

**Minutes of the 1061st Meeting of the
Town Planning Board held on 20.6.2014**

Present

Permanent Secretary for Development
(Planning and Lands)

Chairman

Mr Thomas T.M. Chow

Mr Roger K.H. Luk

Professor S.C. Wong

Professor Eddie C.M. Hui

Mr Clarence W.C. Leung

Mr Laurence L.J. Li

Ms Anita W.T. Ma

Dr W.K. Yau

Ms Bonnie J.Y. Chan

Professor K.C. Chau

Mr H.W. Cheung

Dr Wilton W.T. Fok

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Mr Lincoln L.H. Huang

Mr Dominim K.K. Lam

Mr Patrick H.T. Lau

Ms Christina M. Lee

Mr Stephen H.B. Yau

Mr F.C. Chan

Dr Eugene K.K. 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

Deputy Director of Lands
Mr Jeff Y.T. Lam

Chief Engineer (Works), Home Affairs Department
Mr Frankie W.P. Chou

Director of Planning
Mr K.K. Ling

Deputy Director of Planning/District
Mr Raymond K.W. Lee

Secretary

Absent with Apologies

Mr Stanley Y.F. Wong

Professor P.P. Ho

Ms Julia M.K. Lau

Ms Janice W.M. Lai

Mr H.F. Leung

Mr Frankie W.C. Yeung

Dr C.P. Lau

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

In Attendance

Assistant Director of Planning/Board
Ms Fiona S.Y. Lung

Chief Town Planner/Town Planning Board
Mr J.J. Austin (a.m.)
Mr Louis K.H. Kau (p.m.)

Senior Town Planner/Town Planning Board
Mr T.C. Cheng (a.m.)
Ms Doris S.Y. Ting (p.m)

Agenda Item 1

[Open meeting]

Confirmation of Minutes of the 1060th Meeting held on 6.6.2014

[The meeting was conducted in Cantonese.]

1. The minutes of the 1060th meeting held on 6.6.2014 were confirmed without amendments.

Agenda Item 2

[Open meeting]

Matters Arising

[The meeting was conducted in Cantonese.]

2. The Secretary reported that on 3.6.2014, the Chief Executive in Council (CE in C) approved the following draft plans under section 9(1)(a) of the Town Planning Ordinance (the Ordinance):

- (a) Sha Tau Kok Outline Zoning Plan (OZP) (to be renumbered as S/NE-STK/2);
- (b) Man Kam To OZP (to be renumbered as S/NE-MKT/2); and
- (c) Lin Ma Hang OZP (to be renumbered as S/NE-LMH/2).

3. The approval of the above plans was notified in the Gazette on 13.6.2014.

Agenda Item 3

[Open meeting (Presentation and Question Session only)]

Consideration of Representations and Comments in respect of the Draft South West Kowloon Outline Zoning Plan No. S/K20/29

(TPB Paper No. 9664)

[The hearing was conducted in Cantonese and English.]

Hearing for Group 1 (Representations R1 (Part), R2 to R687, R689 to R2920 (Part), R2921 to R3002, R3004 to R3006 (Part), R3007 to R3068 and R3070 to R3100 and Comments C2 to C4, C15 to C23, C25, C26, C28 (Part), C 29, C31 to C35)

Declaration of Interests

4. As the representations concerned a proposed Home Ownership Scheme (HOS) development by the Housing Department (HD) which was the executive arm of the Hong Kong Housing Authority (HKHA), the following Members had 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
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 current business dealings with HKHA
Mr H.F. Leung]	
Mr K.K. Ling (as Director of Planning)	-	being a member of the Strategic Planning Committee and Building Committee of HKHA

- Mr Jeff Y.T. Lam - being an alternative member for the Director
(as Deputy Director of lands) of Lands who was a member of the HKHA
- Mr. Frankie W.P. Chou - being an alternative member for the Director
(as Chief Engineer (Works), of Home Affairs who was a member of the
Home Affairs Department) Strategic Planning Committee and
Subsidised Housing Committee of HKHA
- Miss Winnie M.W. Wong - being the representative of the Secretary for
(as Principal Assistant Transport and Housing who was a
Secretary (Transport), member of the Strategic Planning
Transport and Housing Committee of HKHA
Bureau)

5. As the interests of the above Members were direct and substantial, Members agreed that they should withdraw from the meeting. Members noted that Mr Stanley Y.F. Wong, Professor P.P. Ho, Ms Julia M.K. Lau, Ms Janice W.M. Lai, Mr H.F. Leung and Miss Winnie M.W. Wong had tendered their apologies for not attending the meeting. Mr Dominic K.K. Lam had not yet arrived to join the meeting.

[Mr K.K. Ling and Mr Jeff Y.T. Lam left the meeting temporarily, and Mr Frankie W.P. Chou left the meeting at this point.]

Presentation and Question Session

6. 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.

7. The following Government representatives, and the representers/commenters or their representatives were invited to the meeting at this point:

- Mr Wilson W.S. Chan - District Planning Officer/Tsuen Wan & West Kowloon (DPO/TWK), Planning Department (PlanD)
- Mr Philip Y.L. Chum - Senior Town Planner/Tsuen Wan and West Kowloon, PlanD
- Miss Zoe S.Y. Lau - Town Planner/Sham Shui Po (1), PlanD
- Ms Rosa P.Y. Au - Senior Executive Officer (Planning) 4, Leisure and Cultural Services Department (LCSD)
- Mrs Connie S.W. Lai - Chief Planning Officer/1, Housing Department (HD)
- Mr Max C.C. Wong - Senior Architect/35, HD
- Mr Rudolf Y.C. Lee - Senior Civil Engineer/3, HD
- Mr Jason C.N. Cheung - Architect/39, HD
- Mr Kenneth C.K. Lai - Geotechnical Engineer/2, HD
- Mr Lo Sing Wun - Planning Officer/26, HD
- Dr Emma Leung - Ove Arup & Partners Hong Kong Limited (Arup)
- R2 – Lam Hang Chit
- Mr Kwan Wai Wah - Representer's Representative

R48 – Lee Lok Yan, Gladys

Ms Lee Lok Yan, Gladys - Representer

R77 – Caleb Woon

Mr Caleb Woon - Representer

R127 – James Kwan

Mr James Kwan - Representer

R207 – Ng Pui Wong, Frances

Ms Ng Pui Wong, Frances - Representer

R213 – Lee Lan Yuen

Ms Lee Lan Yuen - Representer

Mr Wong Man Wai - Representer's Representative

R271 – Chan Shing Ho

Mr Chan Shing Ho - Representer

R339 – Ho Siu Ying, Scarlet

Ms Ho Siu Ying, Scarlet - Representer

R411 – Chung Ho Yin

Mr Chung Ho Yin - Representer

R473 – Rockie Tang

Mr Rockie Tang - Representer

R649 – Ringo Lee

Ms Joyce Lau - Representer's Representative

R654 – Peter Ko

Mr Peter Ko - Representer

R677 – Ma Shek Yung

Mr Ma Shek Yung - Representer

R748 – Ng Siu Ting

Mr Ng Siu Ting - Representer

R991 – Kong Nga Wing, Alison

Ms Kong Nga Wing, Alison - Representer

Mr Tse Tsun Ting, Samuel - Representer's Representative

R1022 – Chang Chor Ki

Ms Chang Chor Ki - Representer

R1143 – 鄭炳鴻

鄭炳鴻先生 - Representer

R1258 – Chan Wing Ching

Ms Chan Ka Lai - Representer's Representative

R1310 – Chan Ka Lai

Mr Chan Ka Lai - Representer

R1316 – Cheung Chiu Sing

Mr Cheung Chiu Sing - Representer

R1530 – Wong Ho Lam, Mitchell

Mr Wong Ho Lam, Mitchell - Representer

Mr Wong Wai Yuen, Monte - Representer's Representative

R1594 – Tang Hau Tung

Ms Miriam Ho - Representer's Representative

R1662 – Mohamed Jubir Sahabudeen

Mr Mohamed Jubir - Representer
Sahabudeen

R2066 – Chan Wing Ki

Mr Lee Shun Hang - Representer and Representers'
Representative

R2129 – Lee Pui Ying, Diane

Ms Lee Pui Ying, Diane - Representer

R2185 – Man Ho Fai

Mr Man Ho Fai - Representer

R2428 – Lee Shun Hang

Mr Lee Shun Hang - Representer

R2587 – Ip Mun Yee, Lisa and Paul Lee Evans

Ms Ip Mun Yee, Lisa) Representers
Mr Paul Lee Evans)

R2752 – Andrik Fernandes

Mr Andrik Fernandes - Representer

R2762 – Wong Hei Laam

Mr Wong Hei Laam - Representer

R2858 – Law Hing Piu, Patrick

Mr Law Hing Piu, Patrick - Representer

R2925 – Lee Tsz Wai

Mr Kwan Wai Wah - Representers' Representative

R2939 – Ma Tsui Wa

Ms Ma Tsui Wa - Representer

R2964 – Yeung Wing Pan

Mr Yeung Wing Pan - Representer

R3006 – Tsze Chi Ho

Mr Tsze Chi Ho - Representer

R3013 – Lau Hing Yip

Mr Lau Hing Yip - Representer

R3031 – Lo Siu Yin

Ms Lo Siu Yin - Representer

Ms Lee Chik Chi - Representer's Representative

R3045 – 吳家豪

吳家豪先生 - Representer

R3054 – Chik Ka Kin, Kenneth

Mr Chik Ka Kin, Kenneth - Representer

R3065 – Anthony Adames

Mr Anthony Adames - Representer

Ms Kelly Chiu - Representer's Representative

R3070 – St Margaret's Co-educational English Secondary & Primary School

Ms Grace Tam) Representer's Representatives

Ms Chan Yee Dack, Julia)

C2 – Li Wai Hung

Mr Li Wai Hung - Commenter

C3 – Tse Hoi Ming

Mr Kwan Wai Wah - Commenter's Representative

C16 – Li Chiyo

Mr Anthony Adames - Commenter's Representative

C20 – Chan Ida

Mr Anthony Adames - Commenter's Representative

C21 – Chan Man Wah

Ms Chan Man Wah - Commenter

C23 – Ho Yin Wah

Ms Ho Yin Wah - Commenter

C25 – Parent-Teacher Association of St Margaret's Co-educational English

Secondary & Primary School

Mr Tsang Wai Yip, Victor) Commenter's Representatives

Mr Eddie Lei)

C26 – Kwan Wai Wah

Mr Kwan Wai Wah - Commenter

Mr Chan Chi Ming, Antonio - Commenter's Representative

C33 – Lo Shuk Ming, Lany

Ms Lo Shuk Ming, Lany) Commenter

Mr Mok Loy Yuen) Commenter's Representatives

C34 – Florence Lo

Mr Kwan Wai Wah) Commenter's Representatives

8. The following representers/representers' representatives who indicated that they would not make an oral presentation were invited to observe the meeting at the public viewing rooms on 14/F and 15/F:

R6 – Steven Wong

Mr Steven Wong - Representer

R59 – Will Lai

Mr Will Lai - Representer

R143 – Pang Kin

Mr Pang Kin - Representer

Ms Suen Yuk Lam - Representer's Representative

R231 – Lam Ka Kin

Mr Lam Ka Kin - Representer

R256 – Chau Hoi Fung, Liam

Mr Chau Hoi Fung, Liam - Representer

R286 – Liu Sum Yuet

Ms Liu Sum Yuet - Representer

Mr Liu Sui Cheong - Representer's Representative

R315 – Johal Nirman Kaur

Mr Johal Nirman Kaur - Representer

R370 – Lau Lee Lee

Ms Lau Lee Lee - Representer

R405 – Lee Yin Fung

Mr Lee Yin Fung - Representer

Mr Kwong Chun To, Kenneth - Representer's Representative

R494 – Yuen Wing Sze

Ms Yuen Wing Sze - Representer

R500 – Chung Wai Ho

Mr Chung Wai Ho - Representer

R575 – Ng Pak Kwan, Pia

Mr Ng Pak Kwan, Pia - Representer

R580 – Mak Long Yin

Mr Mak Long Yin - Representer

R741 – Wong Sara

Ms Wong Sara - Representer

R760 – Liu Wai Lam

Mr Liu Wai Lam - Representer

R762 – Li Ming Yan

Ms Li Ming Yan - Representer

R785 – Chen Wing Hei, Micheline

Ms Chen Wing Hei, Micheline- Representer

R822 – Ngo Ka Yan, Nicole

Ms Ngo Ka Yan, Nicole - Representer

R844 – Cho Nga Lam

Mr Cho Nga Lam - Representer

R846 – Lee Yuen Tsun

Mr Lee Yuen Tsun - Representer

R1104 – Wan Sin Tung

Mr Wan Sin Tung - Representer

R1269 – 曾凱霖

曾凱霖女士 - Representer

R1308 – To Sai Wing

Mr To Sai Wing - Representer

R1653 – 趙汝穎

趙汝穎女士 - Representer

R1921 – Li Yan Hei, Ramona

Mr Li Yan Hei, Ramona - Representer

R1991 – Kam Wong

Mr Kam Wong - Representer

R1992 – May Kwan

Ms May Kwan - Representer

R2062 – Tang Tin Yu, Ashley

Mr Tang Tin Yu, Ashley - Representer

R2168 – Law Siu Wing

Mr Law Siu Wing - Representer

R2271 – Chu Hang King, Sicy

Ms Chu Hang King, Sicy - Representer

R2406 – Ningoo Darpan Siddhant

Mr Ningoo Darpan Siddhant - Representer

R2407 – Ryan Gin

Mr Ryan Gin - Representer

R2591 – Cindy Benecia

Ms Cindy Benecia - Representer

R2780 – Tsang Hoi Yan, Chloe

Ms Tsang Hoi Yan, Chloe - Representer

R2888 – Chan Yuen Kiu

Mr Chan Yuen Kiu - Representer

R2897 – Ying Wing Hei

Ms Ying Wing Hei - Representer

R2909 – To Yan Ying, Yvonne

Ms To Yan Ying, Yvonne - Representer

Mr To Sai Wing - Representer's Representative

R2941 – Chan Wai Nok, Waylon

Mr Chan Wai Nok, Waylon - Representer

Ms Chow Mei - Representer's Representative

9. 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.

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

10. With the aid of a Powerpoint presentation, Mr Philip Chum, STP/TWK, made the following main points as detailed in the Paper:

Background

- (a) on 13.12.2013, the draft South West Kowloon Outline Zoning Plan (OZP) No. S/K20/29 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The amendments to the OZP were mainly to rezone a site at Fat Tseung Street West (the Site) from “Government, Institution or Community” (“G/IC”), “Open Space” (“O”) and an area shown as ‘Road’ to “Residential (Group A) 11” (“R(A)11”) (Item A), and a site at Lin Cheung Road from “Other Specified Uses” (“OU”) annotated “Cargo Working Area, Wholesale Market and Industrial-Office”, “OU (Wholesale Market)”, “OU (Pier)” and an area shown as ‘Road’ to “R(A)12”, “Comprehensive Development Area” (“CDA”), “CDA(2)”, “G/IC”, “O” and an area shown as ‘Road’ (Items B to J);
- (b) during the two-month exhibition period, a total of 3,099 valid representations were received. On 28.2.2014, the representations were published for public comments and in the first 3 weeks of the publication period, a total of 34 valid comments were received;
- (c) on 2.5.2014, the Board agreed to consider the representations in 2 groups. Group 1 (Representations R1 (Part), R2 to R687, R689 to R2920 (Part), R2921 to R3002, R3004 to R3006 (Part), R3007 to R3068 and R3070 to R3100 and Comments C2 to C4, C15 to C23, C25, C26, C28 (Part), C 29, C31 to C35) was related to Item A;

The Zoning Amendment

- (d) the Site (about 0.62ha) was one of those “G/IC” and Government sites identified to be suitable for conversion to residential use to increase the

supply of flats in the short and medium terms. The rezoning of the Site from “G/IC”, “O” and the area shown as ‘Road’ to “R(A)11” with a maximum domestic plot ratio (PR) of 6.5, a maximum non-domestic PR of 1.5 and a maximum building height (BH) of 120mPD was to facilitate Home Ownership Scheme (HOS) development. It was estimated that about 700 HOS flats would be provided;

- (e) to ensure that there would be no net loss of open space and planned GIC facilities in Sham Shui Po (SSP) district, the affected 5-a-side soccer pitch, the planned district library and indoor sports centre would be reprovisioned within the nearby North West Kowloon Reclamation Area (NWKR) Site 6 to the satisfaction of the Leisure and Cultural Services Department (LCSD). A market for wet and/or dry goods with a minimum of 80 stalls would also be provided by HD at NWKR Site 6 to meet the needs of the residents of the proposed public rental housing development and the surrounding community. Concerned Government departments advised that there would be no insurmountable problem for the rezoning of the Site for HOS development from the landuse compatibility, visual, traffic, environmental and infrastructural points of view;

Public Consultation

- (f) before the publication of the draft OZP, the Sham Shui Po District Council (SSPDC) was consulted on the rezoning of the Site on 5.3.2013 and no objection had been raised. The SSPDC urged relevant Government departments to provide the detailed design and findings of various technical assessments of the proposed HOS development once available. From March to November 2013, public comments on the proposed HOS development were received, raising concerns on the landuse compatibility, adverse air ventilation, environmental and traffic impacts on the surrounding areas. HD conducted a community

engagement workshop on 9.7.2013 to collect local and stakeholders' views on the proposed HOS development;

- (g) the public comments collected had been taken into account in the layout design of the proposed HOS development as well as in the formulation of the OZP amendment. On 22.11.2013, the Metro Planning Committee (MPC) considered and agreed to the zoning amendments, having taken into account the public comments collected. On 7.1.2014, an exchange session arranged by the SSP District Office was held amongst St Margaret's Co-educational English Secondary and Primary School (the School), Hon Claudia Mo, SSPDC Chairman and representatives from relevant Government departments including PlanD and HD to address queries on the proposed HOS development;
- (h) SSPDC was consulted on 14.1.2014 on the draft South West Kowloon OZP. While appreciating Government departments' effort in improving the design of the proposed HOS development, SSPDC urged that continuous effort should be made to foster understanding from the School and students that early completion of more public housing was needed to solve the housing problem in Hong Kong, and to minimise the possible impact of the proposed HOS development on the School;

The Representations

- (i) of the 3,097 representations received, eight representations submitted by private individuals supported the rezoning and two representations provided views on the rezoning. The remaining 3,087 representations opposed the rezoning. The opposing representatives were submitted by one Legislative Council member (Hon Claudia Mo (R3005)), one SSPDC member (Mr Li Ki Fung, Bruce (R3053)), the School (R3070) and 3,084 individuals;

Supporting Representations

- (j) the grounds of the supportive representations were summarised below :
- (i) Hong Kong was short of housing land. While utilising the Site for residential development could help ease the pressing need for housing land, the implications of the BH and development intensity of the proposed development as well as provision of additional community facilities should also be considered;
 - (ii) the concerns regarding noise, air ventilation and the blocking of sunlight raised by the opposing representations were not substantiated ; and
 - (iii) the proposed residential development would bring more people to the area and the School would benefit from higher popularity;

Adverse Representations

- (k) the main grounds of the adverse representations raised were summarised below :
- (i) Planning Intention – the Site was originally planned for GIC and open space uses and development of low-rise buildings with relevant facilities for the enjoyment of residents nearby. The rezoning would result in a high-rise building, which contradicted the original planning intention. There were expectations from the School, parents and students that a Government complex with LCSD facilities would be developed at the Site;
 - (ii) Landuse Compatibility – the future residents would be affected by the noise generated from the School and vice versa. The proposed HOS development and the School were too close to

each other, causing privacy problems to both parties. The School would also be adversely affected during the construction of the proposed HOS development;

- (iii) Safety Issue – the School would be exposed to the risk of falling objects and fire outbreak from the proposed high-rise HOS development. The increase in population might lead to more strangers wandering around the School, which would endanger the safety of the students. The area around Fat Tseung Street West near Ying Wa Street was quiet at night and might create a safety problem to the future residents of the proposed HOS development;
- (iv) Air Ventilation – the air ventilation assessment (AVA) for the proposed amendments to the South West Kowloon OZP conducted by HD in 2013 suggested that the ventilation performance would not be affected by the HOS development. This assessment contradicted with the AVA for the proposed amendments to the Cheung Sha Wan OZP conducted by PlanD in 2010 which indicated that the open environment along Hing Wah Street West, Ying Wa Street and Yen Chow Street West should be maintained and that no high-rise buildings should be built at Ying Wa Street. The proposed high-rise HOS development near the School would create a wall effect, adversely affecting air ventilation and air quality, and hence the health of the students and teaching staff;
- (v) Traffic Impact – the proposed HOS development would increase traffic in the area and likely result in traffic congestion and adversely affect road safety. The future residents of the proposed HOS development would be affected by the heavy goods vehicles entering/exiting the opposite Yuen Fat Wharf & Godown and would suffer from traffic noise;

- (vi) Environmental Impact – the proposed HOS development would increase the building and population density and cause a deterioration in the living environment. Large amounts of car exhaust from the basement carpark of the proposed HOS development would adversely affect the air quality of the School;
- (vii) Visual Impact – the Site was originally zoned “G/IC” and “O” for the provision of low-rise community facilities and open space. The rezoning of the Site would result in a high-rise residential development which would generate adverse visual impact on the surrounding area, blocking the School from sunlight and the current open views;
- (viii) Insufficient Supporting Facilities – the rezoning would result in a loss of open space, reducing the recreational facilities/open space ratio per person. The amount of community facilities serving future residents of the proposed HOS development would be inadequate;
- (ix) Lack of Technical Assessments – the Government departments had under-estimated the impact of the rezoning on the locality and the conclusion that no insurmountable problems on traffic, environmental and infrastructure aspects would be generated was not supported by concrete evidence;
- (x) Public Consultation – major stakeholders including the schools nearby were not consulted before the rezoning proposal. As geotechnical investigation works at the 5-a-side soccer pitch was carried out while the rezoning proposal was still in consultation, the rights of the stakeholders were not respected and the temporary closure of the 5-a-side soccer pitch gave the impression that the public consultation was not genuine;

- (xi) Site Swapping Proposal – the School’s suggestion to swap the proposed HOS development with a site at Lin Cheung Road proposed for primary school development was not accepted by Government without any explanation; and
- (xii) Resource Utilisation – the cost of construction of the existing 5-a-side soccer pitch was \$9M and it would only be used for 3 years. Its demolition and reprovisioning would mean a waste of over \$20M of public money;

Representers’ Proposals

- (l) the proposals of the representers were summarised below:
 - (i) the Site should be retained for low-rise development such as schools/community uses, entertainment and sports facilities or commercial facilities;
 - (ii) the proposed HOS development at the Site should be swapped with either the proposed primary school or the proposed social welfare facility block to be provided at Lin Cheung Road;
 - (iii) the proposed HOS development should be developed at other locations. The loss in HOS flat production could be compensated for by increasing the PR of other planned public housing sites in the vicinity; and
 - (iv) the major stakeholders should be consulted properly;

Representations Providing Views

- (m) the 2 representations providing views commented that traffic and pedestrian flows might increase due to the proposed residential development at the Site and the supporting facilities might be inadequate to serve the additional demand. They suggested that the public consultation period should be extended and the supporting facilities should be improved;

Comments on Representations

- (n) 21 comments on representations regarding the rezoning of the Site were received. One comment submitted by a private individual supported the rezoning of the Site for residential use to ease the housing problem in Hong Kong. The remaining 20 comments submitted by private individuals and the Parent-Teacher Association of the School were against the rezoning and/or supported the opposing views of R3070, reiterating the points raised by the adverse representations and providing the following additional points:
 - (i) according to HD's micro-climate study for NWKR Site 6, air ventilation of the School would be worsened by the proposed development, especially south-easterly winds during summer;
 - (ii) the proposed HOS development would cause a wall effect and adversely affect the air ventilation of the Cheung Sha Wan area. No comparison data for the before and after scenarios from the AVA report was made available to the public during the consultation period. Relevant information was being withheld from the public; and
 - (iii) SSPDC had not carried out effective public consultation with the School, Ying Wa College and Ying Wa Primary School regarding

the amendments to the OZP. The Government did not have a thorough insight of the negative impacts of the proposed rezoning to the nearby schools;

Responses to Grounds of Supportive Representations

- (o) the support of R78, R671, R837, R842, R1204, R1445, R1720 and R2283 to the proposed amendments for the Site was noted. The BH, development intensity, disposition and building separation of the proposed HOS development would be further refined at the detailed design stage by HD to address the concerns raised by the representers. The adequacy of GIC facilities and open space in SSP district had been assessed by PlanD and there was generally no shortfall except for post offices, hospital beds and primary school classrooms. As post offices could be provided in commercial premises and the provision of hospital beds was on a regional basis, there was no requirement by the Government departments to provide these facilities at the Site. A primary school site for 30 classrooms as requested by the Education Bureau (EDB) had already been reserved at the eastern portion of the Lin Cheung Road site to meet the demand;

Responses to Grounds of Adverse Representations/Comments

- (p) the Government's responses to the adverse representations/comments were summarised as follows:

Planning Intention

- (i) the Site was one of the 36 "G/IC" and Government sites considered suitable for residential use to meet the pressing demand for housing land. The affected open space and planned Government Complex with LCSD facilities would be reprovisioned at NWKR Site 6 by HD;

Land Use Compatibility

- (ii) residential and school uses were not incompatible from the land use planning perspective and ‘School (in free-standing purpose-designed building only)’ use was always permitted within “R(A)” zone. According to the Hong Kong Planning Standards and Guidelines (HKPSG), school was not regarded as a noise source and it was common to find schools and residential developments located adjacent to one another;
- (iii) the proposed HOS development was considered in line with the developments in the vicinity and compatible with the land use character and urban context of the surrounding developments where a number of existing and planned high-rise residential developments with a domestic PR of about 6 to 6.5 and a non-domestic PR of about 1.5 were found;
- (iv) HD advised that stringent site management measures would be implemented at the construction stage to minimise nuisance caused to the schools nearby, including providing protective screens and restrained tower crane operation, locating the construction access away from the School as far as practicable, and providing building separation to minimise possible noise nuisance;

Safety Issue

- (v) according to HD’s latest preliminary design, a minimum separation of 33m would be provided between the School and the wing of the proposed HOS block. To address the School’s concern on falling objects, architectural fins would be installed at appropriate locations so that the nearest window of the HOS

block facing the School would be at least 19m away (i.e. three times more than the safety distance of 6m required in HD's design guideline). Moreover, estate management and security measures would be implemented to address the safety concerns;

