

**Minutes of 1063rd Meeting of the  
Town Planning Board held on 18.7.2014**

**Present**

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

Chairman

Mr Stanley Y.F. Wong

Vice-Chairman

Mr Roger K.H. Luk

Professor P.P. Ho

Professor Eddie C.M. Hui

Ms Anita W.T. Ma

Dr W.K. Yau

Dr 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 Patrick H.T. Lau

Ms Christina M. Lee

Mr H.F. Leung

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 Frankie W.C. Yeung

Mr Peter K.T. Yuen

Deputy Director of Environmental Protection  
Mr C.W. Tse

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

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

Director of Planning  
Mr K.K. Ling

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

Secretary

**Absent with Apologies**

Professor S.C. Wong

Dr C.P. Lau

Ms Julia M.K. Lau

Mr Clarence W.C. Leung

Mr Laurence L.J. Li

Ms Bonnie J.Y. Chan

Professor K.C. Chau

Mr H.W. Cheung

Ms Janice W.M. Lai

Director of Lands

Ms Bernadette H.H. Linn

**In Attendance**

Assistant Director of Planning/Board

Miss Fiona S.Y. Lung

Chief Town Planner/Town Planning Board

Ms Lily Y.M. Yam

Senior Town Planner/Town Planning Board

Mr Raymond H.F. Au

**Agenda Item 1**

[Open meeting]

Confirmation of Minutes of the 1062<sup>nd</sup> Meeting held on 4.7.2014

[The meeting was conducted in Cantonese.]

1. The minutes of the 1062<sup>nd</sup> meeting held on 4.7.2014 were confirmed without amendments.

**Agenda Item 2**

[Open meeting]

Confirmation of Minutes of the 1057<sup>th</sup> Meeting held on 28.4.2014, 8.5.2014, 12.5.2014, 19.5.2014, 20.5.2014 and 4.6.2014

[The meeting was conducted in Cantonese.]

2. The minutes of the 1057<sup>th</sup> meeting held on 28.4.2014, 8.5.2014, 12.5.2014, 19.5.2014, 20.5.2014 and 4.6.2014 were confirmed without amendments.

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

**Agenda Item 3**

Matters Arising

[The meeting was conducted in Cantonese]

- (i) Judicial Review Application against the Decision of the Town Planning Board to gazette the Draft Ngau Tau Kok and Kowloon Bay Outline Zoning Plan No. S/K13/28 (HCAL 76/2014)

[Open meeting]

3. The Secretary reported that a new judicial review (JR) application was submitted by Oriental Generation Limited (OGL) in respect of the Kai Tak Mansion (KTM) site in Kowloon Bay. It was related to three previous JR applications lodged by OGL

earlier in relation to its representation (R6) to the draft Ngau Tau Kok and Kowloon Bay Outline Zoning Plan (OZP) No. S/K13/26 for the same site. As the University of Hong Kong (HKU) and Ove Arup and Partners Hong Kong Limited (OAP) were consultants of R6, the following Members had declared interests in this item:

- |                     |   |  |
|---------------------|---|--|
| Dr Wilton W.T. Fok  | - | being staff of HKU   |
| Professor S.C. Wong | - | being Chair Professor and Head, Department of Civil Engineering, HKU; external examiner, School of Professional and Continuing Education, HKU; Director of the Institute of Transport Studies, HKU, of which some activities of the Institute were sponsored by OAP; and traffic consultant of OAP |
| Mr H.F. Leung       | - | being the Associate Professor, Department of Real Estate & Construction in the Faculty of Architecture, HKU  |
| Mr F.C. Chan        | - | being Hon. Professor, Department of Electrical and Electronic Engineering, HKU   |
| Mr Dominic K.K. Lam | - | having business dealings with HKU and OAP  |
| Mr Ivan C.S. Fu     | ] | having business dealings with OAP  |
| Mr Patrick H.T. Lau | ] |  |

4. As this item was to report the new JR application and the above Members had no involvement in Representation No. R6, Members agreed that they should be allowed to stay in the meeting. Members noted that Professor S.C. Wong had tendered apologies for being unable to attend the meeting and Mr Dominic K.K. Lam and Dr Wilton W.T. Fok had not yet arrived at the meeting.

[Ms Anita W.T. Ma arrived to join the meeting at this point.]

