main points:

- (a) the applicant applied for review of the one-year approval period as renewal of the planning permission on an annual basis would impose severe hardship on the operation of the second-hand motor-vehicle showroom;
- (b) the sale of second-hand cars had a low turn-over rate. The operators had to physically acquire the second-hand cars and display them for inspection of customers. The second-hand cars would normally have to be displayed for some three to six months before they were sold off. With such low turn-over, motor-vehicle showroom could not afford to operate in commercial space in ground floor shops or shopping centres;
- (c) they could only resort to rent spaces within car parks with excessive spaces to operate. In fact, the application premises was the only second-hand motor-vehicle showroom that was operating legally on Hong Kong Island;
- (d) the applicant was not a subsidiary company of New World. The applicant was a tenant who rented the car parking spaces from New World. The car parking spaces were sub-let to various small operators who would take up ten odd spaces each; and
- (e) if the planning permission had to be renewed every year, the operators would have to substantially reduce their stock two or three months before the end of each approval period to avoid substantial financial loss in the event that renewal was not granted by the Board. Due to the same uncertainties, they would stock up less cars during the beginning one or two months of each approval period. As such, an one-year approval would stifle their operation for a few months in every one-year approval period and would severely affect viability of their business.

171. Mr Michael K.S. Shum continued with the presentation and made the following main points:

- (a) he was one of the operators in the second-hand motor-vehicle showroom. Under the one-year approval, they would need to apply for renewal of their application around August this year. Despite that August was peak season in their business, they would not dare to acquire too many cars due to uncertainties about the renewal;
- (b) according to data released by the Government in March 2014, there was a drop of 1.3% in retail sales in the Territory. Hong Kong would be reaching the trough of a downward economic cycle this year. The subject second-hand motor-vehicle showroom had a record-low sale in the past two months and, in fact, their sales had dropped by more than 50% as compared to the same period last year;
- (c) the subject motor-vehicle showroom had operated on the application premises for 11 years and they offered good credible services to customers and it was the only legally operated second-hand motor-vehicle showroom on Hong Kong Island. It would be a pity if they had to close down and it would affect some 1,000 people working in their showrooms as well as the related business (such as car beauty, car maintenance, bank, insurance etc.). The one-year approval period would also affect morale of their staff;
- (d) due to the poor economic environment, they had to keep stock for a much longer period of three to six months now. The short renewal period and uncertainties of continuing the business would affect their financing with the banks;
- (e) TD had prepared a comprehensive traffic survey in the Wan Chai North area and they had no in-principle objection to approving the application for two years. The grounds that PlanD held for not

agreeing to approve the application for a longer period of time was unsubstantiated and was not based on a clear understanding of the existing conditions in the area; and

- (f) the Board was asked to agree to their review and grant planning permission for two years or even a longer period so as to provide more certainties to their operation.

[Mr Peter K.T. Yuen and Mr C.W. Tse left the meeting temporarily and Mr F.C. Chan left the meeting at this point.]

172. As the presentation was completed, the Chairman invited questions from Members. The Vice-chairman said that from the planning perspective, the primary use of the application premises was for car parking for the HKCEC. The vacancy rates provided in the applicant's traffic report showed that sometimes there were very low vacancy rates (say only between 17 to 34 spaces). It appeared that there might be insufficient buffer to cater for the car parking demand during major events. He asked whether the applicant had considered reducing the scale of the proposed motor-vehicle showroom, so that more car parking spaces might be available during high demand periods.

173. Mr Kenneth L.K. To, the applicant's planning consultant, said that according to their detailed checking, on some days when there was low vacancy rate, the car park had reserved some spaces that were not made available for public rental. TD had already taken the above into account when accepting approval of the subject application for a further two years. TD had already indicated that for the next application, the applicant had to consider reducing the car parking spaces applied for, which might be in the range of about 300 spaces, to allow more buffer for high demand periods.

174. Ms Bernadette H.H. Linn said that both TD and SCED had indicated no in-principle objection to approving the application for a two year period, and she asked DPO/HK to elaborate on their considerations for recommending approval of only one year. Ms Ginger K.Y. Kiang, DPO/HK, said that the primary use of the

application premises was to provide public car parking spaces for users of the HKCEC. The applied motor-vehicle showroom use should only be permitted if there were surplus car parking spaces. However, SCED had conveyed comments from stakeholders indicating that there were vehicles queuing outside HKCEC during major events. Therefore, PlanD recommended that MPC approve the application for only one year so that TD could closely monitor the situation. In parallel, TD had been requested to review and closely monitor the supply of and demand for car parking spaces in the area and this might provide a clearer picture when considering any renewal applications.