Air Ventilation

- (vi) the AVA conducted by PlanD in 2010 was qualitative in nature and was mainly focused on the Cheung Sha Wan area taking into account the existing/committed developments in the adjoining neighbourhood. On the other hand, the AVA conducted by HD in 2013 for the proposed HOS development at the Site and private residential developments at the Lin Cheung Road site was a quantitative assessment of the air ventilation performance of these developments. The 2013 AVA demonstrated that the overall air ventilation performance of the baseline scenario and the scenario with the proposed scheme were similar;
- (vii) by revising the layout from 2 blocks to 1 block, the distance between the proposed HOS development and the School would be maximised. Moreover, empty bays would be provided at ground level and first floor of the HOS block facing Sham Mong Road to enhance air ventilation;

Traffic Impact

- (viii) a Traffic Impact Assessment (TIA) had been conducted by HD, which concluded that the proposed HOS development would have negligible impact on the traffic situation in SSP and no insurmountable traffic problem at the Site was envisaged. Transport Department (TD) had no adverse comment on the TIA. Road safety would be enhanced by the proposed footbridge connecting the Site with NWKR Site 6 and the footbridge to be

provided by the Civil Engineering and Development Department (CEDD) connecting the MTR Nam Cheong Station with the existing and planned residential developments;

Environmental Impact

- (ix) the Environmental Protection Department (EPD) advised that no insurmountable problem was anticipated from the environmental planning point of view. An Environmental Assessment Study (EAS) was being conducted by HD on the latest preliminary layout. Mitigation measures would be implemented for any potential impacts to the satisfaction of EPD. Stringent site management measures would be implemented to minimise the nuisance caused to the schools nearby at the construction stage. The basement carpark would be designed in accordance with the Building Regulations to minimise any potential impacts on the general public;

Visual Impact

- (x) the photomontages provided in Plans H-10a to H-10d of the TPB Paper illustrated that the visual impact of both the 2-block scheme and the 1-block scheme were insignificant. The proposed HOS development would blend in with the backdrop of high-rise developments in the vicinity as it was situated in close proximity to the existing and planned high-rise residential developments of comparable height. The 1-block scheme would allow more natural sunlight to penetrate the Site and, with a lower site coverage than the planned Government Complex, it would provide a wider building separation from the School;

Insufficient Supporting Facilities

- (xi) the 5-a-side soccer pitch and the planned district library/indoor sports centre affected would be reprovisioned within NWKR Site 6 to the satisfaction of LCSD. Other G/IC and open space provision in SSP were adequate in general;

Lack of Technical Assessments

- (xii) relevant Government departments had advised that there were no insurmountable technical problems from the rezoning of the Site. TIA, AVA and Visual Impact Assessment (VIA) had been conducted by HD, which demonstrated that the proposed HOS development would not create any adverse impacts on the surrounding area. An EAS was being conducted by HD and any environmental issues identified would be mitigated to the satisfaction of EPD;

Public Consultation

- (xiii) SSPDC was consulted on the proposed amendment on 5.3.2013 prior to the publication of the zoning amendments. A community engagement workshop organised by HD was held on 9.7.2013 to collect views from local residents and stakeholders. In parallel, meetings were arranged by HD with representatives from the School as well as other schools nearby to address their concerns. SSPDC was consulted again on 14.1.2014 after the OZP was gazetted. Public consultation on the amendments to the OZP was carried out in accordance with the established procedures. District Officer (SSP) was not aware of any objection from Ying Wa College and Ying Wa Primary School during the time when the rezoning proposal was discussed at SSPDC in 2013 and early 2014; and

- (xiv) HD explained that site investigation works carried out at the 5-a-side soccer pitch were necessary to obtain preliminary geotechnical information for the feasibility study. HD had liaised with the School in August to October 2013 on the schedule of temporary closure of the soccer pitch. Upon consulting the District Facility Committee of SSPDC on 14.11.2013, LCSD had no objection to the temporary closure arrangement. HD would maintain close communication with stakeholders regarding future works relating to the proposed HOS development at the Site;

Site Swapping Proposal

- (xv) the reasons why the site swapping proposal suggested by the School was considered not feasible had been explained to the School during the exchange session on 7.1.2014 and included in SSPDO's letter dated 21.1.2014 to the School. They included the following:
- for the proposed primary school at the eastern portion of Lin Cheung Road, the actual developable area was too small to produce a comparable number of flats due to the presence of a non-building area (NBA) and set-back requirements to mitigate road traffic noise from the West Kowloon Highway;
 - it was necessary to maintain a low-rise building profile for the Lin Cheung Road site to enable sea breeze to penetrate into the inland area of SSP as well as for BH variations to create visual interest along the waterfront area; and
 - the site was very close to the existing Cheung Sha Wan Wholesale Food Market which operated from mid-night to

very early in the morning. The operational noise from the wholesale food market would have very little impact on the proposed school but would adversely affect the future residents if HOS was developed on the site, giving rise to industrial/residential interface problems;

- for the proposed social welfare block at the western portion of Lin Cheung Road, it was required to serve as a buffer between the proposed residential use and the nearby shipyards in the west. Moreover, Hing Wah Street West was one of the major wind corridors of the district and about one-third of the site was designated as NBA to enhance visual and wind permeability from the sea towards the hinterland. It was not feasible to swap the proposed social welfare block for residential development as the site was affected by the operation noise from the shipyards nearby and might give rise to industrial/residential interface problems;

Resource Utilisation

- (xvi) the Site was considered suitable for residential use after review by PlanD to meet the pressing demand for housing land. The affected 5-a-side soccer pitch and GIC facilities would be reprovisioned within NWKR Site 6 by HD, with more supporting facilities and upgraded services to the public. HD indicated that temporary reprovisioning arrangement of the 5-a-side soccer pitch would not be required as the soccer pitch would not be demolished until late construction stage. By the time of its demolition, the soccer pitch would have been in use for about 9 years. Adequate safety protective measures would be provided by HD to the soccer pitch users during construction.

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

11. The Chairman then invited the representers and representers' representatives to elaborate on their representations. The Chairman reminded the attendees that the presentation should be based on the points made in the representations already submitted and new information would not be considered. As R3065 and R213 indicated that they had some other urgent business to attend to, the Chairman enquired whether other representers had any objection to allow them to make their presentation first. As there was no objection from other representers, the Chairman invited R3065 and R213 to make their presentations.

R3065 – Anthony Adames

12. Mr Anthony Adames, Vice Principal of the School, made the following main points:

- (a) the public consultation was not done in a transparent way as the School was not notified of the rezoning proposal. Moreover, the Government only provided the information that was required after the 2-month statutory public inspection period had ended. The adjacent Ying Wa College had not submitted any representation probably because Ying Wa College had not been notified of the proposed HOS development;
- (b) as the proposed HOS development would affect the School, Government should bear full responsibility for all the foreseeable problems that would arise from the proposal;
- (c) the School was designed and built 14 years ago on the basis that a community facility building would be developed at the adjoining site. With a proposed HOS development, substantial changes to the existing operation of the School would be required to minimise disturbance to the future HOS residents. However, as the School was not a subsidised school, the Government indicated that public funds would not be available to pay for the necessary alteration works. In this regard, it

was unfair that the necessary alterations to the School to mitigate the noise nuisance such as a glass canopy to shield the noise of students at the school playground had to be paid by parents and the School;

- (d) making reference to an incident where a man was injured by a box of coconut milk that was thrown from a high-rise building due to noise nuisance, a similar incident happening in the future HOS development would be a tragedy for the School and its students. The proposed 19-33m building separation between the proposed HOS and the School would serve little purpose as the more than 300 primary school students gathering at the School playground every morning would be easy targets;

- (e) while the AVA conducted in 2013 stated that the air quality of the School or in the surrounding area would not be affected by the proposed HOS development, the AVA study carried out in 2010 stated that no high-rise building should be built at Ying Wa Street. Notwithstanding this, a 25-storey building for the law courts was currently under construction at Ying Wa Street. The footprint of the law courts and the proposed HOS development would take up about three-quarters of the length of Ying Wa Street. At present, the MTR was constructing an exhaust ventilation shaft for the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL) at Fat Tseung Street West. The proposed HOS building would channel the exhaust from this ventilation shaft to the School, adversely affecting its air quality. In addition, the basketball court of the School was situated 3m below the level of Sham Mong Road. Together with the 3.5m to 5m high fence wall, the basketball court would be shielded from air coming from the south through the building gap to be provided in the planned residential developments near the waterfront. It was doubtful whether the AVA study had taken into consideration the site situation of the School as air samples or measurements had never been taken at the School for the study;

- (f) a green house had been built with funding from EDB as part of the School's programme to encourage environmental education. However, the proposed HOS development and the associated footbridge would block the green house from sunlight from 12:30pm onwards, rendering the green house useless;
- (g) the demolition and reprovisioning of the 5-a-side soccer pitch would be a waste of public money which could be put to better use by providing more sports and leisure facilities for the residents of SSP who were generally low income families. It was also inappropriate to replace the existing soccer pitch which was open to the public for free with another pitch which would need to be rented. It was also unfair to require the schools nearby to take their students to other facilities in Kwai Chung, instead of using the existing soccer pitch which was within walking distance;
- (h) as there was a shortfall of primary school classrooms in SSP and the shortfall would likely worsen as the number of primary school students would continue to increase, it was inappropriate for the Government to use "G/IC" sites for housing development to address the short-term problem and disregard Hong Kong's long-term needs;

[Ms Christina M. Lee arrived to join the meeting at this point.]

- (i) besides providing public housing to improve people's living environment, it was equally important to provide adequate sports or leisure facilities for the future residents to prevent the younger generation from social evils such as drug addiction and other illegal activities. As the School and the adjacent Ying Wa College were only provided with basketball courts, students from the two schools used the 5-a-side soccer pitch heavily; and

- (j) instead of reducing the BH of the housing development at NWKR Site 6, HD should consider retaining the original BH and providing more flats there, and giving up the use of the Site for HOS development or reducing the number of HOS flats to be developed so that the soccer pitch could be retained in-situ.

13. Ms Kelly Chiu, R3065's representative and the Chairperson of the Student Union of the School, made the following main points:

- (a) although the Government had tried to revise the design of the HOS to address the School's concerns, the problems remained unresolved and complaints from future residents would likely arise. It would be a repeat of the problems faced by Carmel Secondary School and the SKH Holy Trinity Church Secondary School near Oi Man Estate, where complaints from residents of Oi Man Estate (about 50m away) about the noise of the morning school bells were regularly received. These conflicts would likely be worse for the School and Ying Wa College as they would be much closer to the proposed HOS development; and
- (b) in view of the noise nuisance, she doubted whether the Site was suitable for HOS development and considered that residential use might not be compatible with the School.

R213 – Lee Lan Yuen

14. With the aid of a Powerpoint presentation, Ms Lee Lan Yuen, a teacher of the School, made the following points:

- (a) the proposed HOS building would block the view from the School's playground;
- (b) the original concept of having low-rise buildings at the Site to enable the sea breeze to penetrate into the inland areas of SSP and to provide an

interesting skyline would be disrupted by the proposed HOS development;

- (c) the students were worried that the proposed 38-storey HOS development would adversely affect the open views enjoyed by the School and sunlight would be blocked. It would also lead to a loss of privacy for the students;
- (d) citing news reports about students being shot at by annoyed residents using air pistols or injured by objects thrown from high-rise buildings, the proposed HOS development next to the School would create conflicts and put the students at risk;
- (e) staff and students would be adversely affected during the construction of the HOS building, in terms of both their physical and psychological health;
- (f) as there were existing industrial buildings and godowns near the Site, the roads in the area were heavily used by construction vehicles, containers, lorries and medium goods vehicles. Due to the heavy traffic, there had already been two traffic accidents in the last few months involving students from the School who did not use the proper road crossing facilities. The proposed HOS development would aggravate the traffic condition and would have a direct impact on students. The proposed construction of pedestrian footbridges would not solve the traffic problem and the safety of pedestrians could not be guaranteed. The claim that the proposed HOS development would not have insurmountable traffic impact on the road network was doubtful; and
- (g) the zoning amendment was ad hoc with no comprehensive planning. The students were disappointed with the Government's approach in tackling the housing problems without any long-term vision.

15. Mr Wong Man Wai, R213's representative and a student of the School, made the following main points:

- (a) while the Government might consider that building HOS to meet housing demand was more important, the students would consider that retaining the soccer pitch for the community was more important. The soccer pitch was heavily used by students of the School, students of Ying Wa College and local residents throughout the day. As the soccer pitch was patronised by thousands of people, it was unfair to sacrifice the welfare of these people for the benefit of 700 HOS households;
- (b) although the soccer pitch could be retained for a longer period of time, it would still have a short life-span. Besides, the soccer pitch would not be suitable for sports activities during the construction of the proposed HOS development due to the poor air quality. As the reprovisioned soccer pitch would not be at-grade, the usage rate would likely be low, representing further waste of resources and public money;
- (c) the proposed HOS development would introduce additional population to the area, generating household waste and necessitating an increase in the frequency of refuse collection vehicles visiting the Site; and
- (d) the Government should consider revising the zoning amendment in order to achieve a win-win solution. The Government should consider swapping the HOS development with the site reserved for primary school development at Lin Cheung Road.

16. Ms Lee Lan Yuen continued with her presentation and said that the planned use of the Site had been changed several times. The Site was planned for a sitting out area prior to 2002, but the proposal was suspended in 2003 due to the economic down-turn. In 2004-05, a community hall and a soccer pitch were proposed at the Site. The Site was then reserved for a library and indoor games hall to meet local demand. Up till now, only

the soccer pitch had been implemented. Now that the Site was rezoned for HOS development, the long awaited facilities would fall through.

[Mr Patrick H.T. Lau left the meeting at this point.]

R2 – Lam Hang Chit

17. Mr Kwan Wai Wah, R2's representative and a teacher of the School, made the following main points:

- (a) the residential development at NWKR Site 6 was supported as that proposal would not block the view from Mr Lam's house. The proposed HOS development next to the School was opposed to as it would adversely affect the teachers and students of the School;
- (b) the location of the reprovisioned soccer pitch was not ideal as it would be located on 8/F. Such a soccer pitch would not be welcomed by soccer players; and
- (c) even though the soccer pitch would be retained during the construction of the proposed HOS development, the construction works would adversely affect the air quality and render the soccer pitch not suitable for sports activities.

R48 – Gladys Lee Lok Yan

18. Ms Gladys Lee Lok Yan make the following main points:

- (a) although the proposed HOS development would be about 19m-30m away from the School, students passing by the development might be struck by falling objects from the high-rise block; and

- (b) even though the soccer pitch would be retained for a few more years before demolition, the life-span was still too short. Also, during the construction of the HOS development, users of the soccer pitch would be affected by the construction works at the Site. When the soccer pitch was demolished, there would be a shortage of facility for the schools in the area. The HOS should be swapped with the proposed primary school at Lin Cheung Road.

R77 – Caleb Woon

19. Mr Caleb Woon, a student of the School, said that the health of teachers and students in the schools nearby would be adversely affected during the construction of the proposed HOS.

20. The Chairman said that while R106 could not attend the meeting, the email presenting his views had been tabled for Members' reference.

R127 – James Kwan

21. Mr James Kwan criticised that some Members were not concentrating on the representers' presentations and doubted whether their views were taken seriously. The Chairman said that Members were listening to the representations and that Members had the discretion to adopt the postures they preferred in listening to presentations. The Chairman asked Mr James Kwan to focus his representation on the amendment items being discussed. Mr James Kwan made the following main points:

- (a) the proposed HOS development would have adverse environmental impact on the School located immediately next to the Site; and
- (b) in view of the close proximity of the proposed HOS development to the schools, he doubted whether the Government had adequately considered the impact of the development and recommended mitigation measures.

R207 – Ng Pui Wong, Frances

22. Ms Ng Pui Wong, Frances made the following main points:
- (a) the proposed HOS development was too close to the School and would give rise to conflicts between the future residents of the HOS and the School due to noise generated by school activities;
 - (b) the main concern of parents was the safety of their children. The anxiety caused by the risk of falling objects from the high-rise HOS development hitting children playing in the School's playground was hard to bear. Students learning in such an environment would be affected physically and psychologically; and
 - (c) while the latest proposal to revise the design of the HOS development to a single block development was positive, it only proved that the original design and planning had been a mistake.

R271 – Chan Shing Ho

23. Mr Chan Shing Ho made the following main points:
- (a) His main concerns were on falling objects, the proposed HOS development being too close to the School, and the deterioration in air quality caused by the HOS development; and
 - (b) while the Government's effort to provide more housing land was supported, the relevant Government departments were shirking the responsibility to address the various issues caused by the need to identify more land for housing.

R411 – Chung Ho Hin

24. Mr Chung Ho Hin, a student of the School, said that it was dangerous to build high-rise developments next to the School as there would be a risk of falling objects. The future residents would overlook the School and there would be no privacy for the students. As the soccer pitch would be demolished to make way for the HOS development, there would not be any rendezvous point in case of a fire at the School and the Students would have nowhere to escape.

[Dr Wilton W.T. Fok arrived to join the meeting at this point.]

R649 – Ringo Lee

25. Ms Joyce Lau, R649's representative, made the following main points:

- (a) many heavy goods vehicles stopped at the opposite side of the Site proposed for HOS development while waiting for the loading and unloading of their goods. The traffic situation would be worsened by the proposed HOS development which would result in a mix of traffic for various uses; and
- (b) the claim that the HOS development would not have adverse traffic impact on the surrounding area was not convincing. The capacity of the streets around the Site would be unable to cope with the level of traffic.

R654 – Ko Hok Yu, Peter

26. Mr Ko Hok Yu, Peter made the following main points:

- (a) the points raised by previous representers were supported;

- (b) Ying Wa Street was very narrow with heavy traffic. Even a short delay caused by the picking up/setting down of passengers would cause congestion and the queuing of vehicles around the street block. The proposed HOS development would worsen the traffic situation;
- (c) as the streets nearby were narrow and the School was close to the proposed HOS development, there would be conflict between the future residents and the students/School, and increase the likelihood of residents throwing objects out of the window. Although it was common for schools and residents to be located close to each other in the past, times had changed and land use planning should aim for higher standards;
- (d) since the Site could accommodate an HOS development with 700 units, it should be large enough to accommodate a primary school. The proposed HOS at the Site should be swapped with the proposed primary school so that schools could be grouped together for better planning. The school zone would be more manageable and conflicts with residents would be reduced; and
- (e) even if the proposed HOS development needed to go ahead, the programme of development should be deferred so that the School would not be surrounded by construction sites on three sides which would severely affect the air quality of the School.

R677 – Ma Shek Yung

27. Mr Ma Shek Yung made the following main points:

- (a) He objected to the planning and public consultation process for the proposed HOS development which was not genuine;

- (b) there were genuine worries about falling objects from the proposed HOS development hitting the students of the School; and
- (c) the Government should uphold procedural justice.

R748 – Ng Siu Ting

28. Mr Ng Siu Ting made the following main points:

- (a) He objected to the proposed HOS development next to the School;
- (b) living next to a primary school, his personal experience showed that residents were affected and annoyed by the school bells and noise generated by various school activities;
- (c) it would be a waste of public money if the HOS flats were left vacant as prospective buyers would be discouraged by the noise nuisance generated by the School;
- (d) the proposed HOS development next to the School would increase the risk of falling objects hitting the students of the School. The School's tradition of students jogging along the streets around the School during physical education lessons would be lost due to the risk of falling objects;
- (e) the claim that the proposed HOS development could not be swapped with the proposed primary school due to noise nuisance from the wholesale market was not substantiated. Based on the experience of his grandparents who were living above the wholesale fruit market in Yau Ma Tei, residents would get adapted to the operational noise of the market at night; and

- (f) it was unconvincing for PlanD to say that a high-rise building near the waterfront would affect air ventilation while the proposed HOS development near the School would not.

[Mr Laurence L.J. Li arrived to join the meeting at this point.]

R991 – Kong Nga Wing, Alison

29. Ms Kong Nga Wing, Alison made the following main points:

- (a) other alternatives should be considered to avoid the development of only 700 HOS flats at the Site adjoining the School, included developing community facilities or school at the Site and absorbing the 700 HOS flats into other sites being planned for public housing or HOS development;
- (b) the existing soccer pitch that cost about \$9M to build but had only been used for a period of 3-4 years should not be demolished. The re-provisioning would cost even more;
- (c) community facilities or a school should be constructed at the Site to produce the synergy effect. A high-rise HOS building of 30-40 storeys would not be compatible with the adjacent low-rise school;
- (d) the proposed HOS development would cause long-term impacts on the adjoining school and residents. Once built, the HOS development could not be reverted; and
- (e) while the goal of providing HOS housing was supported, there should be comprehensive planning for associated facilities. The Government should not plan hastily and should take into account the long-term impact of developments.

30. Mr. Tse Tsun Ting, R991's representative, made the following main points:
- (a) referring to the experience of a classmate being shot by an air pistol at school several years ago, similar attacks by residents of the future HOS development on students were possible. Although the setting back of the proposed HOS block might reduce the risk of falling objects, the risk of attacks by future HOS residents on students with air pistol could not be reduced;
 - (b) students spent a lot of time in the soccer pitch after school. As the SSP area had a shortage of recreational facilities, the Site should be used for the provision of more recreational facilities rather than for HOS development;
 - (c) the traffic problem in the area could not be resolved by pedestrian footbridges. Traffic at Ying Wa Street and Fat Tseung Street West was heavy and illegal parking was common. Vehicles coming down from the West Kowloon Highway would route through Ying Wa Street towards the industrial area at high speed. This would be dangerous to the future HOS residents;
 - (d) land use planning should not only be based on meeting housing demand targets but also take into account the surrounding environment; and
 - (e) if the School was properly consulted while the OZP was under preparation, the number of representations would likely be much less.
31. The meeting was adjourned for a short break of 5 minutes.

R1022 – Chang Chor Ki

32. Ms Chang Chor Ki made the following main points:

- (a) referring to her husband's experience of seeing bottles thrown out of the window of a public rental housing estate onto the school below when he was young, parents were rightfully worried about objects falling from the HOS development hurting their children at the School;
- (b) HD's claim that potential HOS buyers would be warned of the possible noise nuisance from the school would be of little avail as most people would consider that the noise was unbearable. Based on her own experience as she used to live near a school, the noise generated from school activities during and after school hours, and on Saturday mornings was very annoying. As the proposed HOS was still at the planning stage, the Government should prevent similar mistakes from happening again;
- (c) there was news recently about the Principal of SKH Yuen Chen Maun Chen Jubilee Primary School near Fu Heng Estate in Tai Po constantly receiving complaints from PRH residents about noise from the school and the school being bombarded with bottles and eggs thrown onto the school;
- (d) even though the building separation between the proposed HOS and the School had been widened, the noise nuisance and conflict between residents and the School remained unresolved. One fatal accident caused by falling objects due to the noise nuisance would be too many; and
- (e) with the completion of the West Kowloon Law Court Building (WKLCCB), there would be an increase in traffic in the area, particularly vehicles from the media. The illegally parking of cars in the area together with heavy vehicles performing loading/unloading activities would likely bring about more traffic accidents as the views of students crossing the road would be blocked.

33. The Chairman reminded the representers not to repeat the points already covered by other representers for the sake of a more efficient meeting. Noting that the other representers did not raise any objection, the Chairman invited R2185 who indicated the need to leave the meeting early, to make his presentation ahead of schedule.

R2185 – Man Ho Fai

34. Mr Man Ho Fai made the following main points:

- (a) He objected to the Government's manipulation of the planning procedures to achieve its goal of providing land for housing development;
- (b) the ground investigation works were carried out at the soccer pitch during the 2-month public exhibition period, which showed that the Government was determined to use the Site for HOS development irrespective of the outcome of the public consultation exercise;
- (c) the community engagement workshop held in July 2013 was organised as a result of the School's complaint that there was no consultation about the HOS proposal. The number of people allowed to attend the workshop was originally severely restricted and it was only upon complaint by the School that more people were allowed to participate. The fact that the opposing views at the workshop were overwhelming was not mentioned in the TPB Paper;
- (d) while SSPDC only gave in-principle support to the motion that HD should balance the demand of the community and local residents as a whole in pressing for the continuous supply of housing land in Hong Kong, this was interpreted by PlanD as SSPDC supporting the proposed HOS development;

- (e) while the AVA report in 2010 concluded that the area around Hing Wa Street, Ying Wa Street and Yen Chow Street West should be retained for low-rise developments as a breathing space, the Government claimed that another AVA carried out in 2013 had concluded that the proposed HOS development would not cause any adverse impact on air ventilation. The TPB Paper however did not provide any air quality data for reference. With 11 blocks of residential buildings to be built in two rows near the waterfront, he doubted the conclusion that no adverse impact on the air quality would be generated. However, relevant information on the 2013 AVA report had not been provided to the community and DC members during the public consultation process;
- (f) detailed data or assumptions made in the TIA was also not available to the public; and
- (g) he doubted whether the entire process of increasing housing land supply had met the requirements of procedural justice as important information had been withheld from the public.

R1143 – 鄭炳鴻

35. 鄭炳鴻先生, representing parents of students in Ying Wa Primary School, made the following main points:

- (a) planning in Hong Kong had the problems of ignoring the relationship of adjoining developments; having too many in-fill developments, being monotonous; and creating wall effect. The proposed HOS development, which would make all the above-mentioned mistakes, should be dropped;
- (b) traffic along the streets around the Site was heavy and traffic congestion often occurred in Ying Wa Street. The planning of the area was already

problematic. With the completion of the WKLCB, the traffic situation would worsen;

- (c) the proposed HOS development should be dropped as it would further aggravate the situation and had adverse impact on the peripheral area. In particular, it would adversely affect the students in the schools nearby. In gist, there was no reason why the HOS development should be proposed at the Site.

36. With no objection from other representers, the Chairman invited R2752 and R2762 to make their presentations first as they indicated that they needed to leave the meeting soon.