### The JR Application

5. The Secretary reported that on 7.7.2014, a JR application was lodged by OGL against the Town Planning Board (the Board)'s decision made on 11.4.2014 to gazette the draft Ngau Tau Kok and Kowloon Bay OZP No. S/K13/28 (OZP 28) under section 7 of the Town Planning Ordinance (the Ordinance) with identical restrictions in relation to the KTM site introduced by OZP No. S/K13/26 (OZP 26), despite the judgment of the Court of First Instance (CFI) on the three JRs lodged by OGL and the pending appeals judgment. The amendments to OZP 28 were not related to the KTM site. However, OGL took the view that the new OZP 28 became the prevalent law which might render the appeals on OZP 26 and OZP 27 meaningless, and hence lodged this new JR to protect its position. Members noted that the relevant Notice of Application (Form 86) had been dispatched to them before the meeting.

### Background of the Related JR/appeals

6. On 11.5.2012, the CFI ruled that the three new development restrictions imposed on the KTM site, i.e. a building height restriction (BHR) of 130mPD, two 10m-wide non-building areas (NBAs) and a 20m-wide building gap (BG) on OZPs No. 26 and 27 and the Board's refusal to consider raising the BHR beyond 130mPD were quashed. On 7.6.2012, both the Board and OGL lodged appeals to the Court of Appeal (CA) against the CFI's judgment. The appeals were heard by CA from 18 to 20.3.2014. The CA had not yet handed down its judgment.

### The New JR

7. The Secretary briefly went through the grounds of the new JR as follows:

*Ground 1: The previous decisions in OZP 26 and OZP 27 tainted OZP 28*

(i) OZP 28 contained the same 3 restrictions on the KTM site which were

introduced by OZP 26 and OZP 27. The Explanatory Statements for the three OZPs contained essentially identical clauses in relation to the 3 restrictions on the KTM site. This meant that the Board's planning intention and objectives in relation to the 3 restrictions imposed on OZP 26 and OZP 27 were directly carried forward to OZP 28. Hence, TPB's previous decisions tainted OZP 28. OGL repeated all grounds of JRs under the previous JRs;

*Ground 2: Inability to achieve Maximum Development Potential*

- (ii) the BHR of 130mPD did not allow OGL to achieve the maximum plot ratio or gross floor area (GFA) permissible under OZP 28. The Board failed to take account of the GFA displaced by the Emergency Vehicular Access and the road setback. Such mistakes had been carried to the decision on OZP 28;

*Ground 3: Procedural Impropriety*

- (iii) the Court had previously ordered a stay of the CFI judgment pending the determination of the appeals. By gazetting OZP 28 prior to the outcome of the appeals, the Board disturbed the status quo which the stay sought to maintain and prejudiced OGL; and
- (iv) the decision was unfair to OGL. Even if the CA ordered the Board to reconsider the decision, the Ordinance did not direct whether and when the Board should gazette a new version of OZP. Besides, the Board failed to undertake to gazette the reconsidered decision (if any) within a limited time frame. As such, OZP 28 remained the prevalent law and OGL could not make representations in respect of the three restrictions on OZP 28 as the amendment items did not relate to the KTM site.

8. The relief sought for the JR application included, inter alia:

- (i) orders to quash the decision and to direct the Board to reconsider the

decision in accordance with law;

- (ii) a declaration that the OZP 28 was ultra vires and invalid, or alternatively, the three restrictions in relation to the KTM site in OZP 28 were ultra vires and invalid, and could not confer on the Building Authority the power to refuse approval of building plans under section 16(1)(d) of the Buildings Ordinance (Cap.123); and
- (iii) an interim stay of submission of the OZP 28 to the Chief Executive in Council for approval pending the final determination of the JR proceedings.

9. Members noted that the Court had not yet granted leave for the JR. As the issues raised in the new JR were pending determination of the CA on the three previous JRs, in order to save the court's time and the parties' costs, Department of Justice, representing the Board on the JR, had written to the solicitor of OGL seeking their agreement that the leave application for the JR be stayed pending the determination of the appeals.