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

Deliberation

176. The Chairman asked Members to deliberate on the review application, taking account of the written submission and presentation at the hearing. A Member indicated strong objection to approving the application for more than one year due to the lack of public car parking spaces in the Wan Chai North area. From the personal experience of the Member, the available public car parking spaces in the area had been gradually reduced, the parking spaces at the Harbour Road Sports Ground was closed and car parking spaces were not available at the China Resources Building. The car parking spaces at Harbour Centre and Great Eagle Centre were often full by around noon time. The situation would likely be worst off during major events.

177. Another Member considered that the application should be approved for a two-year period as TD had no objection to approving the application for two years and it seemed that PlanD's reasons for recommending approval of the application for one year were based on comments of stakeholders conveyed by SCED that there were vehicles queuing outside HKCEC during major events without any concrete evidence

to support.

178. A Member considered that the application should not be approved and one-year approval period was appropriate to allow for close monitoring of the car parking situation in the area. Furthermore, the applicant had not provided any strong grounds to support the review. The Chairman said that approval of the application on a temporary basis for two years was also for monitoring the traffic situation, otherwise, a permanent approval could have been granted.

179. The Vice-chairman said that he had no strong views on whether the application should be approved for one or two years. From his personal experience, it was not difficult to find a car parking space in the area. Nevertheless, the vacancy rate was low on occasions and the applicant should be advised to re-consider the scale of its operation in the future renewal applications so that more car parking spaces would be available for the public when visiting HKCEC at the peak periods.

180. In response to the Chairman's question, the Secretary said that as compared to the previous applications, there were new circumstances including the on-going construction of the Shatin-Central Link (SCL) as well as temporary closure of some car parks in the area. Members might wish to consider whether those new circumstances would warrant approval of the application for a shorter period of time.

181. Ms Bernadette H.H. Linn, D of Lands, considered that the application should be approved for two years taking into account the views of TD and SCED. TD had indicated no in-principle objection to a two-year approval, after taking into account temporary closure of some car parks in the area as well as construction of the SCL. Also, SCED also had no in-principle objection to a two-year approval.

182. Another Member said that the car park at the application premises was planned for HKCEC and priority should be given to serve this primary use. At the time when the Board approved the previous applications, the utilisation rate of the subject car park was lower.

183. As there were divided views, the Chairman recommended that Members

cast a vote. After voting, there was a clear majority view in support of approving the application for a period of two years. Members agreed that the main consideration for approving the application was that TD and SCED had re-affirmed at the review stage that they had no objection to approving the application for a two-year period. In addition, the applicant should be advised to reduce the scale of its operation in future renewal applications.

184. Members decided to approve the application on a temporary basis for a period of two years until 16.5.2016, on the terms of the application as submitted to the Town Planning Board. Members then went through the approval conditions and advisory clauses as stated in paragraph 8.2 of the Paper and considered that they were appropriate. The approval conditions were:

- “ (a) no motor shows or car fairs or any related events should be undertaken at the application premises;
- (b) the number of cars to be parked at the car parking area of the application premises shall not exceed 345 at any time;
- (c) the number of visitors allowed at the car parking area of the application premises shall not exceed 300 at any time;
- (d) to employ an independent professional to monitor the mechanical monitoring system to control the number of visitors to the car parking area of the application premises and prepare monitoring reports on a monthly basis;
- (e) to employ an Authorised Person to conduct audit checks on the monitoring system and the monitoring reports on the number of visitors to the car parking area of the application premises on a bi-monthly basis;
- (f) in relation to (e) above, to submit the audit reports every two

months highlighting any non-compliance on the number of visitors to the car parking area of the application premises to the satisfaction of the Director of Buildings or of the Town Planning Board;

(g) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board; and

(h) if any of the above planning conditions (a) to (g) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.”

185. The Board also agreed to advise the applicant on the following:

“ (a) to note D of FS’s comments that detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and

(b) to note the DEP’s comments that the operator should switch on vehicle engines only when necessary and switch off the engines immediate after use to minimise air pollutants in the proposed motor-vehicle showroom, and make reference to the Practice Note on “Control of Air Pollution in Car Park” (ProPECC No. 2/96).”

186. In addition, the Board agreed to advise the applicant that the scale of the motor-vehicle showroom should be reduced in the future renewal application so that more car parking spaces would be available for the public when visiting HKCEC during the peak periods.