R2752 – Andrik Fernandes

37. Mr Andrik Fernandes, a student of the School, made the following main points:

- (a) the proposed HOS development would have adverse impact on air ventilation in Ying Wa Street;
- (b) although the proposed HOS block had been set back from the School as far as possible, students going to school on foot from the MTR station were still at risk of being hit by falling objects;
- (c) it would be a waste of public money to demolish the soccer pitch, which had only been used for 3 years. As the soccer pitch was heavily used by students and residents, its demolition would cause inconvenience to its users;
- (d) it would be better to put the schools along Ying Wa Street together by swapping the HOS development with the proposed primary school near

the waterfront. This would resolve the problems of air ventilation and falling objects;

- (e) the proposed HOS development would block the sunlight from the School and the future HOS residents would overlook the School, causing privacy and security problems to the School and students.

R2762 – Wong Hei Laam

38. Mr Wong Hei Laam, a student from the School, said that the proposed HOS development would cause air pollution and traffic congestion problems and increase the risk of falling objects. These problems would affect the students of both the School and Ying Wa College.

R1258 – Chan Wing Ching

R1310 – Chan Ka Lai

39. Mr Chan Ka Lai, R1258's representative and a representer himself, made the following main points:

- (a) other than providing housing to meet the demand, supporting facilities should also be provided to meet the various needs of the future residents, such as shopping centre and market. However, no supporting facilities would be provided for the proposed HOS development;
- (b) the noise from the existing schools would affect the future residents of the proposed HOS development. Future residents might need to close the windows all the time, depriving them of fresh air;
- (c) the soccer pitch should be retained, or the HOS development should be swapped with the proposed primary school near the waterfront as it was unfair to use the proposed primary school at the waterfront site to serve as a noise buffer. As the proposed primary school was a low-rise

development, it would not be an effective noise barrier. Besides, there would be day-time operation in the wholesale market and the students would be affected;

- (d) as the 2010 AVA study report recommended that high-rise development should not be constructed in the Cheung Sha Wan area, the Government should consider other suitable sites for housing development such as developing the golf course in Fanling and releasing the Site from HOS development.

R1316 – Cheung Chiu Sing

40. Mr Cheung Chiu Sing made the following main points:

- (a) the representers had been repeating some of the points made mainly because those points were of crucial importance;
- (b) the Government's effort in finding suitable site for housing development and HD's effort in fine-tuning the layout of the proposed HOS development were appreciated;
- (c) as the HOS proposal would have long-term implications, the proposal should be examined more carefully and more alternatives should be considered. A decision should not be made hastily as this could cause other problems;
- (d) the Government should not be blinded by the need to provide more housing land but should be planned according to the needs of the community in a comprehensive way; and
- (e) the risk of falling objects could be avoided by placing the high-rise development somewhere else. The future HOS residents would also

suffer from traffic congestion and the lack of supporting facilities in the area.

R1530 – Wong Ho Lam, Mitchell

41. Mr Wong Ho Lam, Mitchell, a student of the School, made the following main points:

- (a) the School would suffer from noise nuisance, environment and air quality problems during the construction of the proposed HOS development. Students would be unable to concentrate on their studies in such an environment;
- (b) there was already heavy traffic in the area, particularly at Ying Wa Street. The HOS development would worsen the traffic situation during construction and upon its completion;
- (c) the heavy traffic would also lead to air quality problems;
- (d) the increase in population in the area would invite strangers to the area, which might lead to a security problem for the students; and
- (e) it would be a waste of public money to demolish the soccer pitch that had been used for only 3 years. The proposed HOS development should be dropped and the soccer pitch should be retained for use by the school and the community.

R1594 – Tang Hau Tung

42. Ms Miriam Ho, R1594's representative, made the following main points:

- (a) the TPB Paper had glossed over all the problems raised by the representers; and

- (b) the School's environment had deteriorated significantly. With the completion of WKLCB, there would be an increase in traffic and pedestrian. The traffic problem would worsen during the construction and upon the completion of the proposed HOS development. The situation would be similar to St Mark's School in Aldrich Bay where the school was surrounded by residential buildings, blocking sunlight from the school. This was not an ideal learning environment for students.

R1662 – Mohamed Jubir Sahabudeen

43. Mr Mohamad Jubir Sahabudeen made the following main points:

- (a) the School would cause noise nuisance to the future residents of the HOS development. The future residents had to close the windows and rely on air conditioning to mitigate the noise problem. This would lead to high electricity usage and would cause global warming. The lack of fresh air would also cause health problems. As the developments were not compatible with each other, the HOS development should not be built next to the School;
- (b) there should be more recreational and sports facilities for use by the students; and
- (c) the HOS development would block the air ventilation and sunlight from the School and would have adverse impact on the psychology of the students.

R2066 – Chan Wing Ki

R2428 – Lee Shun Hang

44. Mr Lee Shun Hang, a teacher of the School who was a representer himself and also representing R2066, made the following main points:

- (a) the proposed 120m tall HOS development would be about 19m-33m away from the School. According to the laws of physics, it was possible that objects thrown by the future HOS residents would land on the School. Even though the chance of this happening might be small, the risk was not acceptable;
- (b) the premium for the insurance of the safety of students would be significantly increased if such an accident did happen. It was unfair to require the School to shoulder the insurance coverage for the risks caused by the HOS development adjoining the School.

R2129 – Lee Pui Ying, Diane

45. Ms Lee Pui Ying, Diane made the following main points:

- (a) the traffic situation during the construction of the HOS development, involving construction vehicles, heavy goods vehicles and refuse collection vehicles etc. should be taken into consideration. These vehicles would cause traffic congestion in the area as the roads were narrow and there was no space for them to park;
- (b) as students would need to cross the roads that were frequented by heavy vehicles, the likelihood of traffic accidents would increase;
- (c) the renovation and refurbishment of the HOS flats would generate construction waste. This would in turn bring about waste skips which were usually placed at the side of the road, obstructing traffic and causing traffic safety problems; and
- (d) Government should ‘think out of the box’ and give consideration to the site swapping proposals made by the representers.

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

R2587 – Ip Mun Yee, Lisa and Paul Lee Evans

46. Ms Ip Mun Yee, Lisa made the following main points:

- (a) the proposed HOS development at the Site was against the principles of sustainable development;
- (b) the proposal to demolish a soccer pitch that was completed three years ago to make way for the development of a single block of HOS development was inappropriate. The total cost of demolishing the existing soccer pitch and its reprovisioning would cost \$40M;
- (c) the HOS would have adverse impacts on the area, including wall effect, deterioration in air quality and traffic problems caused by mixing the picking-up/dropping-off of students with traffic generated by the future HOS development;
- (d) all parties involved in the zoning amendment would lose including the Government who had received over 3,000 opposing representations, the School (including its staff, students and parents) as the learning environment would be adversely affected, and the future residents of the HOS development who would be affected by noise nuisance;
- (e) Government should seriously consider the site swapping proposal made by the representers.

R2858 – Law Hing Piu, Patrick

47. Mr Law Hing Piu, Patrick made the following main points:

- (a) the claim that the future HOS buyers would be warned of the noise nuisance from the School would not address the issue as residents would still make complaints against the School after moving into the HOS development;
- (b) although there were similar cases where schools were located next to residential developments, these schools were not free from complaints. Previous mistakes should be rectified and should not be repeated;
- (c) while it was claimed that computer models were used to assess the wind condition, the location where the measurements were taken was not shown. It was common sense that putting a high-rise building next to a low-rise school would affect the air ventilation of the school. Indeed, in the photomontages provided in the TPB Paper, the School was entirely hidden by the HOS block and could not be found;
- (d) the reprovisioned soccer pitch would be far away from the schools in the area; and
- (e) the site swapping proposal was an option proposed by the representers. The Government should identify other alternatives to address the representers' concerns.

R2925 – Lee Tsz Wai

48. Mr Kwan Wai Wah, R2925's representative and a teacher of the School, made the following main points:

- (a) the claim that the proposed HOS development would not cause any insurmountable traffic problem only meant that the minimum requirement was met; and

- (b) the development of a single-block HOS building would mean higher management fees for the future residents as the development would not be able to benefit from the economy of scale.

R2939 – Ma Tsui Wa

49. Ms Ma Tsui Wa made the following main points:

- (a) the HOS development would block the current open views of the School. The Government was adopting a double standard by protecting major public view corridors and neglecting the views of private developments;
- (b) the risk of falling objects affecting the School was genuine as many incidents had been reported in the newspaper. It would be impractical to keep the students indoors and away from the school playground all the time;
- (c) the air quality index in SSP indicated that air quality in the district was bad. In this regard, Government should aim to improve the air quality through planning and should not be satisfied with the existing situation. In this regard, the conclusions of the AVA report that air ventilation performance would not be adversely affected by the proposed development should not be acceptable;
- (d) the Government should not sacrifice the School's environment for the sake of producing 700 HOS flats.

R2964 – Yeung Wing Pan

50. Mr Yeung Wing Pan said that it was natural for students to laugh, shout and yell at school, and that would give rise to complaints from residents living in the adjoining buildings. The noise nuisance showed that school use and residential use were not totally compatible. It was a regret that Government had not learned from its mistakes.

R3006 – Tsze Chi Ho

51. With the aid of a Powerpoint presentation, Mr Tsze Chi Ho made the following main points:

- (a) PlanD had completed an AVA report in 2010 stating that open space would be required along Hing Wa Street, Ying Wa Street and Yen Chow Street to act as a breathing space within the built-up environment. This statement should not be reverted so easily. As the site at Yuen Fat Wharf & Godown would be redeveloped for high-rise residential buildings and several other sites would be put to residential use, the area would become densely developed. The proposed infill development of the Site was not practicable;

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

- (b) the proposed HOS development at the Site would defeat the original intention of the “G/IC” zoning of the Site;
- (c) as the construction hours of the WKLCB were subject to restrictions under an environmental permit, the proposed HOS development would likely be similarly restricted, hence prolonging the construction period to about 6 years. The rezoning of the Site for residential development would not help solve the imminent housing problem, but would adversely affect the local school community.

R3031 – Lo Siu Yin

52. Ms Lo Siu Yin made the following main points:

- (a) She objected to the zoning amendment which was not in line with the original intention for low-rise development to provide supporting facilities for the community and the school cluster;

- (b) the site had been previously planned for a law court, a market and library, and facilities to support a school village. However, none of these proposals were implemented;
- (c) the proposed HOS would be incompatible with the existing character of the area; and
- (d) Ying Wa Street was very congested in the morning and in the afternoon due to school traffic. The schools in the same area had been working together to address the issue by assigning traffic wardens to divert traffic. When the WKLCB and the proposed HOS were completed, traffic in the area would increase and the traffic situation would worsen. The conclusion of the TIA that the proposed HOS development would not have significant adverse traffic impact was not convincing.

53. Ms Lee Chik Chi, R3031's representative, said that the human element should be taken into consideration as the students, parents and staff of the School wanted to retain the existing soccer pitch and the planned low-rise development next to the School. The possibility of traffic accidents and the risk of falling objects from the proposed HOS development were genuine concerns of the School which should be taken into consideration.

R3054 – Chik Ka Kin, Kenneth

54. Mr Chik Ka Kin, Kenneth made the following main points:

- (a) there had been many new developments in Cheung Sha Wan in recent years and the inner area of SSP was surrounded by high-rise developments adversely affecting the air quality of the area. However, without providing any data to support the assessment, the 2013 AVA concluded that the air ventilation would not be affected by the proposed

HOS development. The conclusions of the 2013 AVA report were doubtful;

- (b) with higher expectations on the living environment and quality of life, the planning principle that school use and residential use were compatible with one another should be reviewed;
- (c) as seen from the case of the Cheung Sha Wan golf driving range, HD did not care about local views. Even though the proposal to redevelop the site for residential use was supported by the District Council, most of the local residents objected to the proposal. Despite the overwhelming number of objections, HD went even further and increased the BH, PR and the number of flats on that site; and
- (d) referring to a comment made by the Chairman of the Urban Renewal Authority that the construction of 'toothpick' in-fill buildings without correspondingly providing supporting facilities was not beneficial to society, the Government should carry out redevelopment comprehensively and give up the proposed single-block HOS development.

55. The Chairman said that the morning session had finished. He then explained the procedures for the afternoon session. The afternoon session would start with the presentation of R3013, followed by R3045 and R3070 and a Q&A session, after which the commenters would be invited to give their presentations. The meeting would resume at 2:00pm.

56. The meeting was adjourned for lunch break at 1:10 p.m.

57. The meeting was resumed at 2:00 p.m.

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

Mr Thomas T.M. Chow Chairman

Mr Roger K.H. Luk

Professor S.C. Wong

Ms Bonnie J.Y. Chan

Professor K.C. Chau

Mr Wilton W.T. Fok

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Mr Lincoln L.H. Huang

Mr Dominic K.K. Lam

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

Deputy Director of Lands
Mr Jeff Y.T. Lam

Director of Planning
Mr K.K. Ling

[Mr K.K. Ling, Mr Jeff Y.T. Lam had declared interest in this item and they left the meeting temporarily. Mr Dominic K.K. Lam and Mr Sunny L.K. Ho had not yet arrived to join the meeting.]

Agenda Item 3 (cont'd)

[Open meeting (Presentation and Question Session only)]

R3013 – Mr Lau Hing Yip

59. With the aid of a Powerpoint presentation, Mr Lau Hing Yip made the following main points:

- (a) the “G/IC” zoning for the Site should be retained as the Government should aim to meet the needs of the residents rather than meet the housing target;
- (b) the air quality would worsen upon completion of the proposed HOS development and the traffic congestion would become more serious;
- (c) the construction of high-rise residential buildings near the waterfront would not improve the air ventilation of the hinterland. The increase in the number of high-rise developments would adversely affect air ventilation in the area;
- (d) the Government’s proposal to use the proposed primary school to serve as a noise buffer between the wholesale market and the adjoining residential developments was not acceptable. The effectiveness of using a school as buffer was also questionable;
- (e) while more residential developments were built in the Cheung Sha Wan area, the two major roads (Cheung Sha Wan Road and Lai Chi Kok

Road) had not been widened correspondingly to cater for the increase in traffic;

- (f) the Fat Tseung Street West playground was heavily used during both day time and night time. The needs of the soccer pitch users should not be ignored;
- (g) traffic at Fat Tseung Street West was heavy with lots of heavy vehicles. As construction works at a number of development sites in the area were in progress, it was doubtful whether the road capacity could cope with the increase in traffic.

R3045 – 吳家豪先生

60. With the aid of a Powerpoint presentation, 吳家豪先生 made the following main points:

- (a) the Chief Executive stated in the 2014 Policy Address that there should be more housing for the people of Hong Kong and the living environment should be improved. The proposed HOS development at Fat Tseung Street West would not provide a good living environment for its future residents in view of the poor air quality and likely traffic congestion;
- (b) traffic at Fat Tseung Street West was heavy, with frequent occurrence of illegal parking and traffic congestion. The proposed HOS development would increase the population and generate more traffic, worsening the situation. Other than pedestrian/vehicle conflict during the morning peak hours, the future residents would be affected by traffic noise and noise from the school. The Site was not suitable for HOS development;
- (c) the conclusion of the TIA that the proposed HOS would not have significant adverse impact on traffic in SSP was doubtful. With

increased pedestrians crossing the road, traffic accidents in the area would likely increase;

- (d) the Government should provide more information to support the claim that there would be no adverse impact from the proposed basement car park; and
- (e) the proposed pedestrian footbridge would affect air ventilation along the wind corridor at Fat Tseung Street West and Tonkin Street West. As the design of the footbridge had to take into consideration the wind load, there would be impact on the air movement along these wind corridors. With several existing structures crossing over these wind corridors, the addition of the pedestrian footbridge would further affect air ventilation in the area.

[Mr Sunny L.K. Ho arrived to join the meeting at this point.]

R3070 – St Margaret’s Co-educational English Secondary & Primary School

61. Ms Grace Tam, R3070’s representative and the Principal of the School, enquired about a procedural matter related to the meeting. In response, the Chairman said that Members who were present at the time of deliberation would take part in the discussion and the Board would continue its meeting as long as the statutory quorum of a minimum of five Members were met.

62. Ms Chan Yee Dack, Julia, R3070’s representative and Supervisor of the School, made the following main points:

- (a) the construction of a single HOS block with 700 flats within an area with several schools was of little help to address the housing problem but would generate numerous other problems;

- (b) other than providing a shelter for families, the HOS development should also provide a pleasant living environment for its residents and enable them to blend in with the local community. This could only be achieved with the provision of necessary supporting facilities, good air quality and a harmonious relationship with its neighbours;
- (c) the air quality in SSP was already poor and the area was already heavily congested. With a total of 17 blocks of private and public residential buildings already being planned in various sites in the area, there was no need for the Government to place an extra HOS block next to the School. This would cause the 3 schools in the area to be surrounded by a concrete jungle, and adversely affect the learning environment of the students. In this regard, the soccer pitch should be retained to serve as a breathing space for the area;
- (d) housing demand should not be used as an excuse for putting more in-fill developments in SSP which had already contributed its share by making available several residential sites. More housing sites would be made available as a property developer had proposed to donate a piece of land in Shek Kip Mei for the development of some 5,000 flats;
- (e) while HD proposed to construct a safety screen to prevent falling objects from affecting the School, the root of the problem, i.e., the noise nuisance and incompatibility of the School with residential use, remained unresolved. There was no guarantee that students walking pass the HOS building would not be subject to the risk of falling objects;
- (f) the site swapping proposal was a sensible solution as it was natural for schools to be located together. For example, in Vancouver, schools were often located together and such school zones were marked by signs requiring traffic to slow down for the safety of students;

- (g) apart from putting residential developments in SSP, the Government should seriously consider other options to address the housing problem in Hong Kong including reclamation, regeneration/redevelopment of old districts, developing outlying islands, rehabilitation of obsolete industrial buildings, redeveloping the container terminal by relocating these facilities to outer waters, and increasing the development intensity of areas such as Kowloon Tong;
- (h) the benefits of retaining the existing soccer pitch would certainly out-weigh the problems caused by the proposed HOS development.

63. Ms Grace Tam, the Principal of the School, made the following main points:

- (a) the operation of the School had been severely affected since the proposed HOS development was made known to the School. Should the proposed HOS go ahead, the School would need to spend additional resources to deal with complaints and resolving conflicts with the residents. The nuisance to the School during construction of the HOS would also cause a lot of distractions;
- (b) apart from the proposed HOS next to the School, there would be 4 PRH blocks in Site 6, 2 PRH and 5 HOS blocks in Sites 3 and 5, and another 6 PRH blocks at the former golf driving range site, providing a total of 11,000 flats. As the number of PRH blocks in Site 6 had been reduced from 5 to 4 blocks, she suspected that the HOS block that had been taken away from Site 6 was relocated to the Site next to the School;
- (c) several site swapping options could be considered, including the proposed multi-purpose community hall/indoor games centre at NWKR Site 6, the proposed primary school or social service building at Lin Cheung Road, all of which would be in line with the planning intention of the "G/IC" zone;

- (d) as shown in a model made by one of the School's teachers, the proposed high-rise HOS building was incompatible with the adjacent low-rise school buildings. The residential building would block all sunlight from the School in the afternoon;
- (e) the planned use of the Site had been changing several times. It was planned for open space use before 2001, a law court building in 2002, and a soccer pitch and a municipal building in 2007. Only the soccer pitch which occupied one third of the Site was completed in 2010 while the remaining portion of the Site had been used as a temporary office by the Lands Department. At that time, the Government indicated that the temporary use would not affect the long term municipal building development. It was disappointing to learn that the long waited community facilities would not be implemented;
- (f) there was an existing 7m separation between the School and the soccer pitch. HD should take the 7m set back into consideration when drawing up the layout for the HOS development;
- (g) the future residents of the HOS would be affected by the noise from the School and would not be provided with any supporting facilities as the residential development was an isolated site. Even though the future HOS residents might have been forewarned, the noise during the daytime would be a major source of complaints from the residents;
- (h) the operation of the School would be severely affected if the insurance premium was increased due to injury to students by falling objects. The worry of parents about falling objects was a concern which could not be discarded and would remain to be a concern as long as the School and the residential building were co-located;

- (i) while there were cases where residential buildings and schools were located next to each other, the problems that were generated showed that it was not good planning to locate these two uses next to each other;
- (j) while HD's efforts in fine-tuning the HOS layout was appreciated, the noise nuisance and safety problems could not be addressed by changes in the layout and design. Besides, the School would need to face air and noise pollution problems during the construction period;
- (k) as the Site would be required for the provision of G/IC facilities and the proposed HOS development would cause adverse impacts on the surrounding area, the Site should be retained for "G/IC" use; and
- (l) the development of 700 HOS flats at the Site would give rise to long-term adverse impacts on the School and its students.

64. As the representers and their representatives had completed their presentation, the Chairman invited questions from Members.

Provision/reprovisioning of the soccer pitch

65. A Member enquired whether the proposed HOS development, which would be located in the south-western part of the Site, would affect the soccer pitch at the north-eastern part of the Site, and whether the HOS development could avoid the soccer pitch entirely. In response, Mr Wilson W.S. Chan, DPO/TWK, said that the soccer pitch would form part of the HOS development at the Fat Tseung Street site. Although no building would be located on the soccer pitch, it would be included in the site area for GFA calculation and developed into a private open space to serve the residents of the HOS development.

66. On the reprovision of the soccer pitch, Mr Wilson W.S. Chan said that the current plan was for the soccer pitch to be reprovisioned in NWKR Site 6. HD was liaising with LCSD on the appropriate location of the reprovisioned soccer pitch. It was

already specified in the planning brief for NWKR Site 6 that the soccer pitch was required to be reprovisioned at a location that would be easily accessible to the public. Similar request on the location of the soccer pitch was put forward by LCSD.

67. Mrs Connie S.W. Lai, Chief Planning Officer/1, HD supplemented that HD was still considering the most appropriate location for the soccer pitch. As the original proposal of locating the soccer pitch on top of the proposed municipal building might not be appropriate, the possibility of placing it at the podium level was being considered.

Ground investigation works

68. A Member enquired about the reason for conducting ground investigation works at the soccer pitch before the OZP amendment. In response, Mrs Connie S.W. Lai said that it was necessary for HD to carry out preliminary ground investigation works in order to obtain geotechnical data to facilitate more detailed study of the Site. Should more ground investigation works be required, she agreed to liaise more closely with the stakeholders in order to minimize any disturbance to the users of the soccer pitch. Mr Wilson W.S. Chan supplemented that it was quite common for ground investigation works to be conducted before the completion of the rezoning process. Mr Kenneth C.K. Lai, Geotechnical Engineer/2, HD added that geotechnical data of the site was required at an early stage of the feasibility study to ensure that a feasible design would be produced for public consultation purpose. The geotechnical data would help identify major design faults or the geotechnical conditions of the site at an early stage and prevent the waste of resources.

Compatibility of schools and residential developments

69. A Member enquired about the compatibility of schools and residential developments. In response, Mr Wilson W.S. Chan said that in accordance with the HKPSG, residential use and school use were not incompatible with each other, and there were no requirements for a minimum building separation between a school and any adjacent residential buildings.

70. The Chairman enquired about the noise nuisance caused by school bells and asked if the School could have most of them installed inside the classrooms to minimize the noise level to the future HOS development if built. In response, Ms Grace Tam (R3070) said that some school bells needed to be installed in outdoor areas to ensure that students in the playground could also hear the school bells. Some school bells were already indoors and had been installed when the School was first completed.

Risk of falling objects

71. In response to representers' worries about falling objects, Mrs Connie S.W. Lai said that the main façade of the proposed HOS would be 33m away from the School while the windows at the near end of the HOS building was 19m away from the School. Besides, such windows would not face the School directly and would be screened by an architectural fin that could serve to prevent objects being thrown from these windows onto the School's playground. According to HD's design guidelines, the safety distance between a residential building from a children playground was 6m. The proposed 19m separation was more than 3 times the safety distance recommended in the design guidelines. Moreover, HD would ensure that appropriate management and security measures would be implemented to minimise the impact of the HOS development on the School.

72. A Member followed-up on the risk of falling objects and enquired whether the risk could be reduced by altering the disposition of the HOS block. In response, Mr Max C.C. Wong, Senior Architect/35, HD explained that effort had been made to reduce the number of HOS blocks from two to one while maintaining the same domestic plot ratio of 6.5 in order to fully utilise the development potential of the Site. This was possible by adjusting the disposition of some units to avoid the fixed noise source from Yuen Fat Wharf and Godown. If the HOS block was relocated to align with the School building, the HOS development would block the view of the School and create a natural lighting problem for both developments. The existing disposition of the HOS block represented the optimal layout after balancing all factors, including the risk of falling objects from the proposed HOS development. The current layout would also enable the existing soccer pitch to be retained until the late stage of construction.

73. In response to the Chairman's enquiry about falling objects, Ms Grace Tam (R3070) said that parents were worried not because the Site was for HOS development but because of the high-rise nature of the development. She admitted that while accidents could happen anywhere, the development of a high-rise development next to the School would increase the School's exposure to unnecessary risks which were avoidable.

74. A Member enquired whether there were concrete examples of students in schools nearby being hit by falling objects thrown from the residential buildings in the vicinity. In response, Mr Anthony Adames (R3065) said that the existing schools in the vicinity were not strictly comparable with the School as they were either separated from the adjacent residential buildings by a road or the residential buildings were specially designed so that only bathroom windows were facing the schools. In this regard, the situation for them was not the same.

AVA assessments

75. In response to a Member's enquiry on the AVA reports that were conducted in 2010 and 2013, Mr Wilson W.S. Chan said that the AVA study carried out in 2010 was mainly to assess the overall air ventilation conditions for Cheung Sha Wan district (Kowloon Planning Area 5 (K5)) for the purpose of imposing building height restrictions in the district. The representation site, i.e. site proposed for HOS development, was located in Kowloon Planning Area 20 (K20) to the south of K5. As Cheung Sha Wan district was in an inland location, the 2010 AVA study had to establish a baseline scenario of the air ventilation conditions of K20. In the baseline scenario, all the committed and planned developments in K20 were incorporated and the remaining areas were assumed to remain unchanged. In this regard, it was assumed that the low-rise development and the soccer pitch would remain unchanged in the 2010 AVA study.