10. Members agreed that the Secretary would represent the Board in all matters relating to the JR in the usual manner.

(ii) Abandonment of Town Planning Appeal

Town Planning Appeal No. 1 of 2013 (1/13)

Temporary Open Storage of New and Second-hand Vehicles for Sale (Including Medium Goods Vehicle, Container Tractor and Private Car) with Ancillary Office and Storerooms for a Period of 3 Years in "Village Type Development" Zone, Lot 465 S.B RP (Part) in D.D. 103 and Adjoining Government Land, Ko Po Tsuen, Kam Tin, Yuen Long, New Territories

(Application No. A/YL-KTN/388)

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11. The Secretary reported that an appeal had been abandoned by the appellant of his own accord. Town Planning Appeal No. 1/2013 was received by the Appeal Board Panel (Town Planning) on 1.3.2013 against the decision of the Town Planning Board on 4.1.2013 to reject on review an application (No. A/YL-KTN/388) for temporary open storage of new



and second-hand vehicles for sale (including medium goods vehicle, container tractor and private car) with ancillary office and storerooms for a period of 3 years in “Village Type Development” (“V”) zone on the approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/7. The appeal was abandoned by the appellant on 11.7.2014 and on the same date, the Appeal Board Panel (Town Planning) formally confirmed that the appeal was abandoned in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations.

(iii) Appeal Statistics

12. The Secretary reported that as at 18.7.2014, 14 cases were yet to be heard by the Appeal Board Panel (Town Planning). Details of the appeal statistics were as follows:

Allowed	:	31
Dismissed	:	131
Abandoned/Withdrawn/Invalid	:	180
Yet to be Heard	:	14
Decision Outstanding	:	2
<b>Total</b>	:	<b>358</b>

**Kowloon District**

**Agenda Item 4**

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments in respect of the Draft Kowloon Tong Outline Zoning Plan No. S/K18/18

(TPB Paper No. 9687)

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[The hearing was conducted in Cantonese and English]

Presentation and Question Sessions

13. The Chairman and the following Members had declared interests in this item:

- Mr Thomas T.M. Chow ] each owning a flat at Parc Oasis  
Mr H.W. Cheung ]
- Mr Clarence W.C. Leung - owning a property at La Salle Road
- Ms Janice W.M. Lai - owning a flat at Earl Street with spouse
- Ms Christina M. Lee - her company owning two properties and six  
carparking spaces at Durham Road
- Mr David Y.T. Lui - owning a flat in Yau Yat Chuen
- Ms Julia M.K. Lau - her family members living at Waterloo  
Road and being a director of a company  
that owned a property near the junction of  
Hereford Road and Waterloo Road
- Mr Ivan C.S. Fu - having business dealings with Masterplan  
Ltd., the consultant of R376

14. Since the properties of the Chairman, Mr. H.W. Cheung, Mr Clarence W.C. Leung, Mr David T.Y. Lui, the company of Ms Christina M. Lee, and the family members and company of Ms Julia M.K. Lau were not located in proximity to the amendment site of the Kowloon Tong Outline Zoning Plan (OZP), and Mr Ivan C S Fu had no involvement in the subject amendment item, their interests were remote and indirect and Members agreed that they should be allowed to stay in the meeting. Members noted that Mr H.W. Cheung, Mr Clarence W.C. Leung, Ms Janice W.M. Lai and Ms Julia M.K. Lau had tendered apologies for being unable to attend the meeting.

15. The following representatives from the Planning Department (PlanD), representer's representative and commenters were invited to the meeting:

- Mr Richard Y.L. Siu - District Planning Officer/ Kowloon

(DPO/K), PlanD

Ms S.H. Lam - Senior Town Planner/Kowloon (STP/K),  
PlanD

R376 – Harry Hlucenay

Mr Ian Brownlee - Representer's representative

C1 – Wilfred Leung Chi Hang, Chairman of Deacons, Kowloon International  
Baptist Church (the Church)

Mr Leung Chi Hang, Wilfred - Commenter

C2 – Dr Philip Bennett, Ministry of Education of the Church on behalf of the  
Church

Dr Philip Bennett - Commenter

Mr Wong Chun Main, Andrew - Commenter's representative

16. The Chairman extended a welcome and said that sufficient notice had been given to invite the representers and commenters to attend the hearing, but other than those who were present at the meeting, the rest had either indicated not to attend the hearing or made no reply. As reasonable notice had been given to the representers and commenters, Members agreed to proceed with the hearing in their absence. The Chairman then invited the representatives of PlanD to brief Members on the representations and comments.