Sai Kung and Islands District

Agenda Item 20

[Open Meeting]

Preliminary Consideration of the Draft Luk Wu and Keung Shan Outline Zoning Plan
No. S/I-LWKS/B
(TPB Paper No. 9593)

[The meeting was conducted in Cantonese.]

187. Mr Ivan M.K. Chung, District Planning Officer/Sai Kung and Islands, Planning Department (DPO/SKIs, PlanD), was invited to the meeting at this point. The Chairman extended a welcome and invited Mr Ivan M.K. Chung to present the Paper. Members noted the replacement page for the Paper being tabled at the meeting.

188. With the aid of a powerpoint presentation, Mr Chung made a presentation covering the following main points as detailed in the Paper:

Purpose

- (a) to seek Members' agreement to the draft Luk Wu and Keung Shan Outline Zoning Plan (OZP) No. S/I-LWKS/B that it was suitable for submission to the Islands District Council (IsDC) and the Tai O Rural Committee (TORC) for consideration;

Background

- (b) on 2.9.2011, the draft Luk Wu and Keung Shan Development Permission Area (DPA) Plan No. DPA/I-LWKS/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the exhibition periods of the DPA Plan

and the representations, 451 representations and 3 comments on the representations were received. On 9.3.2012, after giving consideration to the representations, the Town Planning Board (the Board) decided not to uphold them;

- (c) on 5.6.2012, the Chief Executive in Council approved the draft Luk Wu and Keung Shan DPA Plan which was subsequently renumbered as DPA/I-LWKS/2;
- (d) the Luk Wu and Keung Shan DPA Plan was effective only for a period of three years until 2.9.2014. An OZP had to be prepared to replace the DPA Plan in order to maintain statutory planning control over the Luk Wu and Keung Shan area (the Area) upon expiry of the DPA Plan;
- (e) on 14.3.2014, under the power delegated by the Chief Executive, the Secretary for Development directed the Board, under section 3(1)(a) of the Ordinance, to prepare an OZP to cover the Area;

Strategic Planning Context

- (f) the Area was on Lantau Island to the east of Tai O and to the southwest of Ngong Ping, and accessible by vehicles via Sham Wat Road, Tai O Road and Keung Shan Road. The Lantau North and Lantau South Country Parks embraced the Area;
- (g) with reference to the Revised Concept Plan for Lantau promulgated in 2007, the Luk Wu and Keung Shan area was identified as Landscape Protection Area and was a valley with dense vegetation surrounded by high landscape valued hillsides in Lantau North and Lantau South Country Parks. The Area was also recognized as a religious node in the northwest upland of Lantau Island;

- (h) given the natural environment with high landscape value and that most of the area was inaccessible due to the lack of vehicular access, the planning framework for the Area should fundamentally be for preservation of the natural environment and rural landscape. No large-scale development should be introduced in order to minimize encroachment onto the natural environment. Suitable land would be reserved for the need for Small House development;

Issues Arising from Consideration of the DPA Plan

- (i) since the gazettal of the draft DPA Plan on 2.9.2011, there had been no planning application for Small House/New Territories Exempted House (NTEH) development in the three recognized villages, Luk Wu, Upper and Lower Keung Shan. There was no outstanding Small House application and no Small House granted in the last 10 years in the three villages;
- (j) as advised by the District Lands Officer/Islands, Lands Department (DLO/Is, LandsD), Small House demand in the next 10 years was 0, 5 and 17 in Luk Wu Village, Upper Keung Shan Village and Lower Keung Shan Village respectively;
- (k) during the exhibition period of the gazettal of the draft DPA Plan, a total of 451 representations were received. The major land use comments raised by the representers were recapitulated below:
 - (i) there were concerns on commercial columbarium development or abuse of “Religious Institution” use as commercial columbarium in the Area would affect the natural environment and the tranquil and religious character of the Area;
 - (ii) the representers objected to giving ‘Existing Use’ (‘EU’) status

to the columbarium use in Yin Hing Monastery and suggested confining the coverage of 'EU' for Yin Hing Monastery as temple, not a temple cum columbarium, and prohibiting commercial columbarium activities to comply with the general planning intention for the Area;