76. However, as there were new development proposals for the Site and Phase 2 wholesale market, an AVA to assess the impact of these developments was required. While the 2010 AVA study was done by way of an expert evaluation, which was a qualitative assessment based on available information, the 2013 AVA study was done

using a computer fluid dynamics (CFD) model. The conclusion of the 2013 AVA was that the proposed developments would not have a significant impact on air ventilation in the area. As shown on Plan H-9, the blue arrows indicated the 3 designated breezeways along Hing Wa Street West, Fat Tseung Street West and Tonkin Street recommended in the 2010 AVA study for penetration of wind towards the inland, with NBAs of 45m, 22m and 30m in width respectively. The 2013 AVA study report was attached to the Metro Planning Committee (MPC) Paper No. 16/13 on the proposed amendments to the South West Kowloon OZP in November 2013 and could be viewed and downloaded from the Town Planning Board's website.

Visual impact

77. In response to a Member's enquiry on the impact of the high-rise HOS development on the schools in the surrounding, Mr Wilson W.S. Chan said that the 38-storey HOS building might pose some visual impact on the 8-storey school building. Nevertheless, as the Yuen Fat Wharf and Godown was zoned "Comprehensive Development Area", the site would also be redeveloped to high-rise residential buildings. Considering the building height of the area as a whole from an area-wide perspective, the visual impact of the proposed HOS development would be acceptable.

Traffic issue

78. In response to the Chairman's enquiry on the two traffic accidents mentioned by the representers, Ms Lee Lan Yuen (R213) confirmed that one of the accidents happened on 1.6.2014 and the other accident happened in January/February 2014. For one of the accidents, the student did not use the proper road crossing facility. The other accident involved a student poking his head out between two buses and was hit by a passing vehicle.

79. In response to the Chairman's enquiry on the TIA, Mrs Connie S.W. Lai said that as the HOS development would be well served by public transport and was located near to the MTR Nam Cheong Station with a large PTI, the TIA concluded that there would not be any adverse impact on the traffic and pedestrian flows.

Adverse impacts on the School

80. The Chairman noted that the School would face similar air, noise and traffic problems at the construction stage even if the Site were to be developed into a municipal building. In response, Ms Grace Tam (R3070) agreed that the disturbance during construction of a municipal building and an HOS development would be similar. However, in anticipation that the School would benefit from the facilities within the municipal building, the School would be prepared to tolerate the disturbance. The development of an HOS at the Site would cause both the School and the future HOS residents to suffer.

81. In response to the Chairman's question on the number of refuse collection vehicles trips generated by the proposed HOS development, Mrs Connie S.W. Lai said that only 1 trip per day was expected for the refuse collection vehicle to collect refuse from the proposed HOS development. The refuse collection vehicle would not pass by the School as they would turn from Sham Mong Road to Fat Tseung Street West onto the HOS development, and leave the Site along the same route.

82. In response to a Member's enquiry, Ms Grace Tam (R3070) said that the schools within the area still hoped that the municipal building would be built at the Site. PlanD should have the expert knowledge to consider whether other options were available to absorb the 700 HOS flats. The adverse impacts caused by the proposed HOS development on the School in the years to come would definitely out-weigh the benefit derived from providing 700 flats at the Site. For the sake of better management of the HOS development, another option would be to put the single block HOS development together with the other HOS developments on the other side of the road.

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

83. In response to a Member's enquiry about the housing target, Mr Wilson W.S. Chan said that the Long-term Housing Strategy Steering Committee had set a housing target of providing 470,000 flats in 10 years, 60% of which should be for public housing. PlanD had been working very hard to find suitable housing land to meet the housing target.

After suitable sites had been rezoned for housing development, there was still a lead time of 4 to 5 years for site formation and construction works before flats could be made available.

G/IC provision

84. In response to a Member's enquiry on the planning history of the Site, Mr Wilson W.S. Chan said that the northern part of the Site was originally planned for a 5-a-side soccer pitch while a composite municipal building with a district library, an indoor games hall and a market was planned for the southern portion. However, the planned market was subsequently dropped, but the planned municipal building was required to meet the demand of the existing and future residents. As the proposed HOS development would take up the site for the planned municipal building, HD promised to reprovision the affected municipal building together with the soccer pitch to NWKR Site 6.

85. In response to the Chairman's enquiry on the adequacy of G/IC facilities, Mr Wilson W.S. Chan said that the required G/IC facilities in accordance with the HKPSG were provided in Appendix VIII of the TPB Paper. He stressed that the calculation was based on SSP district as a whole upon full development. In gist, there would be a deficit of 76 primary school classrooms and 8 post offices. While the provision standard was 1 post office for every 30,000 person, the Post Master General advised that there was no need for the provision of post office at the Site. Regarding the shortage of primary school classrooms, Mr Wilson S.C. Chan said that the deficit of 76 classrooms had taken into account the existing population as well as the additional population arising from all development sites in the area including the HOS at the Site, the redevelopment of So Uk Estate and the proposed residential developments near the waterfront. The primary school requirement would depend on the school networks and the number of students per class. EDB advised that only one primary school was required and a site had already been reserved near the waterfront for primary school development.

Consultation with SSPDC

86. A Member enquired whether the proposed HOS development was agreed by SSPDC. In response, Mr Wilson W.S. Chan said that SSPDC was consulted in March 2013 on the rezoning of the Fat Tseung Street West site as well as the housing sites in NWKR Site 6 for residential development. SSPDC had no in-principle objection to the proposed zoning amendments. Moreover, HD had held meetings with the School 5 times and had made refinements to the building/layout design of the HOS to address the School's concerns as far as practicable. In accordance with HD's established practice, a community engagement workshop was held in July 2013.

Site swapping proposals

87. In response to a Member's enquiry, Mr Wilson W.S. Chan said that the population in the area would increase with implementation of the proposed housing projects and a primary school would be required to meet the demand arising from the population growth upon completion of all the residential developments in the area.

88. In response to the Chairman's request to explain again the feasibility of swapping the HOS development with the proposed primary school site near the waterfront as suggested by some representers, Mr Wilson W.S. Chan said that although the reserved primary school site was of a similar size to the Site under concern, the primary school site was subject to site constraints including an NBA to serve as the breezeway and a 20m set back requirement from Lin Cheung Road to address the traffic noise problem. The net buildable area (about 0.32ha) was only half that of the subject Site, and the number of flats produced would be much reduced. Moreover, as the primary school site was located next to the Cheung Sha Wan Wholesale Food Market, it was not suitable for residential use as it would be affected by the noise generated from the operation of the wholesale market at night time.

89. A Member enquired whether the site swapping proposal with the proposed social service building was acceptable. In response, Mr Wilson W.S. Chan said that an NBA was also designated at the site reserved for the social welfare building. In addition, this site was only about 4,200m² which was too small for the proposed HOS development or school development. Besides, the site reserved for the social welfare building was

located near a shipyard and would be subject to noise problem. In view of the industrial/residential interface problem, the site was not suitable for residential development from the planning point of view.

90. The Chairman asked HD whether the number of HOS flats to be developed at the Site could be absorbed by increasing the flat production at NWKR Site 6. In response, Mrs Connie S.W. Lai said that NWKR Site 6 was already being developed up to the maximum domestic PR of 6.5. The number of flats at that site could not be increased any further.

91. A Member enquired whether noise barriers could be provided to shield the noise from the wholesale food market in order that the site reserved for the primary school near the waterfront could be swapped with the HOS development. In response, Mr Wilson W.S. Chan said that the Site at Fat Tseung Street West had an area of about 6,200m² and the net buildable area of the site reserved for the primary school was only about 3,200m². In this regard, the number of flats that could be produced from the site reserved for primary school use was much smaller. As the operation hours of the wholesale food market was from 1:00am to 4:00am and the activities were carried out in an open environment, the noise barrier would need to wrap around the entire HOS development and would need to be very tall, causing an adverse visual impact. These site constraints would render the site swapping proposal not feasible.

92. In response to the same Member's enquiry on whether the 700 HOS flats could be swapped with the proposed municipal building at NWKR Site 6, Mr Wilson W.S. Chan said that the maximum PR stipulated under the OZP for NWKR Site 6 had already been used up by the 4 residential blocks. The maximum PR would be exceeded if an extra block of HOS building was to be developed at NWKR Site 6. The resultant PR would not be compatible with the development intensity of developments in the vicinity.

93. As Members had no further questions to raise, the Chairman said that the hearing procedures on the part of the representers had been completed. The presentation by commenters would start after a short break.

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

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

C2 – Li Wai Hung

95. Mr Li Wai Hung made the following main points:

- (a) representation R3070 was supported;
- (b) it was inappropriate for the Government to consider that the development of a high-rise building of 38 storeys would not create visual impact on the surrounding environment;
- (c) as no redevelopment plans for Yuen Fat Wharf and Godown had been submitted, it was inappropriate to consider the future building height of that site when conducting the technical assessments;
- (d) the AVA report conducted in 2010 indicated that the development of a building at the Site would cause air ventilation impacts on the schools in the vicinity;
- (e) the Government's claim that the proposed HOS development would cause no insurmountable problems under the various technical assessments was doubtful. Taking the case of Ma Wan where the Government failed to admit that the site was subject to aircraft noise problems, the accuracy of the technical assessments conducted by the Government for the proposed HOS development was doubtful; and
- (f) given that the SSP district would lack 76 primary school classrooms in the long term, amounting to about 3 primary schools, it would be difficult to accommodate the required primary schools in future if "G/IC" sites that were available were converted for housing development. There should be

a pool of “G/IC” sites in reserve to meet the future needs of the community.

C3 - Tse Hoi Ming

C26 – Kwan Wai Wah

C34 – Florence Lo

96. Mr Kwan Wai Wah, representative of C3 and C34 and a commenter himself, tabled a set of information and made the following main points on behalf of Ms Tse Hoi Ming (C3):

- (a) Ms Tse Hoi Ming was a staff member of the School who was in support of R3070; and
- (b) an article on the South China Morning Post of 26.1.2014 pointed out that the air quality of SSP district was very poor and that the respiratory health of people, children in particular, would be affected. In view of the poor air quality of the district, the Board should consider carefully whether the proposed housing development should be pursued.

97. Mr Kwan Wai Wah then made the following main points on behalf of Ms Florence Lo (C34):

- (a) Ms Florence Lo was the parent of a student of the School;
- (b) the Government departments seemed hard pressed to meet the Government’s target on housing land supply such that the originally planned “G/IC” site was rezoned to residential use hastily and all opposing views were ignored;
- (c) the Site was not suitable for housing development. As the site swapping proposals were declined by the Government without strong reasons, the Government was bringing unnecessary confrontations with the people;

- (d) the risk of falling objects from the high-rise residential block was of particular concern to parents; and
- (e) while the results of the 2010 AVA concluded that the Site was not suitable for development of high-rise building as it would adversely affect the air quality, another AVA done in 2013 concluded that the Site was suitable for HOS development. The credibility of the technical assessments was doubtful.

98. Mr Kwan Wai Wah then made the following main points with the aid of a Powerpoint presentation:

- (a) the efforts of various Government departments were appreciated;
- (b) the Government had not taken any pro-active steps to consult the local community on the zoning amendments. When the proposed zoning amendments were presented to SSPDC, the School was not aware of the proposal. At the SSPDC meeting, while some SSPDC members considered that the public should be consulted before the pursuit of any public housing project in SSP, others opined that the diverging views received during consultation might delay the progress of public housing development. In the end, SSPDC did not request the Government to conduct prior public consultation;
- (c) at the community engagement workshop organised by the HD on 9.7.2013, over 90% of the attendees opposed the proposed rezoning of the Site. While opposing views were gathered from the community engagement workshop, which were summarised in the MPC Paper No. 16/13, PlanD's only response was that the opposing views were not substantiated without any elaboration. It was only at the request of the School that an exchange session was held on 7.1.2014 amongst the School, PlanD and HD. Many of the fundamental problems raised by the representers could have been addressed if the Government had consulted the stakeholders at the outset;

- (d) the air quality of SSP district was already very poor. The proposal would not bring any improvement in air quality as the 2013 AVA only indicated that the overall ventilation performance would be similar with or without the HOS development;
- (e) the Government's response that 'no insurmountable technical problems' would arise from the proposed HOS development was vague and unclear. In fact, the AVA conducted was not comprehensive and the proposals to address the traffic and environmental issues were not practicable;
- (f) the co-location of residential use with schools would induce many conflicts. The Government should not use the pressing housing need as a pretext to brush aside the valid concerns raised by the representers and commenters including the deviation from the original planning intention, the hasty rezoning, the cost-ineffective design of the proposed single-block HOS development, adverse traffic, visual and lighting impacts, the incompatibility of the development with the surrounding environment, and lack of compensation to the affected schools; and
- (g) Government should seriously consider the site swapping proposal suggested by the representers.

C21 – Chan Man Wah

99. Ms Chan Man Wah made the following main points with the aid of a Powerpoint presentation:

- (a) as the increase in population in the area might lead to more strangers wandering around the schools, the safety of students would be adversely affected. While HD indicated that adequate estate management and security measures would be implemented, there was no elaboration on the measures to be provided and how the measures would address the problem;

- (b) conflicts between residents and schools had been reported regularly in the news. Residents disturbed by the noise nuisance from schools might take revenge by throwing objects at the schools or infringing the privacy of students. The Government should not repeat such planning mistakes which caused both the residents and the School to suffer; and
- (c) according to the latest plan, the soccer pitch would only need to be demolished at the late construction stage of the proposed HOS development. The Government should further consider whether demolition of the soccer pitch was still required as the northern part of the Site would only serve as a private open space for the HOS development.

C23 – Ho Yin Wah

100. Ms Ho Yin Wah made the following main points:

- (a) representation R3070 was supported;
- (b) the high-rise building would cause a long-term impact on the adjacent school. The Government should consider developing other sites for housing development, such as in the Kai Tak area where only about 3% of the land was used for public housing development; and
- (c) in view of the contradictory results of the 2010 AVA and 2013 AVA, the Government should conduct more detailed assessments before deciding on the suitability of the Site for HOS development.

C25 – Parent-teacher Association (PTA) of St. Margaret’s Co-educational English Secondary & Primary School)

101. Mr Tsang Wai Yip, C25’s representative and the Chairman of the PTA of the School, made the following main points with the aid of a Powerpoint presentation:

- (a) the proposed HOS development at the Site would block the open view of the School and adversely affect air ventilation;
- (b) the proposal would give rise to traffic congestion and conflicts with road users. TD's claim that no insurmountable traffic problem was envisaged was vague and unclear;
- (c) the noise from school activities and the persistent conflict between the future HOS residents and the School would increase the risk of falling objects affecting students' safety;
- (d) it was undesirable to relocate the existing soccer pitch to another site as the relocation would involve about \$20 million which was a waste of public money;
- (e) while the PTA of the School supported housing development in general, there was no reason to support the claim that the 700 HOS flats had to be built on the Site and that these flats could not be accommodated in other development sites in the district; and
- (f) HD's efforts in refining the layout design of the proposed HOS development to address the School's concerns on building separation were appreciated. The Government should give further consideration to the site swapping proposals raised by the school principal.

102. Mr Eddie Lei, C25's representative and the Chairman of the Board of Directors of the School, made the following main points:

- (a) opposed the recent actions of the Government in identifying land for housing development which were irrational. The Government should stick to its long-term plans in housing provision;

- (b) noting that the ex-temporary golf driving range site at Fat Tseung Street would be used for development of 6 HOS blocks, the Kerry Hungkai Godown site to the north of the School would be redevelopment for private housing use and the Sham Mong Road site to the south of the School would be developed with 11 HOS blocks, the existing soccer pitch was an important amenity and breathing space for the crowded built-up area. For the sake of good urban planning, this soccer pitch should be retained to enhance the quality of life of the nearby residents;
- (c) public consultation with the stakeholders on the proposed HOS development was inadequate and done passively; and
- (d) the Government should consider the site-swapping proposals for the proposed HOS development suggested by the representers.

C33 – Lo Shuk Ming, Lany

103. Mr Mok Loy Yuen, C33's representative, made the following main points:

- (a) the hearing of the representations and comments in relation to the zoning amendment was appreciated. However, the public consultation was conducted too late to serve any meaningful purpose;
- (b) the current rezoning proposal was not well received by the public as it was not based on public opinion. The zoning amendment should be rejected and the public should be consulted on the matter again. It would be better to make a decision later rather than to make a wrong decision; and
- (c) to shorten the construction period and hence the adverse impacts caused during construction, a low-rise Government complex should be developed at the Site instead of a high-rise HOS development.

104. Miss Lo Shuk Ming, Lany, a staff member of the School, made the following main points with the aid of the visualiser:

- (a) the majority of some 3,100 representations received were against the zoning amendments;
- (b) referring to the representations submitted by some primary school students shown on the visualiser, all that the students wanted was a decent school environment with sunshine, clean air and tranquility. The students did not like the high-rise building and they wanted the soccer pitch to be retained; and
- (c) it was not worthwhile to sacrifice the learning environment of the students in return for 700 HOS flats. The Government should not focus its attention only on housing as it also had the responsibility to provide a good learning environment for students that was not spoiled by bad planning. There should be other options to accommodate the proposed number of flats.

105. As the presentation from the commenters and their representatives had been completed, the Chairman invited questions from Members.

106. The Chairman asked if the proposal of accommodating the 700 proposed HOS flats in other housing sites in the vicinity, as raised by some commenters, was viable and whether the AVA conducted for the proposed HOS development had only assessed the wind direction but not the wind speed. In response, Mrs Connie Lai said that the developable PR of the other housing sites in the vicinity had already been maximized. It was not feasible to add 700 flats to these sites also because of the lack of additional open space within the sites for meeting the open space requirement under the HKPSG. As there were currently over 200,000 households on the public housing waiting list and many people were still living in sub-standard housing units, every piece of potential housing land was precious and should be made use of. The provision of 700 HOS flats at the Site was important to relieve the pressing housing demand of Hong Kong as they would allow

public rental housing tenants who purchased those HOS flats to vacate their rental flats for other people in need. Besides, the facilities of the originally planned Government complex and the existing soccer pitch on the Site would be reprovisioned at NWKR Site 6. As regards the AVA study, Dr Emma Leung, Ove Arup, said that the AVA assessment covered both the wind direction and wind speed. However, as the AVA was on air ventilation performance, it did not assess air quality.

107. As Members had no further question to raise, the Chairman thanked the representers and commenters and their representatives and the Government representatives for attending the meeting. They all left the meeting at this point.

[The meeting was adjourned for a break of 3 minutes.]

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

Agenda Item 3 (cont'd)

[Open meeting (Presentation and Question Session only)]

Consideration of Representations and Comments in respect of the Draft South West Kowloon Outline Zoning Plan No. S/K20/29
(TPB Paper No. 9665)

[The hearing was conducted in Cantonese.]

Hearing for Group 2 (Representations R1 (Part), R2920 (Part), R3003, R3006 (Part) and R3069 and Comments C5 to C14, C24, C27, C28 (Part) and C30)

Declaration of Interests

108. As the representations were concerned with a proposed public housing development by the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA), the following Members had 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
- 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 current 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)
- Mr Jeff Y.T. Lam - being an alternative member for the Director of Lands who was a member of the HKHA
(as Deputy 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), Transport and Housing Bureau)

109. As the interests of the above Members were direct and substantial, Members agreed that they should withdraw from the meeting. Members noted that Mr Stanley Y.F. Wong, Professor P.P. Ho, Ms Julia M.K. Lau, Ms Janice W.M. Lai, Mr H.F. Leung and Miss Winnie M.W. Wong had tendered their apologies for not attending the meeting, Mr K.K. Ling and Mr Jeff Y.T. Lam had left the meeting temporarily, Mr Frankie W.P. Chou had already left the meeting, and Mr Dominic K.K. Lam had not arrived to join the meeting.

Presentation and Question Session

110. 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.

111. The following Government representatives, the representer and the representer's representative were invited to the meeting at this point:

- | | | |
|---------------------|---|---|
| Mr Wilson W.S. Chan | - | District Planning Officer/Tsuen Wan & West Kowloon (DPO/TWK), Planning Department (PlanD) |
| Mr Philip Y.L. Chum | - | Senior Town Planner/Tsuen Wan and West Kowloon, PlanD |
| Miss Zoe S.Y. Lau | - | Town Planner/Sham Shui Po (1), PlanD |
| Ms Rosa P.Y. Au | - | Senior Executive Officer (Planning) 4, Leisure and Cultural Services Department (LCSD) |

- Mrs Connie S.W. Lai - Chief Planning Officer/1, Housing Department (HD)
- Mr Max C.C. Wong - Senior Architect/35, HD
- Mr Rudolf Y.C. Lee - Senior Civil Engineer/3, HD
- Mr Jason C.N. Cheung - Architect/39, HD
- Mr Lo Sing Wun - Planning Officer/26, HD
- Dr Emma Leung - Ove Arup & Partners Hong Kong Limited (Arup)
- R3006 – Tsze Chi Ho
- Mr Tsze Chi Ho - Representer
- R3069 – Designing Hong Kong Ltd
- Miss Chan Ka Lam - Representer's representative

112. 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.

113. With the aid of a Powerpoint presentation, Mr Philip Y.L. Chum made the following main points as detailed in the Paper:

Background

- (a) on 13.12.2013, the draft South West Kowloon Outline Zoning Plan (OZP) No. S/K20/29 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The amendments to

the OZP were mainly to rezone a site at Fat Tseung Street West from “Government, Institution or Community” (“G/IC”) “Open Space” (“O”) and area shown as ‘Road’ to “Residential (Group A) 11” (“R(A)11”) (Item A), and a site at Lin Cheung Road (the Site) from “Other Specified Uses” (“OU”) annotated “Cargo Working Area, Wholesale Market and Industrial-Office”, “OU (Wholesale Market)”, “OU (Pier)” and area shown as ‘Road’ to “R(A)12”, “Comprehensive Development Area” (“CDA”), “CDA(2)”, “G/IC”, “O” and area shown as ‘Road’ (Items B to J);

- (b) during the two-month exhibition period, a total of 3,099 valid representations were received. On 28.2.2014, the representations were published for public comments and in the first 3 weeks of the publication period, a total of 34 valid comments were received;
- (c) on 2.5.2014, the Board agreed to consider the representations in 2 groups. Group 2 (representations R1 (Part), R2920 (Part), R3003, R3006 (Part) and R3069 and Comments C5 to C14, C27, C28 (Part) and C30) was related to Items B to J;

The Zoning Amendment

- (d) the Site (about 9.65ha) was a piece of Government land originally intended to accommodate the Cheung Sha Wan Wholesale Food Market (CSWWFM) Phase 2 development and related industrial and cargo handling uses. The inland portion of the Site was currently used as a temporary fee-paying public car park and cargo storage under Short Term Tenancy (STT) which could be terminated upon a three-month notice. The waterfront portion was temporarily allocated to the Highways Department (HyD) until 31.8.2015 as a barge loading point for the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL) project;

- (e) the Site was situated on the South West Kowloon waterfront and enjoyed good accessibility with the nearby MTR Nam Cheong Station to the east. It was no longer required for wholesale market use. Other suitable sites for wholesale market use would be assessed according to the land and locational requirements;

- (f) as the Site was at a prime waterfront location, it was considered suitable for residential and open space development. It was proposed that the Site be rezoned for residential use to help meet the pressing need for housing land and HD's request for the provision of public housing land in this part of Sham Shui Po (SSP). Public housing and private housing/hotel were proposed for the northern and southern portions of the Site respectively, a standard primary school was proposed in the eastern portion of the Site to meet the additional demand generated by the residential developments, and a social welfare facility block was proposed in the western portion of the Site to serve the district needs. The waterfront portion of the Site was proposed for a 20m wide waterfront promenade, incorporating a disused pier of the existing CSWWFM;

Public Consultation

- (g) prior to the gazetting of the draft OZP, the Sham Shui Po District Council (SSPDC) was consulted on the rezoning proposals of the Site on 18.6.2013. While SSPDC supported more housing developments in the area, it requested the Government to consider the balanced development of the community and accessibility of the waterfront promenade with a view to optimising land resources, enhancing the economy and vibrancy in the district, and to consult the local residents. In this connection, HD conducted a community engagement workshop on 16.7.2013 to collect the views of local residents and stakeholders on the proposed public housing development at the Site. SSPDC and the Task Force on Harbourfront Developments in Kowloon, Tsuen Wan and Kwai Tsing of

the Harbourfront Commission (the Task Force) were consulted on the draft OZP on 14.1.2014 and 12.2.2014 respectively. Their main concerns were summarised as follows :

SSPDC

- (i) while supporting more housing development in the area, SSPDC requested the Government to consider a balanced development of the community, the accessibility and development of the waterfront promenade with a view to optimising land resources, enhancing the economy and vibrancy in the district, and to consult the local residents;
- (ii) the proposed development at the Site might adversely affect air ventilation performance. Wind corridors with appropriate widths should be incorporated into the designs of the proposed developments; and
- (iii) more pedestrian facilities should be provided to link up the Site and the inner SSP area to enhance pedestrian safety at night time;

The Task Force

- (i) to facilitate public enjoyment of the waterfront promenade, the footbridge connection from the hinterland towards the western portion of the Site should be further examined and improved;
- (ii) as the Site was in close proximity to the existing industrial and commercial uses at the waterfront, the amendments to change the use from industrial to mainly residential use might give rise to potential conflict between the future residents and existing tenants or operators of industrial and commercial sites. The scale of residential development was somewhat excessive for a waterfront setting; and

- (iii) to achieve a holistic design, the waterfront portion of the Site should be designed as one “CDA” site to ensure seamless integration of the proposed private residential and hotel developments (Items B and C) and the waterfront promenade (Item G);

The Representations

- (h) the 5 representations in Group 2 were submitted by the Mass Transit Railway Corporation Limited (MTRCL), Designing Hong Kong Limited and three individuals. Four of them opposed the proposed rezoning of the Site and the representation submitted by MTRCL provided views on the rezoning of the Site;

Grounds of Representations and Representers' Proposal

- (i) the grounds of representations were summarized below :
 - (i) Planning Intention – the original planning intention was to relocate the CSWWFM, the Cheung Sha Wan Wholesale Vegetable Market and the Yau Ma Tei Wholesale Fruit Market. As the Government had yet to find suitable sites for relocating these wholesale markets, the rezoning of the Site would lead to further delay in their relocation and would create noise, light pollution and traffic problems to the residents nearby. These amendment items would affect the public interest and violate the original planning intention;
 - (ii) Land Use Incompatibility – the Site was intended for CSWWFM Phase 2 development, which was not suitable for residential development from the geographical, transportation, environmental, livability and sustainability points of view. The Site was ideal for commercial, logistics and industrial uses which

required waterfront access. Housing need was not an overriding public interest that would allow the sustainability of the city to be ignored. The opportunity cost of using the Site for non-water dependent use was high;

- (iii) Air Ventilation and Urban Climatic Map (UC Map) – the building height (BH) restrictions of 100mPD and 120mPD were similar to those for the Fat Tseung Street West site for Home Ownership Scheme (HOS) development and the North West Kowloon Reclamation Area (NWKR) Site 6. Although a narrow wind corridor would be designated, the proposal would have adverse impact on air ventilation in the Cheung Sha Wan area. If the Site was used for residential development, a 220m non-building area (NBA) should be provided along Hing Wah Street/Hing Wah Street West as a wind corridor from the waterfront to inland areas. Items B to J were in conflict with the recommendations of the Urban Climatic Map and Standards for Wind Environment Report (the UCMAP Study). According to the UCMAP Study, the site covered by Item D was located in Urban Climatic Planning Zone 2 and should be rezoned to “CDA” instead of “R(A)”, and submission of a master layout plan (MLP) for the Board’s approval should be required;
- (iv) Environmental Impact – the shipyards, bus depot, refuse transfer station, drainage facilities, CSWWFM, and highways and railways near the Site would adversely affect the proposed residential development in terms of environment, air quality and noise etc. It would cause social problems and would be an economic burden to the society;
- (v) Visual Impact – high-rise developments with BH of 100mPD to 120mPD would impose adverse visual impact on public views from the sea; and

- (vi) Others – rezoning part of the Site to “R(A)” (Item D) instead of “CDA” would allow the future development to bypass the planning application process. The Board should listen to the comments of local stakeholders when considering applications for minor relaxation of the GFA/BH/NBA restrictions;

Representers’ Proposal

- (j) the representers’ proposals were summarised below:
 - (i) a public transport interchange (PTI) and car parking facilities should be built in the western portion of the Site (Item E) and should be designated as area shown as ‘Road’ to facilitate public access to the promenade;
 - (ii) to rezone part of Items B to D to “O” to re-provision the existing 5-a-side soccer pitch at the Fat Tseung Street West site which would be affected by the rezoning under Item A, or to re-provision the soccer pitch at the eastern portion of the Site (Item F). A standard soccer pitch should be provided to meet the planning standard;
 - (iii) to reduce the width of the waterfront promenade (Item G) from 25m to 15m;
 - (iv) to provide an open space with a width of 220m as a wind corridor connecting Hing Wah Street West and the waterfront promenade (Item G);
 - (v) to reduce the width of the pedestrian walkway (Item H) in order to free up more space for development; and

- (vi) to retain the existing uses and/or broaden the use at the Site to include commercial, logistics and industrial use which were dependent on water access and/or support marine uses;

Representation Providing Views

- (k) R3003 indicated that as the Site was situated close to both the MTR Tung Chung Line and MTR Airport Express Line, noise from rail operations could be of concern to future tenants. The project proponents should comprehensively address the potential noise nuisance and ensure that adequate noise mitigation measures were implemented at their own costs for the Site. These issues should be addressed by imposing related requirements through planning briefs, MLP submissions, planning approval conditions and/or relevant land grant clauses to be fulfilled by the development proponents.