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

17. With the aid of a Powerpoint presentation, Mr Richard Y.L. Siu, DPO/K, made the following main points as detailed in the Paper:

The OZP

- (a) on 20.12.2013, the draft Kowloon Tong OZP No. S/K18/18 (the Plan), incorporating the amendment to rezone a site at 300 Junction Road, Kowloon Tong (the Site) from "Government, Institution or Community

(2)” (“G/IC(2)”) to “G/IC(13)” and the corresponding amendments to the Notes of the OZP, was exhibited for public inspection under section 7 of the Town Planning Ordinance (the Ordinance). Upon expiry of the two-month exhibition period, a total of 532 representations (R1 to R532) were received. On 7.3.2014, the representations were published for three weeks for public comments and two comments were received;

### Background

- (b) on 21.12.2012, the Metro Planning Committee (MPC) of the Town Planning Board (the Board) decided to partially agree to a section 12A Application No. Y/K18/7 for amendment to the OZP to relax the building height (BH) restriction for the Site from 3 storeys to 72.8mPD (about 8 storeys) to facilitate the redevelopment of the existing church building;
- (c) according to the indicative scheme submitted under the section 12A application, the 8-storey building would be on top of one level basement for car park, with plot ratio of 5.68 and BH of 72.8mPD at main roof level. Except for a kindergarten at 3/F for reprovisioning of the existing one, the whole building was proposed for church facilities. The building would also be set back from Junction Road by 3m to allow for roadside amenity;
- (d) to take forward the decision of the MPC, the draft Kowloon Tong OZP No. S/K18/18, incorporating amendment to rezone the Site from “G/IC(2)” to “G/IC(13)” with a BH restriction of 72.8mPD, was exhibited for public inspection;

### The Representations

- (e) all 532 representations were in support of the redevelopment of the Church. R1 was submitted by the Chairman of the Board of Directors of the Hong Kong Baptist Hospital (the Hospital) and the remaining 531 representations (R2 to R532) were submitted by individuals and church members;

Grounds of Representations

- (f) the major grounds of representations as detailed in paragraph 3.2 of the Paper were summarised below:
- (i) the Church had served the community for over forty years. The Church and the Hospital were neighbours and they had partnered in ministry since 1960s. The Hospital had used the facilities of the Church for meetings. The existing building was old and dilapidated and could not cater for the needs of the Church;
  - (ii) the “G/IC(13)” zoning allowed control of the Site with BH restricted to 72.8mPD. This had balanced the redevelopment needs of the Church and other technical aspects, such as visual, sewerage and traffic;
  - (iii) since the site formation level was about 43mPD, any building that could be erected on the Site would only be about 30m tall. Given the small size of the Site, the future building that would be accommodated in the Site would still be very small;
  - (iv) the new building would provide the Church with more opportunities for community services;
  - (v) the redevelopment would provide a basement for kindergarten mini-buses to drive in for children to alight and embark. This measure would relieve traffic on Kam Shing Road; and
  - (vi) the Church served the whole local community and the Hong Kong population, providing free teaching of English language/Christian faith; offering a low cost, English-speaking kindergarten; catering for the growing elderly population; and providing community support services. The amendments would facilitate the redevelopment of

the Church with better facilities, providing more opportunities for community services;

#### The Representers' Proposal

- (g) the representers had not submitted any proposal in respect of the draft OZP;

#### Comments on Representations

- (h) the two comments on representations were submitted by Mr Wilfred Leung Chi Hang, the Chairman of Deacons of the Church (C1), and Dr. Phillip Bennett, Ministry of Education of the Church on behalf of the Church (C2), and both were in support of R1;

#### Public Consultation

- (i) the Housing and Infrastructure Committee of the Kowloon City District Council (KCDC HIC) was consulted on the Amendment Items on 9.1.2014. KCDC HIC members had no objection to the amendments and their main views/concerns were summarised as follows:
  - (i) the Church should provide more greenings on the rooftop of the new church building to compensate for the visual impact caused by the increased BH of the new building on One Mayfair;
  - (ii) there was concern on whether the proposed minor relaxation of BH would set an undesirable precedent; and
  - (iii) Junction Road was narrow and there was a question on whether the pavement near the Site could accommodate the increased passenger and traffic flows upon redevelopment of the Site; and

#### PlanD's Views

- (j) the supportive views of R1 to R532 and C1 and C2 were noted.