- (iii) future development should be compatible with the special religious and spiritual character of the Area;
- (iv) 'Religious Institution' use should be removed from "Village Type Development" ("V") zone to avoid the conversion of religious institution to columbarium development;
- (v) the Area should be zoned "Conservation Area" ("CA"). The conservation zonings should adopt an area-based approach and not just focus on individual buildings but on the use of the area. 'Religious Institution' use should not be included in "CA" zone;
- (vi) to conserve the natural environment including the natural stream courses, the cultural heritage and unique religious character in Luk Wu and Keung Shan. A 20m to 30m buffer area from natural streams should be provided to protect the streams and their natural habitat;
- (vii) there were many incompatible uses under "Government, Institution or Community" ("G/IC"), "Open Space" ("O") and "Green Belt" ("GB") zones. Ecologically sensitive area should be incorporated into country parks;
- (viii) the Area should be zoned as "Religious Meditation and Practice Use" to maintain its long tradition of spiritual practice; and

- (ix) TORC requested that sufficient land be reserved for Small House development. However, other representers opined that the “V” zones of 0.41 ha should not be further enlarged. Some even suggested rezoning the land from “V” to “CA” in view of the natural environment, special religious character and tranquil ambience of the Area;

- (l) on 9.3.2012, while the Board decided not to propose any amendment to the draft DPA Plan to meet the representations, it was agreed that land use zonings would be worked out during the OZP stage taking account of the representers’ proposals;

The Planning Scheme Area of the draft OZP

- (m) the character and land uses in the Area were highlighted in section 7 of the Paper and summarised below:
 - (i) the Area, about 167 ha, was a valley surrounded by mountain ranges with Sze Shan in the north, Kwun Yam Shan in the southeast and the upland of Keung Shan in the south, and was completely encircled by Lantau North Country Park in the north and west and Lantau South Country Park in the south and east;

 - (ii) according to the 2011 Census, the total population of the Area was 100 persons. It was expected that the planned population of the Area would be about 250;

 - (iii) the Area had a rural and natural setting with religious and tranquil character which was unique in Hong Kong. The Area had a high landscape value which complemented the overall natural setting and the landscape beauty of the surrounding Lantau North and Lantau South Country Parks;

- (iv) three recognized villages, namely, Luk Wu, Upper Keung Shan and Lower Keung Shan were located in the Area;
- (v) major groups of development including temples/monasteries/nunneries and village houses were located around Luk Wu and Upper Keung Shan, northwest of Lower Keung Shan, and near Cheung Ting and Hang Pui;
- (vi) the Area had been inhabited by the religious communities for a long period. Many temples, monasteries and nunneries had been established in the Area since the early half of the last century, filling up the Area with a spiritual and tranquil atmosphere; and
- (vii) there were some columbaria in the Area, namely Yin Hing Monastery, Ling Yan Monastery, Lok Sang Lin She and Wai Shau Yuen;

Land Use Considerations and the Draft OZP

- (n) based on the land use planning considerations in paragraph 9 of the Paper, the following land use zonings were proposed on the draft OZP as highlighted in paragraph 11 of the Paper and summarised below:

“Residential (Group C)” (“R(C)”) (0.10 ha)

- (i) an existing villa development, namely ‘Glen Eagle’ under building lot for non-industrial use, a residential development to the southwest of Luk Wu area under building lot for private residential use and two residential developments to the north of Ngau Kwo Tin at the southwestern part of the Area under

building lots for non-industrial uses were under this zoning;

- (ii) to conserve the existing character and intensity of the residential development so as to blend in well with the surrounding natural environment and not to adversely affect the limited infrastructure in the Area, development in this zone was subject to a maximum plot ratio of 0.4, site coverage of 25% and building height not exceeding 2 storeys (7.62m), or the plot ratio, site coverage and height of the building which was in existence on the date of the first publication of the DPA Plan, whichever was the greater;

“V” (0.85 ha)

- (iii) Luk Wu, Upper Keung Shan and Lower Keung Shan were the recognized villages in the Area. The boundaries of the “V” zones were drawn up around existing village clusters having regard to the village ‘Environs’ (‘VE’), the local topography, water gathering grounds (WGGs), the existing settlement pattern, site characteristics, the approved applications for Small House development, the outstanding Small House applications, as well as the estimated Small House demand. Areas of difficult terrain, dense vegetation, burial grounds, ecologically sensitive areas and stream courses had been avoided where possible;
- (iv) since Luk Wu was now occupied by temples, monasteries, nunneries and accommodations for the monks, nuns and their followers which had formed a religious cluster and there was no existing village cluster in the area, no “V” zone was designated for the village;
- (v) as Upper Keung Shan fell within a WGG, the “V” zone for

this village would cover only the existing village cluster. The Small House demand of this village (5 houses) would be catered for in the “V” zone for Lower Keung Shan Village which covered the existing village developments as well as an expansion area which would be able to accommodate a total of 22 houses (i.e. 5 houses for the Upper Keung Shan Village and 17 houses for the Lower Keung Shan Village);