Comments on Representations

- (l) the 14 comments related to Group 2 were submitted by the Hong Kong Cargo Vessel Traders' Association Ltd, the Public Cargo Area Trade Association and 12 individuals. Nine comments supported the opposing views of R3069 on the rezoning, four provided views not supporting Items B to J and one provided views not supporting Item D;
- (m) the main grounds of the comments were as follows:
 - (i) the geographical location of the Site was a marine industry/commercial shipyard area, which was not suitable for residential development due to lack of public transport. The original planned use included a cargo handling area, which should be retained;

- (ii) the operation of the commercial, logistics and marine industries were dependent on water access. There was a need to retain the Site for commercial, logistics and marine uses as no other suitable Government land around the Victoria Harbour was available. The Site should be zoned for permanent cargo handling use in order to facilitate the development of small and medium-sized logistics companies in Hong Kong. The rezoning would affect the survival of marine-related industries since the operation of the industry relied on the cargo handling area;
- (iii) the imposition of building height restriction (BHR) for waterfront developments was supported. The BHR should preferably be not taller than 10 storeys; and
- (iv) that the proposed rezoning of the Site under Items B to D should be cancelled and low-rise GIC facilities such as municipal building, sports centre, park and school should be built on the Site;

Responses to Grounds of Adverse Representations/Comments

- (n) the Government's responses to the adverse representations/comments were summarised as follows:

Planning Intention

- (i) the Site was originally reserved for accommodating the CSWWFM Phase 2 development and related industrial and cargo handling uses. The CSWWFM Phase 2 development was no longer required as suitable replacement sites in other parts of the Territory were being studied. Without the planned wholesale market, there was no need to retain the related industrial, cargo handling and logistics uses. Given its prime waterfront location, good accessibility by various public transportation modes and compatibility with the

local character of the surrounding area, the Site was considered suitable for residential development, waterfront promenade and GIC uses to help meet the pressing demand for housing land, satisfy the district requirements, meet local aspirations, and add vibrancy to the waterfront;

Land Use Compatibility

- (ii) with the change in the planned land use of the Site, the land originally reserved for wholesale market related uses including cargo handling use were no longer compatible with the existing/planned residential developments in the vicinity (particularly to the north);

Air Ventilation

- (iii) according to the AVA conducted by HD in 2013, the overall air ventilation performance of the baseline scheme (a low-rise wholesale market structure) and the indicative scheme of the proposed developments at the Site (Items B to J) were similar. Three wind corridors aligning Hing Wah Street West (45m wide), Fat Tseung Street West (22m wide) and Tonkin Street West (30m wide) were designated as NBAs to allow wind penetration to the inland area of Cheung Sha Wan. The NBA in the middle of the Site would be developed into a large public open space. The proposed road (Item H) running in an east-west direction across the centre of the Site would further enhance wind penetration to the downward side of the proposed developments. Building separation of at least 15m between the proposed public housing blocks would be maintained by HD to further enhance air ventilation to the Cheung Sha Wan area;

- (iv) as the purpose of the UCMaP Study was to comprehensively assess the urban climatic characteristics of different parts of Hong Kong and to formulate holistic planning actions and design measures to improve the urban climate, the recommendations of the UCMaP were broad brush in nature. In determining appropriate development parameters for individual sites, reference should be made to relevant strategic and district planning considerations, as well as individual site circumstances. Appropriate development intensity and design measures, including maximising greening coverage and building separation, had been incorporated in the proposed developments to enhance the wind environment of the district;

Environmental Impact

- (v) Planning Briefs (PBs) would be prepared to guide the proposed public housing developments (Item D) and the development in the “CDA” sites (Item B). HD and future project proponents would be required to follow the PBs when preparing detailed design for the proposed developments, and to undertake relevant technical assessments to demonstrate that the future developments would pose no adverse impact on the surrounding areas from the environmental, traffic, visual and air ventilation points of view. HD had also carried out a preliminary Environment Assessment Study (EAS) which demonstrated that no insurmountable environmental problem was envisaged for the proposed public housing developments in the northern portion of the Site (Item D). The future project proponents for the “CDA” sites would be required to prepare and submit a MLP together with relevant technical assessments for the Board’s approval. The Environmental Protection Department (EPD) did not anticipate any insurmountable environmental problem from the rezoning of the Site;

Visual Impact

- (vi) the BHRs of 120mPD and 100mPD for the Site descending towards the waterfront were visually compatible with the nearby high-rise developments ranging from 120mPD to 181.7mPD. Height variation would also be adopted to avoid a wall effect and to create an interesting skyline for the harbourfront;

Planning Brief (PB)

- (vii) for the “R(A)12” site in Item D, a PB would be prepared to guide the proposed public housing development. HD would be required to follow the requirements set out in the PB when preparing detailed design and to undertake relevant technical assessments for the proposed public housing developments. The rezoning of the Site to “R(A)12” was considered appropriate;

GIC Facilities

- (viii) the Hoi Lai Estate PTI and Sham Shui Po (Tonkin Street West) Bus Terminus were in the vicinity of the Site with the latter to be upgraded to a PTI within NWKR Site 6. As advised by TD, the proposal to provide a new PTI at the Site was unjustified. The affected GIC facilities and 5-a-side soccer pitch at the Fat Tseung Street West site (Item A) would be reprovisioned within the proposed PRH development at NWKR Site 6. The planned community and open space facilities in SSP district were sufficient to serve the population growth caused by Items B to J. The proposal of providing a 220m wide open space as a wind corridor connecting Hing Wah Street West was unnecessary and impractical;

The Promenade

- (ix) for access to the promenade, the public could use the existing footbridge at Hing Wah Street West and the proposed pedestrian walkway at the eastern portion of the Site. HD was also examining the feasibility of constructing a long span bridge linking NWKR Site 6 and the Site to enhance pedestrian access to the promenade. The planned 25m wide waterfront promenade was considered comparable with other existing promenades in the surrounding areas such as the promenade to the west of the MTR Olympic Station. The proposed reduction in width of the waterfront promenade to 15m would reduce the amount of open space for public enjoyment, and constrain its design and integration with the surrounding developments;

Pedestrian Walkway

- (x) the pedestrian walkway under Amendment Item H was one of the two major pedestrian accesses from other parts of SSP to the Site. The proposal to reduce its width would hinder pedestrian connectivity in the area. HD and TD would closely monitor the demand for public transport services in the district and discuss with the local public transport operators to ensure the provision of adequate public transport services serving the local residents before completion of the proposed public housing development;

114. The Chairman then invited the representer and representer's representative to elaborate on their representations.

R3006 – Tsze Chi Ho

115. With the aid of a Powerpoint presentation, Mr Tsze Chi Ho made the following main points:

- (a) objected to amendment items B to J. While he agreed that there might be a need to build more flats, it should be balanced against the impacts on the local community;

Rezoning of the Site Contrary to Recommendations of Previous Studies

- (b) the Site was originally intended for the CSWWFM Phase 2 development that would only comprise three to four-storey buildings. Rezoning the Site for high density development with BH from 100mPD to 120mPD would severely impact on the air ventilation in the Cheung Sha Wan area. This rezoning was contrary to the two previous studies commissioned by PlanD, both of which recommended that waterfront sites should not be for high-density developments;
 - (i) according to the ‘Expert Evaluation and Advisory Report for Proposed Amendments to Cheung Sha Wan OZP’ dated September 2010, the “OU” sites annotated wholesale market Phases I and II at the waterfront were to be maintained as low-rise developments, as these sites were important for the air ventilation of the SSP area;
 - (ii) according to the final report of the UCMap Study, the Site fell within the Urban Climatic Map Zone 2 area which was only suitable for low-density and low building volume developments;
- (c) it was stated in the final report that ‘open spaces in the urban area allow the above roof-top wind to flow into them and benefit pedestrian air ventilation. In general, the dimensions of the open space should be no less than twice the average height of the surrounding buildings’. Adopting this standard, a 220m-wide air ventilation corridor (i.e. twice the proposed building height of 110m) should be reserved at Hing Wah Street West;

Severe Air Pollution in the Sham Shui Po Area

- (d) according to a survey conducted by the Clean Air Network in 2010, 78% of the respondents considered that the air pollution in SSP was severe or very severe; 66% of the respondents were not satisfied with the local air quality; and 32.3% of the respondents indicated that they wished to move out of SSP;
- (e) the air pollution problem was also featured in an article in the Oriental Daily on 26.1.2013. According to the recordings taken by green groups, the PM2.5 level at twelve locations in SSP all exceeded the standards of the World Health Organisation. The pollution level was as severe as in Mong Kok. The main sources of air pollution in SSP were from buses (about one quarter of the bus routes in the Territory passed through SSP/Cheung Sha Wan) and factories in the area;
- (f) the worst pollution was recorded near the Cheung Sha Wan Plaza. This was probably due to the factories nearby as well as the cluster of very tall and dense housing developments of Banyan Garden, Liberte, The Pacifica and Aqua Marine nearby. The Site should not be developed in a manner that would block air ventilation in the area;
- (g) PM2.5 level was known to be associated with blood vessel problems and heart diseases. The health problems caused by air pollution would lead to increase in public expenses on hospitalisation and medical treatments. This could be avoided with better planning;

Breezeway along Hing Wah Street West

- (h) under the existing OZP, a wide breezeway had been reserved along Hing Wah Street West, which comprised the road as well as developments on both sides of the road that were low-rise GIC uses or school

developments, open spaces as well as low-rise building structures at Un Chau Estate. The breezeway, some 200m-wide, was important for air ventilation in the area and facilitated air flow between the waterfront and the inland area. If tall buildings were built on the Site, it would block this breezeway and lead to intensified heat island effect;

- (i) the provision of the breezeway was in line with Chapter 11 of the Hong Kong Planning Standards and Guidelines (HKPSG) which stated that ‘for better urban air ventilation in a dense, hot-humid city, breezeways along major prevailing wind directions and air paths intersecting the breezeways should be provided in order to allow effective air movements into the urban area to remove heat, gases and particulates’. Breezeways could be formed through roads as well as inter-linked open space and low-rise buildings;
- (j) Chapter 11 of the HKPSG also recommended the provision of view corridors and varying building height profiles to enhance the cityscape. Taller buildings should be located inland with lower developments on the waterfront, to avoid dominating the harbour and to increase permeability to Victoria Harbour. Waterfront buildings should be of appropriate scale and form to avoid creating an impermeable “wall” along waterfronts. Where appropriate, varying built form should be created;

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

- (k) the planning of the Site should provide for an extension of the existing breezeway (some 200m wide) along Hing Wah Street West to the waterfront. Reservation of a wide breezeway would facilitate dispersion of air pollutants;

Incompatible Uses in the Surrounding

- (l) there were a number of uses in the vicinity that would be incompatible with residential uses on the Site. These included the West Kowloon Refuse Transfer Station that created an odour nuisance, the operation noise of boatyards and the noise nuisance from the bus depots to the west, and the noise nuisance from heavy goods vehicles associated with the wholesale food and fish market operations to the east. The provision of a GIC site in the western portion of the Site was inadequate to serve as a noise buffer from the boatyards as noise was generated from boat repair activities within the water body;

Proposed Amendments to the OZP

- (m) the width of the waterfront promenade was proposed to be reduced from 25m to 15m. This would allow some area originally zoned for waterfront promenade to be consolidated into two larger open space sites in the western portion of the Site abutting Hing Wah Street West. These open spaces would allow the existing breezeway at Hing Wah Street West to be extended to the waterfront. It would provide for a more accessible and prominent open space, which would also provide better buffer from the surrounding boatyards and bus depots; and
- (n) there was no need for a hotel on the site. The “CDA” site for hotel development was proposed to be replaced by a “G/IC” zone that might be occupied by a school to serve as a buffer from the wholesale food and fish markets;

Conclusion

- (o) it was necessary to strike a balance between the need for development and the adverse impacts on local residents. The OZP zonings were drawn up without air pollution assessment and were not in line with

previous studies conducted by PlanD. If the developments were to follow the existing OZP zonings, it would produce problems in the area.

R3069 – Designing Hong Kong Limited

116. Miss Chan Ka Lam, R3069's representative, said that Mr Paul Zimmerman was not able to attend the meeting in person but he had prepared a Powerpoint presentation and an audio recording, which covered the following main points:

- (a) objected to the rezoning of the Site from industrial to residential use as conflicts would be created due to the incompatible uses surrounding the site. The Site should be retained for water access dependent uses;

Incompatible Uses in the vicinity of the Site

- (b) in 2000, the TPB agreed to rezone a site at Ap Lei Chau Praya Road from industrial to residential use, despite objections from the surrounding boatyards. The site was developed into a residential development called Larvotto. Upon its completion and occupation, there were a lot of conflicts between the boatyard operators and residents. Non-openable windows were provided at that development as a noise mitigation measure, but this was not desirable from the residents' perspective. If the Site was developed for residential use, similar conflicts would arise;
- (c) the rationale for the Government to claim that residential use on the Site would be compatible with the local character in the surrounding area and that no insurmountable environmental problems was anticipated from rezoning the Site was unclear;
- (d) while the TPB Paper noted that the "wholesale market related uses including cargo handling use were considered no longer compatible with the existing/planned residential developments in the vicinity (particularly

to the north)”, it failed to mention other uses in the vicinity that were considered incompatible with residential uses on the Site, including the FEHD vehicle depot, wholesale food market, boatyards, refuse transfer station, sewage treatment works, government dock yard, People’s Liberation Army naval base, the Container Terminals and the abutting highways;

Reserve the Site for Water Access Dependent Uses

- (e) Government should plan for a diversified waterfront providing a variety of uses including cultural events at the West Kowloon Cultural District and Tsim Sha Tsui, bars and restaurants in Lei King Wan, a Maritime Museum in Central, sailing in Causeway Bay, sports in Kai Tak, green promenades at Hung Hom, and parks in Sheung Wan;
- (f) water access dependent uses were now concentrated in Tsing Yi, Kwai Tsing, Stonecutters Island and Yau Ma Tei. Rezoning the Site for residential use would adversely affect the agglomeration of water access dependent uses in the locality and would affect the viability and synergy of these operations;
- (g) since 2000, there had been significant reduction in sites for water access dependent uses. Many cargo handling areas had been closed down and only the ones remaining at Rambler Channel and Yau Ma Tei were still in operation. After the closing of the cargo handling facilities in the eastern harbour, cargo handling costs had surged from \$900 to \$5,000 per meter. No consultation had taken place with marine operators or water access dependent uses regarding the rezoning of the Site. Loss of the Site to residential uses had not been discussed in the Ports Operations Committee and Local Vessel Advisory Committee. The Site had not been put up for tender for marine related industries. Although the Site was no longer required for wholesale market

development, it was needed by many other water access dependent uses, including cargo handling and logistics uses; and

- (h) it was indicated in the TPB Paper that suitable replacement sites in other parts of the Territory were under study for the relocation of the wholesale food market. However, such use was land intensive and would inevitably cause potential conflicts with uses near any replacement site to be identified. There was no strong justification to relocate the wholesale market from the Site as it was currently compatible with the uses in its surrounding.

[Ms. Bonnie J.Y. Chan left the meeting at this point.]

117. The Chairman then invited questions from Members.

118. In response to a Member's enquiry on the planning of the Site, Mr Wilson W.S. Chan, DPO/TWK said that the Site was originally reserved for the CSWWFM Phase 2 development and logistics uses. As FEHD considered that the Site could be released for alternative uses, the appropriate rezoning was being examined over the past two years. The Site was a precious piece of waterfront land in the Harbour. If it were rezoned for uses that would create environmental impacts, such as cargo handling facilities, there would be strong objections from local residents. Moreover, during the consultation with government departments, there was no indication that the Site should be retained for cargo handling area/logistics uses. In view of the imminent housing demand, the Site was proposed to be rezoned for residential use. As residents in SSP had long requested for access to the waterfront, a waterfront promenade was proposed to serve the local community. As for air ventilation, three breezeways (with different widths) aligning with Hing Wah Street West, Fat Cheung Street West and Tonkin Street West were designated on the Site as NBA. In addition, an open space of about 4,000m² had been reserved through the centre of the Site (also designated as NBA). A 45m-wide NBA and a low-rise social welfare facilities block at the western portion of the Site would allow the breezeway along Hing Wah Street West to be extended to the waterfront. HD had

prepared an AVA which demonstrated that the proposed development would not create adverse air ventilation impacts

119. The Chairman enquired about the feasibility of R3006's proposed amendments to the OZP. In response, Mr Wilson W.S. Chan said that the central portion of the site proposed by R3006 for residential use was a drainage reserve that could not be built over. In this regard, R3006's proposed layout would not be feasible.

120. In response to the Chairman's enquiry on the odour nuisance, Mr Wilson W.S. Chan said that the representers noted that there were existing odour nuisance from the sewage treatment works and refuse transfer station that were respectively 600m and 700m from the Site. Notwithstanding this, according to the Harbour Area Treatment Scheme Stage 2A project, the sewage treatment works at Stonecutters Island would be covered and odour removal facilities would be installed. Upon completion of these improvement works, the odour nuisance from the sewage treatment works would be eliminated. As for the refuse transfer station, EPD had requested their operator to strengthen odour nuisance control at the facility. Mrs Connie S.W. Lai, Chief Planning Office, HD, supplemented that in 2011, the Legislative Council had approved funding for improvement works for the refuse transfer station to reduce odour nuisance. These improvement works had commenced and upon completion of the works, the odour nuisance from the refuse transfer station would be eliminated.

121. A Member asked whether other land uses would be proposed to bring more vitality or economic activities to the Site. In response, Mr Wilson W.S. Chan said that consideration had been given to the themes and activities for the waterfront plaza that could help increase the vitality of the area. The proposed hotel in the CDA would bring business activities and there was also scope to include more business uses in the CDA.

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

122. A Member asked whether the boatyard operations would create noise nuisance on the residential uses and whether the wholesale food market would generate noise nuisance that needed to be mitigated. In response, Mr Wilson W.S. Chan said that the

private residential and hotel developments on the Site were zoned “CDA” which would be guided by a planning brief and would require submission of technical assessments, including noise impact assessment, would be required to support the master layout plan submission for the Board’s consideration. EPD should consider the appropriate measures to be adopted to mitigate any noise nuisance from the surrounding uses at that stage. In addition, a “G/IC” site was reserved in the western part of the Site to provide a buffer from the shipyards. The case of the Larvotto was not strictly comparable as the boatyards affecting Larvotto were located directly opposite to the residential development.

123. As Members had no further questions, the Chairman said that the hearing procedure had been completed and the Board would deliberate on the representations in the absence of the representers and would inform them of the Board’s decision in due course. The Chairman thanked the representer and representer’s representative and the representatives of Government departments for attending the hearing. They all left the meeting at this point.

Deliberation

124. The Chairman said that as quite a number of Members who had heard the representations had left the meeting already and the attendees of the remaining items scheduled for the meeting had been waiting for a very long time, he suggested and Members agreed that the deliberation on the representations should be deferred to a later meeting.

Tuen Mun and Yuen Long District

Agenda Item 4

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-LFS/255

Temporary Open Storage of Marbles, Construction Material, Aluminium Cans and Frames, Small-scale Machinery, Cars, and Lorries for Export, Mini Elevating Platforms and Ancillary Workshop and Loading/Unloading Spaces for a Period of 3 Years in “Residential (Group E)” and “Recreation” zones, Lots 2219 RP (Part) and 2226 (Part) in D.D. 129 and adjoining Government Land, Lau Fau Shan, Yuen Long
(TPB Paper No. 9570)

[The hearing was conducted in Cantonese.]

[Mr K.K. Ling and Mr Jeff Lam returned to join the meeting, and Mr Dominic K.K. Lam arrived to join the meeting at this point.]

Presentation and Question Session

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

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

Ms Cheuk Miu Fun - Applicant’s representative

126. The Chairman extended a welcome and thanked DPO/TM&YLW and the applicant’s representative for their patience since the last agenda item had overrun. He then explained the procedure of the review hearing and invited DPO/TM&YLW to brief Members on the review application.

127. With the aid of a Powerpoint presentation, Mr. W.S. Lau, DPO/TM&YWL, presented the review application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission to use the application site (the Site) for proposed temporary open storage of marble, construction materials, aluminum cans and frames, small-scale machinery, cars and lorries for export, mini elevating platforms, ancillary workshop and loading/unloading spaces for a period of 3 years. The Site fell within an area zoned “Residential (Group E)” (“R(E)”) (about 68%) and “Recreation” (“REC”) (about 32%) on the approved Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/7;
- (b) on 13.12.2013, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) approved the application with conditions on a temporary basis for a period of one year until 13.12.2014. The applicant had complied with all the time-limited approval conditions;
- (c) on 21.1.2014, the applicant applied for a review of the RNTPC’s decision to impose approval condition prohibiting workshop and repairing activities at the Site at any time during the planning approval period under approval condition (c);
- (d) in support of the review application, the applicant submitted on 20.3.2014 written representation including noise and air measurements reports. On 28.5.2014, the applicant submitted a letter clarifying the details of the workshop activities being carried out on the Site;
- (e) the justifications put forth by the applicant in support of the review application were highlighted in paragraph 3 of the Paper and summarised below:
 - (i) the noise and air measurements conducted by the applicant were

carried out under a mock operational situation, which indicated that the measurements met the Hong Kong testing standard;

- (ii) the proposed ancillary workshop was located under an open-sided shelter in sub-area B for repair and maintenance of mini elevating platform (including changing parts and repainting) only. No cutting, dismantling, cleansing, melting and compaction activities would be involved and there would be no emission of oil from the workshop activities;
 - (iii) the proposed ancillary workshop would be operated on a need basis only. Normally, the shelter would be used for storage of mini elevating platforms and aluminum frames and the impact generated by the proposed ancillary workshop was minimal. The operation hours of the workshop were from 9 a.m. to 7 p.m.;
 - (iv) sound deadening curtain, side panels and the converted containers would act as a noise and dust barrier. The existing drainage facilities, trees and fencing would be maintained and regular water spraying would be arranged to minimize the noise and dust impacts the surrounding area;
 - (v) the proposed ancillary workshop was located about 20m from the nearest residential dwelling. The result of the noise measurement taken at a point closest to the adjoining residential dwelling was satisfactory; and
 - (vi) the applicant believed that the operation of the proposed ancillary workshop on the Site was acceptable and would like the Board to consider the submitted noise and air measurements and allow workshop activities on the Site;
- (f) the Site was fenced and sub-divided into 2 sub-areas. The northern

portion of the Site was being used for open storage of vehicles and a converted container was found while the southern portion was used for open storage of forklift and construction materials and a 2-storey converted container was found. An open-sided 6.5m shelter was located at the southern boundary of the Site;

- (g) the Site was mainly surrounded by open storage yards and there were three residential structures located in close proximity, with the nearest one only about 3m away;
- (h) previous application - the Site was the subject of 12 previous applications for various temporary open storage uses which were approved by RNTPC between 1996 and 2013. Noting the close proximity of the Site to nearby residents and/or previous substantiated noise pollution complaints received by the Director of Environmental Protection (DEP), RNTPC in granting approval to the last five previous applications (No. A/YL-LFS/168, 186, 211, 232 and 250) had imposed an approval condition prohibiting workshop and repairing activities on the Site and granted a shorter approval period of one year in order to closely monitor the Site;
- (i) similar application - within the same “R(E)” and “REC” zones, there were 12 similar applications for open storage uses approved by RNTPC. Amongst these approved applications, workshop uses were only permitted in four applications (No. A/YL-LFS/197, 213, 225 and 260) involving two sites;
- (j) departmental comments – comments from relevant Government departments were detailed in paragraph 5 of the Paper and summarised below:
 - (i) DEP did not support the application as there were sensitive uses (residential dwellings) in the vicinity of the Site (the closest being about 3m away) and along the access road (Deep Bay Road).

Environmental nuisance was expected. The further information and noise and air measurements submitted by the applicant were not a proper environmental assessment which should include detailed information such as baseline, locations of sensitive receivers, emission sources, details of operation, plants and machineries used, assessment of cumulative impacts, quantitative assessment of impacts according to relevant guidelines and legislation and proposed mitigation measures; and

- (ii) other departments consulted had no specific comment on the review application and maintained their previous views;

- (k) public comments - during the statutory public inspection periods of the review application, no public comment was received. There were two public comments received at the s.16 application stage which objected to the application mainly on the grounds of the potential noise nuisance and dust problems to be generated by the proposed use and Deep Bay Road was not designed for heavy vehicles traffic; and

- (l) PlanD's view – PlanD did not support the application based on the assessment in paragraph 7 of the Paper, which were summarised below:
 - (i) the subject s.16 application was approved by RNTPC mainly on considerations that the applied use was not in conflict with the planning intentions; the development was not incompatible with the surrounding areas; the applied use generally complied with TPB PG-No. 13E. RNTPC imposed an approval condition on the prohibition of cutting, dismantling, cleansing, melting, repairing, compaction and workshop activity under approval condition (c). A shorter approval period of one year, instead of 3 years sought, was also granted in order to closely monitor the Site;

 - (ii) due to the close proximity of the Site to nearby residents and/or

previous substantiated noise pollution complaints, RNTPC in approving the last five previous planning applications (No. A/YL-LFS/168, 186, 211, 232 and 250) also imposed, inter alias, conditions prohibiting workshop and repairing activities on the Site and a shorter approval period of one year, instead of three years sought, in order to closely monitor the Site;

- (iii) DEP considered that the further information and noise and air measurements submitted by the applicant were not a proper environmental assessment. According to the “Code of Practice on Handling the Environment Aspects of Temporary Uses and Open Storage Sites” (COP), for a proposed open storage use, if “the subject site boundary was within 100m from the nearest residential building” or “part/whole of the subject heavy vehicle traffic was expected to travel along any access road within 50m from the nearest residential building”, DEP could not lend support to the application because environmental nuisance such as dust and noise were expected, especially the application was for storage of marbles, construction material, aluminum cans and frames, small-scale machinery, cars and lorries for export with ancillary workshop and loading/unloading spaces operations. Moreover, as there were sensitive uses (residential dwellings) in the vicinity of the Site (the closest residential dwelling being about 3m away) and along the access road (Deep Bay Road), DEP maintained his previous view of not supporting the application;

- (iv) within the same “REC” and “R(E)” zones, RNTPC had approved 12 similar applications for temporary open storage uses. An approval condition to prohibit workshop activities had been imposed by RNTPC for eight applications taken into account the proximity of these sites to the residential dwellings, the concerns and views of DEP and locals and to minimize environmental nuisance to nearby areas. Workshop uses were only permitted in four applications

involving two sites (Applications No. A/YL-LFS/225 and 260 at one site; and A/YL-LFS/197 and 213 at another site). In considering Applications No. A/YL-LFS/225 and 260, RNTPC had taken into account the closest sensitive receivers which were about 55m and 40m away respectively from the workshop. Similarly, for Applications No. A/YL-LFS/197 and 213, the proposed workshop uses were far away from residential dwellings with the closest sensitive receivers at about 50m and 60m away respectively. However, for the current review application, there were three sensitive receivers located much nearer to the Site (the closest sensitive receiver was only about 3m and 20m away from the site boundary and proposed workshop respectively), more serious environmental nuisance was expected. The applicant failed to demonstrate that the proposed ancillary repair and maintenance workshop would not have adverse environmental impacts on the immediate vicinity; and

- (v) there was no major change in the planning circumstances as compared with that at the s.16 application stage.

128. The Chairman then invited the applicant's representative to elaborate on the application. Ms Cheuk Miu Fun made the following main points:

- (a) approval condition (c) which stated that 'no cutting, dismantling, cleansing, melting, repairing, compaction and workshop activity was allowed on the site' was too restrictive as it would in effect prohibit all kinds of workshop activities to be carried out on the Site;
- (b) while the workshop would not involve in any cutting, dismantling, cleansing, melting and compaction activities, some minor repair and maintenance works of mini elevating platforms would be carried out infrequently within the Site, normally at an interval of six to nine months when the mini elevating platforms were returned to the Site for storage

after each leasing contract;

- (c) noise and air measurements for a mock operational situation was conducted by a qualified company to ascertain whether the ancillary workshop within the Site would cause environmental nuisance to the local residents. As the results of the measurements were satisfactory, the applicant therefore decided to submit the subject review application;
- (d) the applicant had complied with all approval conditions and there was no local objection or public comment against the review application since the commissioning of the operation on the Site. Moreover, most Government departments had no adverse comment on the review application;
- (e) the ancillary workshop, if approved, would be located under a shelter where sound deadening curtain and side panels had been provided to mitigate the potential environmental impacts. The adjacent converted containers would also serve as a noise and dust barrier. Besides, the Site was hard paved and regular water spraying would be arranged to minimise the noise and dust impacts on the surrounding area. The Site had been kept in a clean and tidy condition at all times;
- (f) the Site had been approved for various open storage uses since 1991 and no complaints had ever been received on those operations within the Site;
- (g) with reference to a plan displayed on the visualiser showing the residential dwellings in the vicinity of the Site and the adjacent open storage yards, she said that all the complaints in the past seven years were lodged by the same resident of the nearest residential dwelling who lived there since 2007. Due to these complaints, RNTPC had granted a shorter approval period of one year for each of the last five previous applications on the Site;

- (h) according to the operators of the Site, the complainant claimed that the day-time operation on the Site had disturbed the sleep of his son. The complainant, however, would consider not to lodge any further complaints if compensation was paid. The applicant therefore decided to use the Site for some relatively static operation such as open storage of mini elevating platforms in order to minimise the disturbance to the complainant;
- (i) it was unfair that there was differential treatment between the current application and another similar application to the further south of the Site which was approved by RNTPC. That application was for temporary open storage of containers with ancillary office and ancillary container repair workshop on a much larger site of about 60,000 ft² and there was a residential dwelling within the site. Moreover, the site was surrounded by a number of scattered residential structures in the north and west and the village cluster of San Hing Tsuen in the south. As compared with that approved application, the environmental nuisance generated by the small workshop within the Site was insignificant; and
- (j) the noise and air measurements conducted by the applicant had demonstrated the environmental acceptability of the Site. It was not justified for the Board to prohibit the ancillary workshop use within the Site merely on the ground that a noise complaint was lodged by a local resident. The applicant should not be punished for not giving in to the unreasonable demand from the complainant.

129. The Chairman asked whether the applicant had any relocation proposal for the current use of the Site upon the expiry of the planning approval by end 2014 given that the Site might not be a suitable location for the existing operation. In response, Ms Cheuk Miu Fun said that the open storage use within the Site had been in existence before 1990 and the Site was approved for such use since 1991. All along, no complaints were received from the residents of the three residential structures nearby and complaints were only lodged by a resident of the nearest residential dwelling since 2007. The applicant had no intention to

relocate the use of the Site elsewhere unless there was clear evidence that the Site was not suitable for such operation.

130. In response to the Chairman's another question on the nature of repair works to be carried out on the Site, Ms Cheuk advised that only minor maintenance works including changing of spare parts and simple repair works in association with the routine inspection of the mini elevating platforms would be performed within the Site. Although the mini elevating platforms were electrically operated, the routine inspection normally did not require the use of any electric machinery. Nevertheless, in conducting the noise and air measurements under the mock-up operation situation, large-scale machineries and equipments were used to simulate the worst case scenario of the workshop operation.

131. A Member asked whether the applicant was only aggrieved by the approval condition prohibiting workshop activities within the Site and whether the Site was involved in similar routine inspection or minor repair works in the previous approved applications. Ms Cheuk confirmed that the applicant was only dissatisfied with the approval condition on prohibiting workshop activities on the Site. She also clarified that ancillary workshop use was only included in the current application but not in other previous applications.

132. The same Member continued to ask whether the open storage use on the Site was an 'existing use' and whether on-site noise measurement had been carried out by DEP.

133. Mr W.S. Lau said that the subject open storage use was not an 'existing use' that existed before the first publication of a statutory plan covering the area, hence planning permission for open storage use was required. The Site was the subject of 12 approved applications for various open storage uses. RNTPC, in approving the last five previous applications since 2007, had imposed an approval condition on prohibiting workshop activities within the Site. According to his understanding, DEP had not carried out on-site noise measurements due to the need to make prior arrangement for entering the Site and the lack of sufficient information about the details of the workshop operation. Moreover, DEP considered that the further information and measurements submitted by the applicant were not a proper environmental assessment. Mr Lau went on to clarify that the application for open storage use on a larger area to the further south of the Site, as quoted by the applicant's

representative, was approved with conditions by RNTPC and one of the approval conditions was on prohibiting workshop activities within the site.

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

134. In response to the Chairman's enquiry on whether repair activities were previously carried out within the Site, Mr W.S. Lau said that workshop activities including repair works were not allowed in the last five previous applications and an approval condition to this effect was imposed by RNTPC in each of these applications. Ancillary workshop use on the Site was first included in the current application but it was not allowed by RNTPC having considered the close proximity of the Site to nearby residents. Hence, an approval condition on prohibiting workshop activities was imposed.

135. Ms Cheuk Miu Fun said that since the applicant's submission of the noise and air measurement reports to DEP about four months ago, DEP had not conducted any on-site investigation to verify the acceptability of the measurement results. Moreover, DEP had not provided any assistance or advice to the applicant on the appropriate methodology and assessment criteria for carrying out the required technical assessment. Should there be any expert advice from concerned department that the environmental problem was insurmountable, the applicant might not submit the review application. Noting that another open storage yard in the vicinity which occupied a much larger area and generated more environmental nuisance on the surrounding areas was also approved, the applicant considered it justified to apply for a review.

136. Mr C.W. Tse, Deputy Director of Environmental Protection (1), drew Members' attention to paragraph 5.2.2(d) of the Paper which stated that one substantiated complaint against the Site was received in 2011 regarding noise nuisance. This would be an evidence to show that the Site was previously subject to a noise complaint. In response to the Chairman's question, Mr Tse continued to say that depending on the nature and scale of repair works or other workshop activities, excessive environmental impacts could be generated from workshop use. Should workshop use be permitted on the Site, it would be difficult to control the types of workshop activities to be carried out which might cause adverse environmental impacts on the surrounding area.

137. The Chairman asked DPO/TM&YLW if the same approval condition regarding workshop activities was imposed on other similar approved applications in the vicinity. Mr W.S. Lau replied that there were 12 similar approved open storage applications in the vicinity of the Site and eight were imposed with similar approval condition on prohibiting workshop activities within the site. In approving the workshop use for the remaining four applications which involved two sites, RNTPC had taken into account the distance between the workshop and the nearest residential dwellings in these four applications which were about 40m and 60m.

138. In response to another Member's questions on whether the workshop use was a new use under the current application and whether the approval condition on prohibiting workshop activities was imposed to address the potential environmental concern, Mr W.S. Lau replied in the affirmative.

139. A Member asked whether the applicant would explore the possibility of relocating the workshop use to other part of the Site which would be further away from the nearest residential dwelling. Ms Cheuk Miu Fun said that it would be difficult to relocate the workshop use which involved alteration of the existing tenancy agreement. Moreover, she considered that even if the workshop was relocated further away from the residential dwelling, the concerned resident would continue to complain against the operation of the Site. She understood that that resident had lodged complaints against various open storage yards in the area irrespective of their distance from his house.

140. As the applicant's representative had no further comment to make and Members had no further question to raise, the Chairman informed her that the hearing procedures for the review had been completed and the Board would further deliberate on the application in her absence and inform the applicant of the Board's decision in due course. The Chairman thanked the applicant's representative and DPO/TM&YLW for attending the meeting. They left the meeting at this point.

Deliberation Session

141. Noting that similar approval condition on prohibiting workshop activities was

also imposed on other approved applications for open storage use in the vicinity of the Site and there were practical difficulties to control the types of workshop activities to be carried out within the Site if workshop use was allowed, Members generally considered that the review application should be not approved.

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

“There is no strong reason to revise the approval condition (c) to allow workshop and repairing activities at the site as the applicant fails to demonstrate that the proposed ancillary repair and maintenance workshop would not have adverse environmental impacts on the surrounding areas.”

143. Noting that the applicant of the review application under agenda item 5 would not attend the hearing, the Chairman suggested and Members agreed to advance the consideration of the two review applications under agenda items 6 and 7 as the concerned applicant or the applicant’s representative had been waiting for a long time.

Sha Tin, Tai Po and North District

Agenda Item 6

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/ST/835

Proposed Temporary Place of Recreation, Sports or Culture (Fitness, Dance and Thai-boxing Centre) for a Period of 5 Years in “Industrial” zone, Unit A, G/F, Unison Industrial Centre, 27-31 Au Pui Wan Street, Fo Tan, Sha Tin

(TPB Paper No. 9632)

[The hearing was conducted in Cantonese.]

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

- | | | |
|--------------------------|---|--|
| Mr Clarence W.C. Leung | - | his spouse owned a flat in Fo Tan |
| Mr Frankie W.C. Yeung | - | owning a flat with spouse at Sui Wo Road |
| Professor K.C. Chau | - | owning a flat in Royal Ascot |
| Professor Eddie C.M. Hui | - | owning a flat in City One Shatin |
| Ms Christine M. Lee | - | her spouse owned a flat in Tai Wai |

145. Members noted that the properties owned by the above Members or their spouses were not in the vicinity of the application premises and considered that their interests were remote and they should be allowed to stay in the meeting. Members also noted that Mr Clarence W.C. Leung and Mr Frankie W.C. Yeung had tendered apologies for not able to attend the meeting and Professor K.C. Chau, Professor Eddie C.M. Hui and Ms Christine M. Lee had left the meeting.

Presentation and Question Session

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

- | | | |
|------------------|---|---|
| Mr C.K. Soh | - | District Planning Officer/Shu Tin, Tai Po and North, Planning Department (DPO/STN, PlanD) |
| Mr Chan Kam Fai | - | Senior Divisional Officer (New Projects), Fire Services Department (SDO(NP), FSD) |
| Mr Ma Hung Shing | - | Applicant |

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

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

- (a) on 21.2.2014, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the application for the following reasons:
- (i) the proposed development was not compatible with the existing uses in the subject industrial building which was predominately industrial in character;
 - (ii) the proposed development did not comply with the Town Planning Board (TPB) Guidelines No. 25D in that the Director of Fire Services (D of FS) did not satisfy on the risks likely to arise or increase from the proposed use under application. The proposed development was considered unacceptable from the fire safety point of view; and
 - (iii) the approval of the application would set an undesirable precedent for other similar applications for 'Place of Recreation, Sports or Culture' use within industrial buildings which was unacceptable from the fire safety point of view;
- (b) on 26.3.2014, the applicant applied, under section 17(1) of the Town Planning Ordinance, for a review of the RNTPC's decision to reject the application. The justifications put forth by the applicant in support of the review application were highlighted in paragraph 3 of the Paper and summarised below:
- (i) the necessary and appropriate fire safety measures had been carried out at the application premises (the premises) in conformity with D of FS' requirements. Sufficient fire exits had been provided;
 - (ii) there was a car parking floor immediately above the premises that served as a buffer floor to separate the premises from the industrial uses in the subject building. As such, the proposed use was

considered not in conflict with the existing uses in the building and its surroundings according to paragraph 4.4 of TPB Guidelines No. 25D. The applicant would consider the possibility to minimise the gross floor area (GFA) of the premises to 230m²;

- (iii) the applicant was prepared to provide various measures in the premises in order to restrict the age (over 18), operational hours (from 10 a.m. to 8 p.m. on Mondays to Saturdays), number (maximum 15) and the duration of stay (maximum 1.5 hours) of visitors, and require prior appointments. The visitors would not be exposed to fire risks;
 - (iv) the applicant had made attempts but no suitable accommodation at Shatin Galleria could be identified. There was no suitable alternative accommodation for the proposed use in the vicinity. Besides, the premises had been vacant for a long time and was currently owned by the applicant;
 - (v) Fo Tan area was in lack of recreational and cultural facilities for the local residents and the proposed use at the premises would benefit the said local residents of Fo Tan; and
 - (vi) there were other shops of similar nature as the proposed use, such as a betting centre and two supermarkets, that were permitted on ground floor of three different industrial buildings in other districts. They also attracted visiting members of the general public to stay for long periods of time. However, D of FS did not raise any concerns in those cases;
- (c) the premises with an area of about 265m² was located on G/F of Unison Industrial Centre in Fo Tan industrial area with direct access to Au Pui Wan Street and Min Fong Street. It was sub-divided into three units. Apart from a vacant unit, the other two units were currently operated as a

recycle centre and a bicycle shop;

- (d) the current uses of G/F included forklift maintenance workshop, motorcycle maintenance workshop, food delivery store, bicycle shops, vacant and locked premises. The 1/F was carpark, Incorporated Owners' Office and the upper floors were mostly offices, godowns, workshops, vacant and locked premises;
- (e) departmental comments – comments from relevant Government departments were detailed in paragraph 5 of the Paper and summarised below:
 - (i) D of FS had no specific comment on the information submitted by the applicant in the review application but objected to the application from fire safety point of view;
 - (ii) the District Lands Officer/Shia Tin, Lands Department advised that the proposed use under application was not permitted under lease, and lease modification or temporary waiver was required if the application was approved; and
 - (iii) other concerned departments including the Buildings Department and the Transport Department had no objection to the review application;
- (f) previous and similar application - there was no previous application at the premises and no similar application on the ground floor of the same industrial building;
- (g) public comments – during the statutory publication period of the review application, a total of 11 public comments from individuals were received. One objected to the application for the change of use and requested to maintain the status quo. All the remaining supported the application as it

was a convenient location in providing sports and recreation centre for the local workers and residents, and there was no such facility in Fo Tan area; and

- (h) PlanD's views: - 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) according to the Occupation Permit of the subject industrial building, the ground floor was designed for industrial use (i.e. not a purpose-designed non-industrial portion), and the proposed use at the premises therefore did not satisfy the requirement of the TPB Guidelines No. 25D even though there was a buffer floor situated above. The proposal of reducing the GFA of the premises to 230m² was also irrelevant to the consideration of the application. The TPB Guideline No. 25D specified that the aggregate commercial floor area approved on ground floor of an existing industrial building should not exceed 460m² and 230m², with and without sprinkler system respectively. The applied use was a 'Place of Recreation, Sports or Culture', and thus the above aggregate commercial floor area threshold was not applicable. The application should be assessed in terms of land use compatibility and fire safety;
 - (ii) the subject building was situated in the midst of Fo Tan industrial area with existing industrial buildings in the close vicinity. The ground floor of the subject building was occupied by existing industrial uses, including workshops and vacant/locked premises. The upper floors were occupied by godowns, workshops, offices and vacant/locked premises. The existing industrial workshops and other vacant premises could be used for or reverted to industrial uses as of right;

- (iii) in terms of land use compatibility, the proposed fitness, dance and Thai-boxing centre was considered not compatible with the existing uses in the subject industrial building which was predominantly industrial in nature;
- (iv) the proposed development was not in line with the TPB Guidelines No. 25D in that FSD should be satisfied on the risks likely to arise or increase from the proposed use under application. D of FS had raised objection to the application from fire safety point of view as the proposed fitness, dance and Thai-boxing centre use would attract visiting members of the general public to stay for long periods of time. These people, who were not familiar with the building, could be exposed to risk associated with the existing industrial activities which they would neither be aware of nor prepared to face;
- (v) the applicant had quoted examples of shops (one betting centre and two supermarkets) of similar nature as the proposed uses that were permitted to operate on the ground floor of the industrial buildings in other districts. These uses had either obtained planning permission or were permitted as of right. The nature of these examples was different from the proposed 'Place of Recreation, Sports or Culture' under application, therefore could not be used for direct comparison; and
- (vi) there were public comments received expressed support to the application. However, application for conversion of industrial to non-industrial use should demonstrate that the proposal could satisfy fire safety, land use, traffic and environmental considerations. The application was not compatible in land use terms and there was concern on fire safety associated with the proposed use.

149. The Chairman then invited the applicant to elaborate on the application. Mr Ma Hung Shing made the following main points:

- (a) he was the owner of the premises. He wanted to obtain the planning permission to use the premises for fitness, dance and Thai-boxing centre, which was a use commonly found in the upper floors of other industrial buildings;
- (b) the carpark at 1/F of the industrial building had provided a buffer floor between the ground floor and the industrial uses on the upper floors of the same building. The premises was segregated from another unit on the G/F, and commercial uses which would also attract a large number of visitors were allowed in the same industrial building. Besides, supermarket was also allowed in an industrial building at other districts; and
- (c) sufficient exits were provided at the premises with direct access fronting Au Pui Wan Street and Min Fong Street and necessary fire services installations in compliance with D of FS' requirements were already provided at the premises. He therefore considered it unfair that the application was rejected on ground that the proposed use would attract large number of visitors while other commercial uses of similar nature were approved.

150. In response to the Chairman's question on the operation mode of the proposed use, Mr Ma Hung Shing confirmed that the premises would only be open to members who were adults over 18 years old. Prior appointment was required and the members would be briefed to ensure that they were familiar with the layout of the premises.

151. The Chairman and a Member asked whether the premises was only accessible from the streets. With the aid of the plan showing the layout of the premises, Mr Ma said that the premises were accessible by two main entrances facing Au Pui Wan Street and Min Fong Street. Moreover, two fire exits opposite the main entrance of Au Pui Wan Street

would also be provided for the visitors. Hence, sufficient fire exits had been provided.

152. As requested by the Chairman, Mr Chan Kam Fai, SDO(NP), FSD, explained the fire safety concern relating to the application. Firstly, the fire service installations provided at the premises were only in compliance with the basic requirement for an industrial building. Secondly, according to TPB Guidelines No. 25D, there was no provision on the use of alternative solutions to address unacceptable fire risk. Thirdly, the carpark floor could not provide an effective buffer between the premises and the industrial uses since industrial uses were found within the ground floor.

153. As for the nature of other commercial uses on the ground floor of the subject building as quoted by the applicant, Mr C.K. Soh, by referring to Plan R-3 of the Paper, said that the two bicycle shops and one food delivery store at unit B of the ground floor of the same building were approved for 'shop and services' use while the bicycle shop at unit A was not the subject of any planning application.

154. A Member asked FSD's representative whether his department would have a different consideration if the applied use of the current application was 'shop and services' and whether the permitted commercial GFA of 460m² for the subject industrial building with sprinkler system had been used up.

155. In response, Mr Chan Kam Fai said that they might have a different consideration on the application if the applied use was a 'shop and services' use. Mr C.K. Soh supplemented that while he did not have the exact information on the total GFA of the approved commercial uses on the ground floor of the subject industrial building, as scaled from the floor plan, he estimated that the threshold of 460m² commercial GFA for the ground floor of the building might have been reached.

156. A Member wondered why the provision of two main entrances of the premises facing the streets could not satisfactorily address D of FS' concern on the means of escape for a large number of visitors. In response, Mr. Chan Kam Fai said that the fire risk and casualties associated with the industrial building, which might have storage of dangerous goods, was normally much higher than other premises. The main concern on the

application was that the proposed use would attract a large number of visitors who were unfamiliar with the building be exposed to fire risk associated with the industrial activities which they were neither aware of nor prepared to face.

157. The same Member asked why commercial uses such as bicycle shop on the same floor of the industrial building would be permitted by D of FS if his main concern was about the attraction of a large number of visitors to the industrial building. Mr Chan Kam Fai said that under the existing mechanism, there were provision to allow limited commercial uses within the industrial buildings through the planning permission system, subject to compliance with the aggregate commercial GFA threshold of 230m² and 460m² for a building with or without sprinkler system respectively. Given that the proposed use was not regarded as a commercial use, the aggregate GFA threshold would not be applicable.

158. In response to a Member's question on the main consideration of FSD in assessing a planning application, Mr Chan Kam Fai said that FSD would adopt a holistic approach taking into account all relevant consideration in assessing the fire risk of the proposed use under application in an industrial building. Since the proposed 'Place of Recreation, Sports or Culture' use of the current application was different in nature from the commercial uses such as 'Shop and Services' use, the aggregate commercial GFA threshold of 230m² and 460m² was not applicable to the current application.

159. A Member asked about the specific nature of the proposed use and enquired if PlanD would classify such use as a kind of 'shop and services'. Mr Ma Hung Shing clarified that the premises with a GFA of 265m² was intended to be used for a dance, fitness and Thai-boxing centre which would only attract a specific group of visitors. As compared with the visitors of a supermarket or other shops and services which would attract a larger number of general public including the disabled and the children, the fire risk associated with the applied use should be much smaller. He therefore did not understand why other commercial uses were not objected to by D of FS but the current application was rejected, in particular when sufficient fire exits would be provided at the premises.

160. In response, Mr Chan Kam Fai clarified that even if the applied use of the current application were changed to 'shop and services', each application would be

considered on its own individual merits. Mr C.K. Soh supplemented that ‘shop and services’ use were premises where goods were sold or services were provided to visiting members of public who would normally only have a short stay at the premises. However, as the proposed dance, fitness and Thai boxing centre was regarded as recreational facilities for a group of public who normally would stay longer within the premises, it could not be regarded as a kind of ‘shop and services’ use. As regards the supermarket cited by the applicant, Mr Soh clarified that the concerned supermarket in Ma Tau Kok area fell within the “Residential (Group A)” zone on the concerned OZP where ‘shop and services’ use was always permitted. Hence, such supermarket use could not be used for direct comparison.

161. Referring to the layout plan displayed by the applicant on the visualiser, the Chairman asked whether the addition and alteration works at the premises had been approved by the Building Authority and whether shower facilities would be provided within the premises. Mr Ma Hung Shing said that he had appointed an authorised person to make building plan submission to the Buildings Department (BD). According to BD, the proposed building works were minor in nature and could be exempted from building plan submission. He further advised that according to the current layout plan, no shower facilities would be provided within the premises.