- (vi) an area located outside ‘VE’ of Lower Keung Shan around Hang Pui for Small House developments was approved by DLO/Is, LandsD in 1981. This area was included under the “V” zone to reflect the committed/existing developments;
- (vii) in order to ensure that any future development or redevelopment within the village would retain the village character, a maximum building height of 3 storeys (8.23 m) or the height of the building(s), whichever was the greater, was imposed under this zoning;

“G/IC” (7.38 ha)

- (viii) the “G/IC” zone covered Government, institution or community (GIC) facilities and public utility, like electricity substation, water pump house, fresh water tank, fresh/raw water break pressure tanks, refuse collection point and public toilets, serving mainly the community in Luk Wu and Keung Shan. AFCD’s Keung Shan Country Park Management Centre was also under the “G/IC” zone;

“G/IC(1)” (5.19 ha)

- (ix) the planning intention of the “G/IC(1)” sub-zone mainly covered the existing religious uses and only selected GIC

facilities were permitted in this sub-zone. A number of monasteries/temples and religious uses scattered to the north of Luk Wu, southwest of Lower Keung Shan, and south and east of Upper Keung Shan area were under this zoning to better reflect their existing uses;

- (x) the religious uses had been established in the early half of the last century and formed religious communities and clusters in the Area. The areas around Luk Wu and Upper Keung Shan were located within WGGs, and there would be strict control on any new development in this zone to protect the water quality of the area;
- (xi) since the existing religious buildings had been existing in the Area for a long time, they would be reflected/tolerated under the “G/IC(1)” sub-zone and minor alteration or redevelopment of the religious building by a building with the same building bulk and for the same use as the existing building was always permitted. However, any new development for ‘Religious Institution’ use should be subject to planning permission by the Board under section 16 of the Ordinance to minimize the potential water quality impact on the streams and the water catchment;

“Agriculture” (“AGR”) (12.72ha)

- (xii) fallow arable land with good potential for rehabilitation for cultivation and agricultural land with active/occasional cultivations were under this zoning, and they were mainly found in areas near the religious clusters and village developments within and in the vicinity of the ‘VE’. They were zoned “AGR” for preservation from agricultural point of view;

“Green Belt” (43.01 ha)

- (xiii) the “GB” zone covered the natural vegetated areas which consisted of streamcourse, dense woodlands on some knolls in Keung Shan and relatively disturbed young woodlands that had developed from abandoned agricultural land. Most of the woodland, natural streams and areas adjoining the Lantau North and Lantau South Country Parks were within this zone;
- (xiv) there was a general presumption against development within this zone. Development in this zone would be strictly controlled. Development proposals would be considered by the Board on individual merits taking into account the relevant Town Planning Board Guidelines;

“Country Park” (“CP”) (0.38 ha)

- (xv) this zone comprised part of Keung Shan Catchwater and its service road to the north of Ngau Kwo Tin area and connected with the Lantau South Country Park, which was designated on 20.4.1978 under the Country Parks Ordinance (Cap. 208). All uses and developments within the “CP” required consultation/consent from the Country and Marine Parks Authority. Approval from the Board was not required; and

Public Consultation

- (o) the draft OZP together with its Notes and Explanatory Statement (ES) and the Planning Report had been circulated to the relevant Government bureaux and departments for comments. Comments received had been incorporated into the draft OZP, its Notes and ES

and Planning Report as appropriate.

189. As the presentation was completed, the Chairman invited questions from Members. Members had no question to raise.

190. After deliberation, Members agreed that the draft OZP No. S/I-LWKS/B was suitable for consultation with the IsDC and the TORC. After the consultation, comments from the IsDC and the TORC would be submitted to the Board for further consideration in due course.

191. The Chairman thanked Mr Chung for the presentation and he left the meeting temporarily at his point.

Procedural Matter

Agenda Item 25

[Confidential Item. Closed Meeting]

192. This item was recorded under confidential cover.

Agenda Item 26

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

193. As the Secretary would be retiring and this was the last Board meeting that she would be attending, Members passed a vote of thanks for her dedicated service as the Secretary of the Board in the past years.

194. There being no other business, the meeting was closed at 7:25pm.