162. Mr Ma remarked that he had devoted much time and effort in submitting the planning application for ‘Place of Recreation, Sports or Culture’ which was a Column 2 use within the “I” zone of the OZP. However, he was disappointed to learn that D of FS would only accept ‘shop and services’ use on the ground floor of an industrial building and that the approval of the proposed recreational use would set an undesirable precedent for other similar applications. This stance was in contravention with the Government’s policy to revitalise the vacant industrial premises.

163. The Chairman said that each planning application would be considered on its individual merits and the Board had yet to make a decision on the review application.

164. As the applicant had no further comment to make and Members had no further question to raise, the Chairman informed him that the hearing procedures for the review had been completed and the Board would further deliberate on the application in his absence and

inform the applicant of the Board's decision in due course. The Chairman thanked the applicant and the Government representatives for attending the meeting. They left the meeting at this point.

Deliberation Session

165. The Chairman invited Members to consider the review application, taking into account the specific site condition of the premises with direct frontage on two streets and the assessment criteria of the TPB Guidelines No. 25D.

166. A Member considered that the proposed 'Place of Recreation, Sports or Culture' use and 'Shop and Services' use were different in nature in that the visitor of the former use would usually stay longer at the premises. Given that the major consideration of the current planning application was on fire safety, the expert advice of D of FS should be duly respected. Hence, this Member considered that the application could not be supported. Another Member concurred with this view but raised a concern on whether 'Place of Recreation, Sports or Culture' should be retained as a Column 2 use under the "T" zone given D of FS' reservation on such use within an industrial building.

167. Another Member said that each application would be considered based on individual merits. Concerned departments might have different consideration if the proposed 'Place of Recreation, Culture or Sports' use was located in a purpose-designed non-industrial portion of an industrial building and was separated from other industrial uses in the upper floors above by a buffer floor.

168. The Secretary said that according to information provided by DPO/STN, there was no previous or similar applications for 'Place of Recreation, Sports or Culture' use within the same premises or within the same industrial building. As for the appropriateness of retaining 'Place of Recreation, Sports or Culture' use under Column 2 of the Notes for "T" zone, it should be dealt with separately and a research on similar applications in other areas could be conducted if Members considered it necessary.

169. A Member said that while the fire risk associated with the proposed use could be effectively mitigated through the provision of more stringent fire service installations, it might be difficult for D of FS to give favourable consideration to the current review application noting that the aggregate GFA of the approved bicycle shops and food delivery store might have already reached the 460m² threshold for the subject industrial building.

170. Another Member opined that the fire risk posed to the visitors of the proposed use, which was located on the ground floor of an industrial building, might not be very high. Although it was understood that D of FS had raised objection to the application on fire safety ground, this Member wondered whether the Board was obliged to follow D of FS's stance in the current application.

171. The Chairman explained that in assessing the planning application, the Board should consider all relevant planning considerations including departmental comments and relevant TPB Guidelines. In the formulation of the subject TPB Guideline No. 25D, comments of concerned departments including FSD had already been incorporated as appropriate. For the current application, it was considered not in line with the relevant TPB Guidelines in that D of FS raise objection on consideration of the risks likely to arise or increase from the proposed use under application.

172. In view of the above, Members generally considered that the review application should not be approved. They also agreed that the Town Planning Board Secretariat should conduct a territorial research regarding planning applications for 'Place of Recreation, Sports or Culture' use within "T" zone for Members' reference when opportunity arose in future.

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

- “(a) the proposed development is not compatible with the existing uses in the subject industrial building which is predominately industrial in character;

- (b) the proposed development does not comply with the TPB Guidelines No.25D in that the Director of Fire Services does not satisfy on the risks likely to arise or increase from the proposed use under application. The proposed development is considered unacceptable from the fire safety point of view; and
- (c) the approval of the application would set an undesirable precedent for other similar applications for ‘Place of Recreation, Sports or Culture’ use within industrial buildings which is unacceptable from the fire safety point of view.”

Agenda Item 7

[Open Meeting (Presentation and Questions Session)]

Review of Application No. A/NE-TKL/465

Proposed 3 Houses (New Territories Exempted Houses (NTEHs)) in “Agriculture” zone, Lot 1113 S.A in D.D. 82, Ping Che Road, Ta Kwu Ling

(TPB Paper No. 9630)

Presentation and Question Session

174. The following representative of PlanD and the applicant’s representative were invited to the meeting at this point.

- | | | |
|--------------|---|---|
| Mr C.K. Soh | - | District Planning Officer/Sha Tin, Tai Po and North, Planning Department (DPO/STN, PlanD) |
| Mr K. K. Sit | - | Applicant’s representative |

175. The Chairman extended a welcome and invited DPO/STN to brief Members on the review application.

176. With the aid of a Powerpoint presentation, Mr C.K. Soh, DPO/STN, presented

the review application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission to build three houses (NTEHs) on the application site (the Site). The Site fell within an area zoned “Agriculture” (“AGR”) on the approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP) No. S/NE-TKL/14;
- (b) on 7.3.2014, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the application for the following reasons:
 - (i) the proposed development was not in line with the planning intention of the “AGR” zone in the Ta Kwu Ling area, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong justification in the submission for a departure from such planning intention; and
 - (ii) approval of the application would set an undesirable precedent for other similar applications within the “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area;
- (c) on 28.3.2014, the applicant applied, under section 17(1) of the Town Planning Ordinance (the Ordinance), for a review of the RNTPC’s decision to reject the application. The justifications put forth by the applicant in support of the review application were highlighted in paragraph 3 of the Paper and summarised below:
 - (i) the proposed three NTEHs were to provide accommodation for farmers to rehabilitate the Site which was in line with the planning intention of “AGR” zone on the OZP. The area underneath the

elevated houses would be used for growing mushrooms or greenhouse produce;

- (ii) the information provided by the applicant in the s.16 application stage should have addressed comments from the District Lands Officer/North, Lands Department (DLO/N, LandsD's) in relation to Cap. 121 Buildings Ordinance (Application to the New Territories);
 - (iii) the requirements from the Chief Engineer/Mainland North, Drainage Services Department(CE/MN, DSD) for submission and implementation of drainage proposal and the Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD) for submission and implementation of landscape proposal for the proposed agricultural use were not preceded; and
 - (iv) the development proposal under application would turn fallow land to the planned agricultural use, and could provide job opportunities without creating job-related traffic. The green groups did not have sufficient information in making their comments;
- (d) the Site comprising two portions was flat, formed and fenced. It was currently vacant and partly covered with weeds. The Site was accessible via a village track leading to Ping Che Road;
- (e) the surrounding area of the Site was rural in character dominated by open storage, farm land, tree groups, scattered village houses and domestic structures;
- (f) departmental comments – comments from relevant Government departments were detailed in paragraph 5 of the Paper and summarised below:
- (i) the Director of Agriculture, Fisheries and Conservation (DAFC)

advised that there was no major change in the applicant's development proposal in the review application, except it was indicated that the ground level of the proposed NTEHs would be used for mushroom cultivation or greenhouse produce. Without more details on the operation, it would be difficult to assess the technical feasibility from the agricultural development viewpoint. Therefore, DAFC maintained his previous views of not supporting the application in that agricultural life in the vicinity of the Site was active and the Site was of high potential for agricultural rehabilitation. As the proposed agricultural activity was on the ground floor, artificial lighting might be needed which would increase the cost of production. For common crops such as vegetables, it was not practical from the perspective of cost and benefit;

- (ii) the Commissioner for Transport had reservation on the application. NTEH development should be confined within the "Village Type Development" ("V") zone as far as possible. Although additional traffic generated by the proposed development was not expected to be significant, such type of development outside the "V" zone, if permitted, would set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. However, the application could be tolerated unless it was rejected on other grounds;
- (iii) DLO/N, LandsD advised that the Site was an Old Schedule Agricultural Lot held under Block Government Lease. Without the Government's approval, the proposed development would be in breach of the lease conditions. If the application was approved, the applicant should apply to her office for a land exchange to implement the proposal. There was no guarantee that such application would be approved;

- (iv) CE/MN, DSD clarified that the drainage approval condition was for the proposed NTEHs, not for the farm land. He maintained his previous views on the application including the stipulation of the such approval condition;
 - (v) CTP/UD&L, PlanD stated that the landscape approval condition was for the proposed NTEHs under application. He maintained his previous views on the application including the stipulation of the such approval condition; and
 - (v) other concerned departments including the Buildings Department had no adverse comment on the review application;
- (g) previous application - the Site, in part or in whole, was the subject of three previous applications:
- (i) Application No. A/NE-TKL/346 for proposed temporary open storage of semi-products for a period of 3 years was rejected by the RNTPC on 28.1.2011 on the grounds that the proposed development was not in line with the planning intention of the “AGR” zone; the proposed use did not comply with the Town Planning Board Guidelines No. 13E; and there was no information regarding the nature and details of semi-products to be stored within the site, and hence it was not possible to assess whether the proposed open storage use would cause adverse impacts on the surrounding areas or not;
 - (ii) Application No. A/NE-TKL/347 for a single-storey farm house/eco-house development with a building height of 7.83m and a total roofed-over area of 58.5m² was considered by the RNTPC on 22.7.2011. As the building height and total roofed-over area of the proposed development did not comply with the definition of ‘On-Farm Domestic Structure’ (OFDS), and no information was

provided on the technical requirement for the proposed structure, RNTPC decided that the proposed development was neither an 'OFDS' nor a 'NTEH', and the applicant was advised that there was no provision under section 16 of the Ordinance for consideration of the application; and

- (iii) Application No. A/NE-TKL/422 for three houses (NTEHs) similar to the current application was rejected by the Board on review on 10.5.2013 mainly on the grounds that the proposed development was not in line with the planning intention of the "AGR" zone; and approval of the application would set an undesirable precedent for other similar applications within the "AGR" zone;
- (h) similar application - there was no similar application for proposed NTEH in the "AGR" zone on the OZP;
- (i) public comments – during the statutory publication period of the review application, three public comments were received. One public comment from a North District Council member supported the application as it could provide convenience to the villagers. The other two public comments submitted by Designing Hong Kong Limited and Kadoorie Farm & Botanic Garden Corporation objected to the application mainly on the grounds that the proposed NTEHs were not in line with the planning intention of the "AGR" zone and would reduce agricultural land; OFDS was always permitted within the "AGR" zone and NTEHs should only be built within the "V" zone; and no traffic or environmental assessment had been included in the application to assess the possible impacts on the surrounding areas; and
- (j) PlanD's views: - 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 Site fell entirely within the “AGR” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. The proposed NTEHs were not in line with the planning intention of the “AGR” zone. Agricultural life in the vicinity of the Site was active and the Site was of high potential for agricultural rehabilitation. DAFC maintained her previous view of not supporting the application from the agricultural development point of view;
- (ii) the applicant failed to demonstrate how the proposed NTEHs would facilitate agricultural use on the Site and had not given convincing planning justification in his review application for a departure from the planning intention;
- (iii) the applicant argued that the purpose of making the application was to provide on-farm accommodation to farmers working on the rehabilitated agricultural land. However, OFDS which complied with the specific development parameters and with the recommendation of DAFC was always permitted on the Site;
- (iv) the applicant indicated in his written representation that the area underneath the NTEHs would be used for growing mushrooms or greenhouse produce. Judging from the information as submitted, DAFC had advised that it was difficult to assess the technical feasibility of the proposal. Nevertheless, agricultural use, be it for growing mushrooms or greenhouse produce, was always permitted on the Site;
- (v) the stipulation of drainage and landscape approval conditions were required for the proposed NTEHs but not for the agricultural use. Such approval conditions were necessary if the application was

approved; and

- (vi) there had been no material change in planning circumstances for the Site and its surrounding areas since the rejection of the subject application which warranted a departure from the RNTPC's previous decision.

177. The Chairman then invited the applicant's representative to elaborate on the application. With the aid of a visualiser, Mr K.K. Sit made the following main points:

- (a) an application for minor relaxation of the building height restriction for a proposed OFDS on the Site was submitted in December 2013. The application was returned by the Secretariat of the Board for the reason that OFDS was a use always permitted within the "AGR" zone and it was not necessary to submit planning application;
- (b) the building height restriction of 5.18m for an OFDS was inadequate for a 2-storey building as the Building (Planning) Regulation (B(P)R) required a minimum headroom of 2.5m for each domestic floor. With a view to building a 2-storey OFDS with an overall building height exceeding the specified dimension, the applicant had to apply for a 2-storey NTEH as 'House (NTEH only)' was a Column 2 use under the "AGR" zone;
- (c) the proposed use of the Site in the current application should be three OFDS instead of three NTEHs as mentioned in paragraph 7.1 of the Paper;
- (d) as mentioned in paragraph 7.2 of the Paper, the purpose of the application was to provide accommodation for farmers to rehabilitate the Site for agricultural use. The applicant had tried to farm the land on the Site some time ago but was forced to give up a few days later due to the hot and sunny weather. It was proven that the provision of an OFDS was essential for agricultural rehabilitation; and

- (e) paragraph 7.3 of the Paper which stated that the proposed NTEHs were not in line with the planning intention of “AGR” zone was misleading. The subject application was for OFDS which was a use always permitted within the “AGR” zone and hence was in line with the planning intention.

178. The Chairman requested Mr K.K. Sit to clarify the applied use under the current application. If the application was for OFDS which was an always permitted use within the “AGR” zone, there was no need for the Board to consider the application. Mr K.K. Sit said that the current application was for house development and it was submitted in order to tackle the problem that the building height restriction of 5.18m was inadequate for a 2-storey OFDS if the minimum headroom requirement under B(P)R was to be complied with.

179. The Chairman reminded Mr K.K. Sit to focus his presentation relating to the rejection reasons of the planning application and not to bring up new points.

180. With the aid of a visualiser, Mr K.K. Sit continued to make the following main points:

- (a) broadly speaking, the proposed house fell within the definition of OFDS in that it provided on-farm accommodation for farmers to carry out agricultural activities, even though the building height of the proposed house exceeded that for an OFDS as specified in the Definition of Terms Used in the Statutory Plans;
- (b) the built-over area of the proposed development with an area about 400ft² occupying only one-sixth of the Site was in proportion to the area used for farm land and would facilitate farming activities;
- (c) a building height of 6m for a 2-storey structure (i.e. a storey height of 3m) would be in line with the Urban Design Guidelines which recommended a height of 3m to 4m for each residential storey;
- (d) the current design of the proposed development with six supporting columns

for each proposed house would facilitate the rehabilitation of land and provide incentives to promote cultivation with minimal reduction of agricultural land; and

- (e) the proposed development with a maximum building height of 8m (included a 2m voided area) were compatible with those 3-storey NTEHs with a building height of 8.23m in the rural area.

181. Members had no question on the application.

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

Deliberation Session

183. Noting that the circumstances pertaining to the current application were similar to that of a previous application (No. A/NE-TKL/422) for the same use which was rejected by the Board on review in May 2013, and the applicant had not put forth any new grounds to justify the application, a Member considered that the application should not be approved.

184. Given that there was no change in planning circumstances since the rejection of the application, Members generally considered that there was no strong justification for a deviation from the previous RNTPC's decision.

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

- “(a) the proposed development is not in line with the planning intention of the

“AGR” zone in the Ta Kwu Ling area which is primarily to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes. It also intends to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong justification in the submission for a departure from such planning intention; and

- (b) approval of the application would set an undesirable precedent for other similar applications within the “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.”

Tuen Mun and Yuen Long West District

Agenda Item 5

[Open Meeting (Presentation and Questions Session)]

Review of Application No. A/TM-LTYT/268

Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Village Type Development” zone, Lot 3727 RP in D.D. 124, Shun Tat Street, Lam Tei, Tuen Mun
(TPB Paper No. 9631)

Presentation and Question Session

186. Mr W.S. Lau, District Planning Officer/Tuen Mun and Yuen Long West, Planning Department (DPO/TM&YLW, PlanD) was invited to the meeting at this point.

187. The Chairman extended a welcome and said that the applicant had indicated that he would not attend the meeting. As sufficient notice had been given to the applicant to invite him to attend the meeting, Members agreed to proceed with the hearing in the absence of the applicant. He then invited DPO/TM&YLW to brief Members on the review

application.

188. With the aid of a Powerpoint presentation, Mr W.S. Lau, DPO/TM&YLW, presented the review application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission to use the application site (the Site) for temporary shop and services (real estate agency) for a period of 3 years. The Site fell within an area zoned “Village Type Development” (“V”) zone on the approved Lam Tei and Yick Yuen Outline Zoning Plan No. S/TM-LTY/6;
- (b) on 7.3.2014, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the application for the reason that parking of vehicle would involve reversing of vehicle to/from the Site which was not acceptable from traffic safety point of view;
- (c) on 2.4.2014, the applicant applied, under section 17(1) of the Town Planning Ordinance, for a review of the RNTPC’s decision to reject the application;
- (d) the justifications put forth by the applicant in support of the review application were detailed in the applicant’s written representation at Annex D of the Paper. To address the traffic safety concern, the applicant proposed to remove the parking space within the Site while other aspects of the development were the same as those at the s.16 application stage. To demonstrate his sincerity, the applicant submitted further information on 12.6.2014 stating that a bollard had been installed on the Site in accordance with his suggestion of removing the parking space;
- (e) the Site was accessible by Shun Tat Street. The surrounding areas were mostly characterised by village housing with some scattered open storage

uses;

- (f) departmental comments – comments from concerned departments were detailed in paragraph 5 of the Paper and summarised below:
 - (i) the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had no objection to the application if no vehicular access and no parking were involved; and
 - (ii) other concerned departments including the Director of Environmental Protection, the Chief Engineer/Mainland North of Drainage Services Department, the Director of Fire Services and the Chief Town Planner/Urban Design and Landscape of PlanD had no adverse comments on the review application;
- (g) previous application - the Site was involved in a previous application (No. A/TM-LTY Y/210) for the same use on a larger area. The application was approved with conditions by RNTPC on 4.3.2011 mainly on the consideration that the proposed development was not incompatible with the surrounding land uses, a temporary approval of 3 years would not frustrate the long-term planning intention of the “V” zone, and the development was unlikely to cause significant adverse environmental, traffic, drainage and visual impacts on the surrounding areas. The permission was revoked on 4.6.2013 due to non-compliance with approval condition on implementation of drainage proposal;
- (h) similar application - there were two similar applications (No. A/TM-LTY Y/245 and 264) within the same “V” zone. Application No. A/TM-LTY Y/245 for proposed temporary shop and services (convenience store and real estate agency) for a period of 3 years was approved with conditions by RNTPC on 21.12.2012 mainly on consideration that the proposed use was not incompatible with the surrounding land uses and would not frustrate the long-term planning intention of the “V” zone.

Application No. A/TM-LTYT/264 for proposed temporary shop and services (real estate agency) for a period of 3 years was approved with conditions by RNTPC on 8.11.2013 on similar consideration as Application No. A/TM-LTYT/245;

- (i) public comment - during the statutory public inspection period, three supportive public comments were received, including a member of Tuen Mun District Council; and
- (j) PlanD's views: PlanD had no objection to the review application based on the planning considerations and assessments set out in paragraph 7 of the Paper, which were summarised below:
 - (i) the application was rejected at s.16 stage because parking of vehicle would involve reversing of vehicle to/from the Site which was not acceptable from traffic safety point of view. To solve the problem, the applicant now proposed in the review application to remove the parking space within the Site. AC for T/NT, TD had no objection to the review application if no vehicular access and no parking were involved. An approval condition on no vehicular access to/from and no parking on the Site was suggested if the Board approved the review application;
 - (ii) the development was not in line with the planning intention of the "V" zone. However, there was no Small House application at the Site. Approval of the application on a temporary basis for a period of 3 years would not jeopardize the long-term planning intention of the "V" zone;
 - (iii) the development would meet some of the demand for real estate agency service of the local villagers. It was not incompatible with the surrounding land uses which were predominantly rural and residential in character;

- (vi) other relevant Government departments had no objection to or adverse comment on the application. The concern on drainage aspect could be addressed by imposing conditions;
- (v) there were two approved similar applications (No. A/TM-LTYYY/245 and 264) for proposed temporary shop and services (real estate agency only or convenience store and real estate agency) in the same “V” zone. Approval of the current application was in line with the Board’s previous decisions; and
- (vi) the previous Application No. A/TM-LTYYY/210 for the same development was revoked due to non-compliance with approval condition on implementation of drainage proposal. Should the application be approved, shorter compliance periods were recommended in order to closely monitor the progress of compliance with approval conditions. Moreover, the applicant would be advised that should the applicant failed to comply with any of the approval conditions again resulting in the revocation of planning permission, sympathetic consideration might not be given to any further application.

189. As the presentation from PlanD’s representative had been completed, the Chairman invited questions from Members. As Members had no question, the Chairman thanked DPO/TM&YLLW for attending the meeting. He left the meeting at this point.

Deliberation Session

190. After deliberation, the Board decided to approve the application on review on a temporary basis for a period of three years until 20.6.2017, on the terms of the application as submitted to the 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 operation between 8:00 p.m. and 10:30 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the maintenance of existing trees and shrubs within the site at all times during the planning approval period;
- (c) no vehicular access to/from and no parking on the site at any time during the planning approval period;
- (d) the submission of drainage proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 20.9.2014;
- (e) in relation to (d) above, the implementation of drainage proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 20.12.2014;
- (f) if any of the above planning conditions (a), (b) or (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (g) if any of the above planning conditions (d) or (e) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (h) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.”

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

- “(a) prior planning permission should have been obtained before commencing the development on the site;
- (b) the planning permission is given to the structures under application. It does not condone any other structures which currently occur on the site but not covered by the application. The applicant shall be requested to take immediate action to remove such structures not covered by the permission;
- (c) shorter compliance periods are imposed in order to monitor the progress of compliance with approval conditions;
- (d) should the applicant fail to comply with any of the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given to any further application;
- (e) to note the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD)’s comments that the lot under application is an Old Scheduled Agricultural Lot held under the Block Government Lease. Application for a Short Term Waiver (STW) for erection of the existing structures on the subject lot within the site has been received. There is no guarantee that the STW application will be approved and he reserves his comment on such. The application will be considered by LandsD acting in the capacity as the landlord at its sole discretion. It would be subject to such terms and conditions as the Government shall deem fit to do so, including charging of waiver fee, deposit and administrative fee. It is noted that the built-over area of the toilet as proposed in the revised Part 7 of the development proposal is about 1.28m² which does not tally with its dimensions as shown on the attached plan 2. No drainage works should be carried out on Government land without his prior approval/consent. In considering granting such approval/consent to the drainage works on Government land, his Office will rest upon whether the drainage proposal has been accepted by the Drainage Services

Department and whether the submitted STW application would be approved by his Office;

- (f) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that if the existing structures are erected on leased land without approval of the Buildings Department (BD) (not being a New Territories Exempted House) they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including containers and metal sheet room as temporary buildings) are to be carried out on the application site, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of B(P)R at the building plan submission stage;
- (g) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding area;
- (h) to note the Director of Environmental Protection's comments that public sewer is available for the site, the applicant is reminded to discharge the

sewage from the site to public sewer;

- (i) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the applicant should show the boundary of the site on a drawing or sketch, and demonstrate clearly how rain water falling on or flowing to the site can be collected, conveyed and discharged to a proper discharge point in the area. Proposed and/or existing drainage system (e.g. surface channels with gratings and catchpits etc.) including their sizes and gradients within the site should be shown clearly on the drawing or the sketch. The applicant should indicate how the proposed and/or existing drainage system within the site be connected properly to the existing public drainage channel at and along Shun Tat Street. Desilting trap should be provided at the last catchpit of the drainage system within the site. The applicant is reminded to obtain the consent/licence from DLO/TM, LandsD for laying the proposed 225 pipe on Government land. The applicant should seek consent from his Department as the applicant proposes to make drainage connection to the existing public 525 U-channel which is maintained by his Department. The applicant is required to follow the established procedures and requirements for making the drainage connection. A drainage connection proposal should be submitted to his Department for comment and approval. The connection work will be subject to his technical audit, for which an audit fee will be charged. Detailed guidelines and application form are available at the Drainage Services Department's website;

- (j) to note the Director of Fire Services' comments that should the applicant wish to apply for exemption from the provision of certain Fire Service Installations, the applicant is required to provide justification to his Department for consideration. The applicant is reminded that if the proposed structure(s) is required to comply with BO, detailed fire service requirement will be formulated upon receipt of formal submission of general building plans; and

- (k) to note that the Director of Electrical and Mechanical Services' comments that the applicant shall approach the electricity supplier for requisition of cable plans/overhead line alignment drawings to find out whether there is any underground electricity cable and/or overhead electricity line within in the vicinity of the site. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132 kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the site, the applicant and the applicant's contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground electricity cable (and/or overhead electricity line) away from the vicinity of the proposed structure. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and the applicant's contractors when carrying out works in the vicinity of the electricity supply lines."

Sha Tin, Tai Po and North District

Agenda Item 8

[Open Meeting]

Preliminary Consideration of the Draft Yim Tin Tsai and Ma Shi Chau Outline Zoning Plan

No. S/NE-YTT/B

(TPB Paper No. 9615)

[The item was conducted in Cantonese.]

192. The following Government representatives were invited to the meeting at this point:

- | | | |
|---------------------|---|---|
| Mr C.K. Soh | - | District Planning Officer/Shu Tin, Tai Po and North, Planning Department (DPO/STN, PlanD) |
| Mr C.T. Lau | - | Senior Town Planner/Tai Po (STP/TP), PlanD |
| Mr Liu Pik Keung | - | Chief Land Executive (District Lands Office, Tai Po), Lands Department |
| Mr K.S. Cheng | - | Country Parks Officer/Special Duty, Agriculture, Fisheries and Conservation Department (AFCD) |
| Mr Edward F.M. Yuen | - | Conservation Officer/Scientific Interest, AFCD |

193. The Chairman extended a welcome and invited DPO/STN to brief Members on the background of the Paper. Members noted that a replacement page of Figure 6b of the Planning Report at Appendix IV of the Paper was tabled at the meeting.

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

Background

- (a) on 2.9.2011, the draft Yim Tin Tsai and Ma Shi Chau Development Permission Area (DPA) Plan No. DPA/NE-YTT/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 67 representations and 32 comments were received;
- (b) on 4.9.2012, the Chief Executive in Council (CE in C), under section 9(1)(a) of the Ordinance, approved the draft Yim Tin Tsai and Ma Shi Chau DPA Plan, which was subsequently renumbered as DPA/NE-YTT/2;
- (c) pursuant to section 20(5) of the Ordinance, the Yim Tin Tsai and Ma Shi Chau DPA Plan was effective only for a period of three years until 2.9.2014. As such, an Outline Zoning Plan (OZP) had to be prepared to

replace the DPA Plan in order to maintain statutory planning control over the Area upon expiry of the DPA Plan;

The Planning Scheme Area (the Area)

- (d) Yim Tin Tsai and Ma Shi Chau area was located in Tolo Harbour and formed part of the southern edge of Plover Cove. It comprised four islands, namely Yim Tin Tsai, Ma Shi Chau and Yeung Chau and a small island to the northeast of Yim Tin Tsai, and covered a total area of about 107.95 ha;
- (e) Yim Tin Tsai was accessible via Ting Kok Road off Sam Mun Tsai Road. Ma Shi Chau was connected to Yim Tin Tsai by a tombolo that was only accessible when the tide was low. Yeung Chau and the small island to the northeast of Yim Tin Tsai could only be reached by boat;
- (f) most of the Yim Tin Tsai and Ma Shi Chau area were covered by vegetation and only limited developments were found in the northern part of Yim Tin Tsai. According to 2011 Census, the total population of the Area was about 1,200 persons. About 97.56% of land in the Area was Government land;

General Planning Intention

- (g) the general planning intention of the Area was to conserve the areas of high landscape and geological significance, to protect the unique landscape character and to maintain the rural and natural character of the Area. It was also intended to provide appropriate planning control for low-rise, low density residential developments as well as improvement and upgrading of existing temporary structures through redevelopment of existing temporary structures into permanent buildings;

Land Use Planning Consideration

Conservation and Geological features

- (h) Ma Shi Chau, Yeung Chau and a small island to the northeast of Yim Tin Tsai were designated as part of the Ma Shi Chau Special Area (about 57.84 ha) on 9.4.1999 due to the diversity of geological features in the Area. Three pockets of land mainly under private ownership on the small island to the northeast of Yim Tin Tsai, and a parcel of land at Shui Mong Tin and a small circular area to the northeast of Shui Mong Tin on Ma Shi Chau were excluded from the Special Area;
- (i) the whole island of Ma Shi Chau and the eastern tip of Yim Tin Tsai including the tombolo connecting them were designated as Ma Shi Chau and Yim Tin Tsai Site of Special Scientific Interest (SSSI) on 24.9.1982. The SSSI also covered part of the Ma Shi Chau Special Area and part of the permitted burial ground;
- (j) Ma Shi Chau consisted of the outcrop of Permian sedimentary rocks which was uncommon in Hong Kong. The southern and eastern portion of Ma Shi Chau had yielded a varied Permian fossil assemblage, including marine fauna and several plant fragments. The coastal area of Ma Shi Chau contained a variety of representative geological and landscape features such as folds, faults, tombolo, unconformities and wave-cut platforms;
- (k) Ma Shi Chau nature trail was located along the southeastern shore of Ma Shi Chau which presented the Area's geological and landscape diversity to the visitors. Ma Shi Chau and Yeung Chau were included in Tolo Channel Geo-Area of the Hong Kong Global Geopark of China in 2011;
- (l) Yim Tin Tsai and its surrounding area contained the best exposed, densest swarm of dykes which varied from 3 to 20m wide in particular along the eastern coast of Yim Tin Tsai. Yim Tin Tsai also contained unconformable contact of Tolo Harbour Formation with volcanic tuff of the Yim Tin Tsai Formation;

- (m) Yim Tin Tsai Site of Archaeological Interest was located within the Area in the southern part of Yim Tin Tsai, where prehistoric artefacts were found;

Land for Village Development

- (n) there were two villages in the Area, namely Sam Mun Tsai San Tsuen and Luen Yick Fishermen Village. They were mainly 2-storey tenement houses. The Luen Yick Fishermen Village (107 building units) was constructed in 1975 and was covered by a Government Land Licence. Sam Mun Tsai San Tsuen (163 building units) was constructed in 1965 for re-housing of villagers affected by the construction project of Plover Cove Reservoir. Sam Mun Tsai San Tsuen was the only recognized village within the Area and various building types including tenement buildings, village houses and domestic temporary structures were found;
- (o) the area covering Sam Mun Tsai San Tsuen and Luen Yick Fishermen Village was proposed to be zoned as “Residential (Group D)” (“R(D)”) subject to a maximum plot ratio of 0.4 and a maximum building height of 2 storeys upon the first publication of DPA Plan on 2.9.2011. However, the Tai Po Rural Committee (TPRC) opposed to the designation of “R(D)” for Sam Mun Tsai San Tsuen and Luen Yick Fishermen Village mainly on grounds that they considered the residents as indigenous villagers and would not be able to redevelop their houses under the restrictions stipulated under the “R(D)” zone. In this connection, TPRC proposed to rezone the area to ‘Village Type Development’ (“V”). The Town Planning Board (the Board) decided on 13.4.2012 to partially uphold some representations by rezoning the land designated under “R(D)” zone to “Unspecified Use” area and deleting the Notes for the “R(D)” zone so that appropriate land use zonings could be worked out in the preparation of the OZP stage;
- (p) majority of the 163 building units within Sam Mun Tsai were covered by Government Land Licences and Short Term Tenancies. Some were

covered by private treaty grants. In general, houses under Government Land Licences or Short Term Tenancies were regarded temporary in nature and the licensee or tenant had no proprietary right to redevelop the house;

- (q) Luen Yick Fishermen Village was not a recognized village. Although Sam Mun Tsai San Tsuen was a recognized village with village 'environs' ('VE'), there was no Indigenous Inhabitant Representative (IIR) and no indigenous villagers of Sam Mun Tsai San Tsuen. There was also no Small House demand nor outstanding Small House application. Moreover, there was no information to ascertain that the existing residents were indigenous villagers of Sam Mun Tsai San Tsuen eligible for Small House grant under the current Small House policy;
- (r) with reference to the circumstances of the two villages, the site conditions of the area taking account of the existing village settlement, environmental conditions and natural terrain of the area, PlanD considered "R(D)" zoning more appropriate for the area covering both Luen Yick Fishermen Village and Sam Mun Tsai San Tsuen and the surrounding area which were mainly domestic and temporary structures;
- (s) "R(D)" zoning was intended primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It was also intended for low-rise, low-density residential developments subject to planning permission from the Board;
- (t) according to the covering Notes of the OZP, rebuilding of New Territories Exempted Houses (NTEH) and replacement of an existing domestic building which was in existence on the date of the first publication of draft DPA Plan by a NTEH were always permitted in "R(D)" zone;
- (u) in the event that there was Small House application from indigenous

villagers from other villages in Tai Po Heung, there was provision under the Notes of the OZP for planning application of House (including NTEH/Small House) development within the “R(D)” zone which could duly address the concerns of TPRC;

Land Use Zonings

“Country Park” (“CP”) : Total Area 57.84 ha

- (v) under the Notes of the OZP, “CP” meant a country park or special area as designated under the Country Parks Ordinance (Cap. 208). This zone covered the whole island of Yeung Chau, small island to the northeast of Yim Tin Tsai (except three pockets of “GB” zones) and the whole island of Ma Shi Chau (except parcel of land at Shui Mong Tin and a circular area zoned as “SSSI” on the northeast of Shui Mong Tin). These areas were designated as Ma Shi Chau Special Area on 9 April 1999. All uses and developments within Ma Shi Chau Special Area required consent from the Country and Marine Parks Authority and approval from the Board was not required;

“Site of Special Scientific Interest” (“SSSI”) : Total Area 7.24 ha

- (w) the planning intention of this zone was to conserve and protect the features of special scientific interest such as rare or particular species of fauna and flora and their habitats, corals, woodlands, marshes or areas of geological, ecological or botanical/biological interest which were designated as SSSI. It intended to deter human activities or developments within the SSSI. There was a general presumption against development in this zone;
- (x) this zone mainly covered the eastern tip of Yim Tin Tsai, Shui Mong Tin of Ma Shi Chau, the tombolo connecting them and a small circular area to the northeast of Shui Mong Tin, forming part of the Yim Tin Tsai and Ma Shi Chau SSSI but not covered by the Ma Shi Chau Special Area. Grave was not permitted within this zone;

- (y) notwithstanding, given that the burial grounds for indigenous villagers and local fishermen were existing use and the major geological features within the SSSI were found in the coastal areas which fell outside the burial ground boundary, an area located to the eastern part of Yim Tin Tsai, which formed part of a designated 'burial ground', was proposed to be zoned "SSSI(1)" with 'grave (within burial ground only)' as a Column 1 use;

"Coastal Protection Area" ("CPA") : Total Area 9.01 ha

- (z) the planning intention of this zone was to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment. There was a general presumption against development in this zone;
- (aa) this zone covered the coastal areas along southern, western and north-eastern parts of Yim Tin Tsai which primarily consisted of coastal vegetation, rocky and boulder coasts fringing Yim Tin Tsai. This zone also covered Yim Tin Tsai Site of Archaeological Interest;

"Green Belt" ("GB") : Total Area 28.67 ha

- (bb) the planning intention of this zone was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone;
- (cc) this zone mainly covered the vegetated hill slopes of the central and southern part of Yim Tin Tsai and the coastal area of the north-eastern part of Yim Tin Tsai as well as the three pockets of land on the small island northeast of Yim Tin Tsai. It also covered two traditional burial grounds at the southern part of Yim Tin Tsai;

"Other Specified Uses" ("OU") : Total Area 0.03 ha

- (dd) the planning intention of this zone was for specified development(s) and/or uses. There was only one "OU" zone on the Plan, which was

annotated 'Pier' and covered two sites presently used as piers located to the north and south of Yim Tim Tsai respectively;

“Open Space” (“O”) : Total Area 0.42 ha

- (ee) the planning intention of this zone was primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public. The “O” zone covered the Sam Mun Tsai Children’s Playground and an open area with a rain shelter at Luen Yick Fishermen Village;

“Government, Institution or Community” (“G/IC”) : Total Area 0.72 ha

- (ff) the planning intention of this zone was primarily for the provision of GIC facilities serving the needs of the local residents and a wider district, region or the territory. To reflect the use of a church, a vacant village school in Yim Tin Tsai and the site proposed for village office at Luen Yick Fishermen Village, “G/IC” zone was recommended. Moreover, an area at the northern tip of Yim Tin Tsai was also reserved for government, institution or community purpose;

“Residential (Group C)” (“R(C)”) : Total Area 0.29 ha

- (gg) the planning intention of this zone was primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood might be permitted on application to the Board. The only development within this zone was Springdale Garden located at the northern tip of Yim Tin Tsai, which was a low-rise, low-density residential development;

“Residential (Group D)” : Total Area 3.73 ha

- (hh) the planning intention of this zone was primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It was also intended for low-rise, low-density residential developments subject to planning permission from the Board. Residential development

including redevelopment for 'Flat' and 'House' (except 'NTEH') uses should not result in a total development in excess of a maximum plot ratio of 0.4 and a maximum building height of 3 storeys (9m);

- (ii) Sam Mun Tsai San Tsuen, Luen Yick Fishermen Village and the surrounding area occupied by some village houses and temporary domestic structures were proposed to be zoned "R(D)"; and

Consultation

- (jj) subject to the agreement of the Board, the draft OZP No. S/NE-YTT/C would be submitted to the Tai Po District Council (TPDC) and TPRC for consultation. Comments from TPDC and TPRC would be submitted to the Board for further consideration prior to the publication of the draft OZP under section 5 of the Ordinance.

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

Development Restrictions of "R(D)" Zone

196. A Member enquired whether it was necessary for an indigenous villager, while submitting planning application for NTEH development within the "R(D)" zone, to apply for minor relaxation of building height restriction for the proposed NTEH as well.

197. With the aid of an extract of the Notes for "R(D)" zone on the visualiser, Mr C.K. Soh explained that according to remark (a) of the Notes, no addition, alteration and/or modification to or in-situ redevelopment of an existing temporary structure or an existing building (except to 'NTEH') should result in a total development/redevelopment in excess of a maximum building area of 37.2m² and a maximum building height of 2 storeys (6m), and remark (b) also stated that no development (except 'NTEH') should exceed a maximum plot ratio of 0.4 and a maximum building height of 3 storeys (9m). The development restrictions as specified in both remarks were not applicable to NTEH development which

had its specified dimension of not more than 3 storeys with a roofed-over area not exceeding 65.03 m² (about 700 square feet).

198. A Member asked whether an existing temporary structure would be allowed to be developed into a NTEH within the “R(D)” zone. The Member also sought clarification on whether the area currently zoned “CP” on the OZP formed part of the country park as designated under the Country Parks Ordinance, and whether the Board had any jurisdiction to control future developments within the “CP” zone.

199. Mr Soh said that any development for NTEH/Small House development within the “R(D)” zone would require prior planning permission from the Board. Should it be verified that the applicant was an indigenous villager and the application site fell within the ‘VE’ of a recognised village, application for a Small House grant could be submitted to the Lands Department (LandsD) after obtaining the necessary planning approval from the Board. While Small House/NTEH would be allowed up to its specified dimension, other house development or in-situ redevelopment of the existing temporary structures would need to comply with the development restrictions of the “R(D)” zone. The “CP” zoning only covered those areas which had been designated as a country park or special area under the Country Parks Ordinance (Cap 208). To avoid duplication of control between the two statutory bodies, it would be clearly specified in the Notes for the “CP” zone that all uses and developments required consent from the Country and Marine Parks Authority and approval from the Board was not required. “CP” zoning with the same set of Notes was also found on other OZPs such as the Tin Shui Wai OZP.

Small House Development within “R(D)” zone

200. Mr Jeff Lam sought clarification from DPO/STN on whether those non-indigenous villagers would also be allowed to apply for building NTEH under the existing provision of the “R(D)” zone. Mr Soh said that there was provision under the Notes for “R(D)” zone allowing planning application for ‘House’ use (including NTEH/Small House). The specific use to be applied would depend on the eligibility of the applicant for Small House grant under the prevailing Small House policy.

201. Given that Small House/NTEH development within the “R(D)” zone was subject to a more lenient restriction in terms of development density as compared with other house development which would be subject to maximum plot ratio of 0.4 and maximum building height of 3 storeys, a Member was concerned that the designation of the two existing villages as “R(D)” zone, which might attract a large number of cross-village Small House applications into the Area, might not be in line with the general planning intention for the Area.

202. Mr Soh responded that the Member’s concern had been duly considered in formulating the appropriate zoning for the existing villages. Having considered that cross-village Small House applications by indigenous villagers within the same Heung was permitted under the prevailing Small House policy, it would be more appropriate to designate the area as “R(D)” instead of “V” zone in order to maintain the necessary planning control over the development intensity of various house developments through the planning application system. Should the area be zoned as “V” as proposed by TPRC, Small House development would be permitted as of right within the Area which might cause adverse impact on this high landscape and geologically significant area.

203. Mr K.K. Ling, Director of Planning, said that under the existing provision of “R(D)” zone, an optimal balance had been struck between development and conservation in that there was mechanism for local villagers to develop Small House/NTEH in the Area through planning application, yet it allowed the Board to exercise appropriate planning control to ensure that the proposed development would be compatible with the planning intention of the Area.

204. In response to a Member’s question, Mr Soh said that the prevailing Interim Criteria for Consideration of Application for NTEH/Small House in New Territories would be applicable if the application was for NTEH/Small House development.

Sam Mun Tsai Sun Tsuen

205. In response to a Member’s query on the status of Sam Mun Tsai San Tsuen and whether there was any indigenous villagers in the Area, Mr Jeff Lam, Deputy Director of

Lands (General), advised that Sam Mun Tsai Sun Tsuen was constructed in the Area for rehousing of villagers affected by Government works project. It was subsequently categorised as a post-1898 recognised village and a 'VE' was drawn up for the village. Under the prevailing policy, the male descendants of Sam Mun Tsai Sun Tsuen, though not an indigenous villager, were eligible to apply to LandsD for a building licence for Small House development provided that the application site was on private land within the 'VE'. If the applicant was a non-indigenous villager who was eligible for small house grant, premium would be charged for the grant of a building licence. However, if the applicant was an indigenous villager, no premium would be charged for the building licence.

206. Noting that the villagers of Sam Mun Tsai Sun Tsuen could only apply for Small House grant on private land within the 'VE' and the proportion of privately-owned land in the Area was very small, the same Member was concerned about the slim chance of the local villagers in getting Small House granted under the prevailing policy. Mr K.K. Ling said that there was provision for the local villagers to apply for Small House/NTEH development in the "R(D)" zone under the Notes of the OZP. Upon obtaining the necessary planning permission for Small House/NTEH development from the Board, the villagers could approach LandsD for granting of Small House, the approval of which would be under the jurisdiction of LandsD.

207. Mr Jeff Lam clarified that the local villagers of Sam Mun Tsai Sun Tsuen who were not indigenous villagers would not be granted Government land for building Small House as they were not eligible for private treaty grant under the prevailing policy. However, they could continue to stay in the existing building units in Sam Mun Tsai Sun Tsuen which were covered by Government Land Licences.

208. The same Member was worried about the sentiment of the local villagers of Sam Mun Tsai Sun Tsuen and asked if the Government would provide any assistance to the local villagers in the event that the existing tenement buildings or temporary structures had become dilapidated. In response, Mr Jeff Lam said that it was not the Government's policy to rebuild those tenement buildings or temporary structures for the local villagers. The licencees/tenants should be responsible for the maintenance and repair of their own buildings/structures. They could submit applications to LandsD for rebuilding of the

existing buildings/structures up to what was permitted under the licence conditions. LandsD would consider each application based on individual merits.

209. Another Member opined that although the local villagers of Sam Mun Tsai Sun Tsuen were not indigenous villagers of the Area, their ancestors were once indigenous villagers in other parts of the New Territories. It was likely that the villagers would be aggrieved by the “R(D)” zoning and considered that their traditional rights for Small House development had been deprived of .

210. Mr K.K. Ling said that in formulating the land use zoning proposal for the Area, PlanD had already taken into account the concerns raised by Members. As far as planning was concerned, the proposed “R(D)” zoning had provided sufficient flexibility for Small House/NTEH development to address the concern of the rural sector.

211. On consideration that the draft OZP might be subject to further review after receiving comments from the relevant District Council and Rural Committee, the Chairman suggested that the draft OZP as submitted be agreed in principle so that PlanD could proceed with the next stage consultation. Comments received from the consultees could be duly considered by the Board in the further consideration of the draft OZP. Members agreed.

212. After deliberation, the Board agreed that the draft Yim Tin Tsai and Ma Shi Chau OZP No. S/NE-YTT/C, together with its Notes and Explanatory Statement, were suitable for consultation with Tai Po District Council (TPDC) and TPRC. After consultation, comments from TPDC and TPRC would be submitted to the Board for consideration prior to the publication of the draft OZP under section 5 of the Ordinance.

213. The Chairman thanked Government’s representatives for attending the meeting and they left the meeting at this point.

Sai Kung and Island District

Agenda Item 9

[Open Meeting]

Further Consideration of the Draft Tai O Town Centre Outline Zoning Plan No. S/I-TOTC/F
(TPB Paper No. 9659)

[The meeting was conducted in Cantonese.]

214. As more time would be required for a thorough discussion on this item prior to the gazetting of the Tai O Town Centre Outline Zoning Plan for public inspection, the Chairman suggested to postpone the consideration of this item to the next meeting on 4.7.2014. Members agreed.

Agenda Item 10

[Open Meeting]

Request for Deferment of Review of Application No. A/SK-CWBN/25

Proposed 3 Houses (New Territories Exempted Houses - Small Houses) in “Green Belt” zone, Lots 416 S.A ss.1, 416 S.B, 416 S.C ss.1, 416 S.C RP, 416 RP, 417 S.A RP, 417 S.A ss.1, 417 S.A ss.2 RP and 417 S.B in D.D. 238 and adjoining Government Land, Ng Fai Tin, Clear Water Bay, Sai Kung

(TPB Paper No. 9633)

[The meeting was conducted in Cantonese.]

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

Mr David Y.T. Lui - owning two houses in Clearwater Bay area

Ms Janice W.M. Lai - her spouse owned a shop in Sai Kung

216. Members noted that the properties owned by Mr David Y.T. Lui and Ms Janice W.M. Lai's spouse were not in the vicinity of the application site and considered that their interests were remote. As the application was a deferral request submitted by the applicant, Members agreed that the above Members could stay in the meeting. Members noted that Ms Janice W.M. Lai had tendered apologies for not able to attend the meeting, and Mr David Y.T. Lui had already left the meeting.

217. The Secretary said that on 3.6.2014, the applicants' representative wrote to the Secretary of the Town Planning Board (the Board) and requested the Board to defer making a decision on the review application for two months to allow more time for the applicants to prepare written submission to address the reasons for rejection. This was the first request from the applicants for deferment of the review hearing.

218. Members noted that the justifications for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications (TPB PG-No. 33) in that the applicants needed more time to prepare a written submission to address the reasons for rejection, the deferment period was not indefinite; and that the deferment would not affect the right or interest of other relevant parties.

219. After deliberation, the Board agreed to defer a decision on the review application as requested by the applicants pending the submission of written submission by the applicants. The Board also agreed that the review application would be submitted to the Board for consideration within three months upon receipt of the written submission from the applicants. If the written submission of the applicants was not substantial and could be processed within a shorter time, the application 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 written submission, and no further deferment would be granted unless under very special circumstances.

Procedural Matters

Agenda Item 11

[Open Meeting]

Submission of the Draft Sha Tin Outline Zoning Plan No. S/ST/29A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance

(TPB Paper No. 9671)

[The meeting was conducted in Cantonese.]

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

- | | | |
|---|---|--|
| Mr Stanley Y.F. Wong | - | being a member of HKHA and Chairman of the Subsidized Housing Committee of HKHA |
| Ms Julia M.K. Lau | - | being a member of the Commercial Properties Committee and the Tender Committee of HKHA |
| Professor P.P. Ho | - | being a member of the Building Committee of HKHA |
| Mr Dominic K.K. Lam |] | |
| Mr H.F. Leung |] | having business dealings with HKHA |
| Ms Janice W.M. Lai |] | |
| Mr K.K. Ling
<i>as Director of Planning</i> | - | being a member of the Strategic Planning Committee and the Building Committee of HKHA |
| Mr Jeff Lam
<i>as Deputy Director of Lands
(General)</i> | - | being a representative of the Director of Lands who was a member of HKHA |

- | | | |
|--|---|--|
| Miss Winnie M.W. Wong
<i>as Principal Assistant
Secretary (Transport),
Transport and Housing
Bureau</i> | - | being the representative of the Secretary for Transport and Housing who was a member of the Strategic Planning Committee of HKHA |
| Mr Frankie W.P. Chou
<i>as Chief Engineer/Works,
Home Affairs Department</i> | - | being a representative of the Director of Home Affairs who was a member of the Strategic Planning Committee of HKHA |
| Mr Clarence W.C. Leung | - | his spouse owned a flat in Fo Tan |
| Mr Frankie W.C. Yeung | - | owning a flat with spouse at Sui Wo Road |
| Professor K.C. Chau | - | owning a flat in Royal Ascot |
| Professor Eddie C.M. Hui | - | owning a flat in City One Shatin |
| Ms Christine M. Lee | - | her spouse owned a flat in Tai Wai |

221. As the item only involved procedural matter and no discussion was required, Members agreed that the above Members could stay in the meeting. Members noted that Mr Stanley Y.F. Wong, Ms Julia M.K. Lau, Professor P.P. Ho, Ms Janice W.M. Lai, Miss Winnie M.W. Wong, Mr Clarence W.C. Leung and Mr Frankie W.C. Yeung had tendered apologies for not able to attend the meeting, and Mr H.F. Leung, Professor K.C. Chau, Professor Eddie C.M. Hui and Ms Christina M. Lee had already left the meeting.

222. The Secretary briefly introduced the Paper. On 17.11.2013, the draft Sha Tin Outline Zoning Plan No. S/ST/29 (the OZP) incorporating amendments to rezone Shek Mun Estate, which was zoned “Residential (Group)A)” (“R(A)”), together with a strip of land zoned “Open Space” (“O”), to “R(A)4” to facilitate public rental housing development, was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 1,371 representations and 11 comments were received.

223. After giving consideration to the representations and comments on 16.5.2014, the Board decided not to propose any amendment to the draft OZP to meet the representations. Since the representation consideration process had been completed, the OZP was now ready for submission to the Chief Executive in Council (CE in C) for approval under section 8 of the Ordinance.

224. After deliberation, the Board:

- (a) agreed that the draft Draft Sha Tin Outline Zoning Plan No. S/ST/29A and its Notes were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) endorsed the updated Explanatory Statement (ES) for the draft Draft Sha Tin Outline Zoning Plan No. S/ST/29A as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and to be issued under the name of the Board; and
- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

Agenda Item 12

[Closed meeting]

225. This item was recorded under confidential cover.

Agenda Item 13

[Open meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

Minutes of Town Planning Board and the Two Planning Committees

226. The Secretary briefed Members on the proposed new arrangement relating to the issue of minutes of Town Planning Board (the Board) and the two Planning Committees' meetings. While hard copy of the draft minutes of the Board and the two Committees' meetings would continue to be issued to Members for consideration, it was suggested that

the confirmed minutes of those meetings would no longer be issued for Members' retention in order to save paper and manpower resources. Members were advised to view the confirmed minutes of concerned meetings on the TPB homepage if required. Hard copy of the confirmed minutes would be provided upon request.

227. In anticipation of the increasing workload for the Secretariat of the Board arising from the amendments to Outline Zoning Plans and their respective representation hearing, the Chairman said that the proposed new arrangement might help reduce the heavy workload of the clerical staff and enhance the efficiency of the daily operation. He then invited views from Members on the new arrangement as well as other suggestions on some environmental-friendly measures which might also help improve the smooth functioning of the Secretariat.

228. A Member asked if the confirmed minutes on the TPB homepage could be downloaded for reference and whether the soft copy of the minutes could be sent via email. The Secretary said that hard copy of the confirmed minutes could be provided if required and soft copy of the minutes could also be sent via email if Members made such request. The Secretariat would further explore the treatment of confirmed minutes under confidential cover.

229. There being no other business, the meeting closed at 9:40 p.m..