[Mr Dominic K.K. Lam arrived to join the meeting at this point.]

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

R376 – Harry Hlucenay

19. Mr Ian Brownlee, the representer's representative, said that the amendments to the OZP were supported as they would facilitate the redevelopment of the church building.

20. As the presentation from the representatives of PlanD and the representer's representative had been completed, the Chairman invited questions from Members. Members had no question.

21. The Chairman invited the commenters to elaborate on their comments.

C1– Wilfred Leung Chi Hang, Chairman of Deacons, the Church

22. Mr Wilfred Leung Chi Hang expressed, on behalf of the Church and its members, their gratitude to the Board for favourable consideration of the amendments to the OZP. He said that the Church was ready to proceed with the redevelopment of the church building to serve the community.

23. As the presentation from the commenter had been completed, the Chairman invited questions from Members. Members had no question.

24. 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 inform them of its decision in due course. The Chairman thanked the representer's representative, the commenters and PlanD's representatives for attending the hearing. They all left the meeting at this point.

Deliberation

25. Members noted that the amendments incorporated in the draft OZP were to take forward the decision of MPC in respect of a section 12A Application to facilitate the redevelopment of the existing church building at the Site. All the representations and comments were in support of the redevelopment of the church building.

26. After deliberation, Members agreed to note the supportive views of Representations No. R1 to R532 and Comments No. C1 and C2.

**Agenda Item 5**

[Open Meeting]

Request for Deferment of Review of Application No. A/K11/210

Proposed Columbarium in “Government, Institution or Community” zone, Level 4 (Part) and Level 5 (Part) of East Wing and West Wing of Fat Jong Temple, 175 Shatin Pass Road, Tsz Wan Shan, Kowloon  
(TPB Paper No. 9689)

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[The meeting was conducted in Cantonese.]

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

Ms Julia M.K. Lau - having business dealings with Knight Frank Petty Ltd., which was the consultant of the applicant

Mr K.K. Ling - his relatives' ashes and memorial tablets were stored in Fat Jong Temple

28. Members noted that Ms Julia M.K. Lau had tendered apologies for being unable to attend the meeting. As the application was a deferral request submitted by the applicant, Members agreed that Mr K.K. Ling should be allowed to stay in the meeting but should refrain from participating in the discussion.



29. The Secretary reported that on 24.6.2014, the applicant wrote to the Secretary of the Town Planning Board (the Board) requesting the Board to defer making a decision on the review application for a period of two months in order to allow additional time for the applicant to prepare further information in response to comments from government departments. This was the first request from the applicant for deferment of the review hearing.

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

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

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

#### **Agenda Item 6**

[Open Meeting]

Request for Deferment of Review of Application No. A/NE-FTA/123

Proposed Asphalt Plant in "Open Storage" zone, Lots 20 RP, 21 and 23 RP(Part) in D.D. 88 and adjoining Government Land, East of Man Kam To Road, Sheung Shui (TPB Paper No. 9719)

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[The meeting was conducted in Cantonese.]

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

Professor P.P. Ho	]	having business dealings with Townland Consultants Ltd., which was the consultant of
Mr Dominic K.K. Lam	]	the applicant

33. As the application was a deferral request submitted by the applicant and the above Members had no involvement in the application, Members agreed that they should be allowed to stay in the meeting.

34. The Secretary reported that on 11.7.2014, the applicant wrote to the Secretary of the Town Planning Board (the Board) requesting the Board to defer making a decision on the review application for a period of two months in order to allow time for the applicant to review and clarify the comments/responses from the Agriculture, Fisheries and Conservation Department and the Food and Environmental Hygiene Department. This was the first request from the applicant for deferment of the review hearing.

35. Members noted that the justifications for deferment met the criteria for deferment as set out in Town Planning Board Guidelines No. 33 on Deferment of Decision on Representations, Comments, Further Representations and Applications (TPB PG-No. 33) in that the applicant needed more time to review and clarify the comments/responses from government departments, the deferment period was not indefinite and the deferment would not affect the interest of other relevant parties.

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

## **Sai Kung and Islands District**

### **Agenda Item 7**

[Open Meeting]

Further Consideration of the Draft Tung A and Pak A Outline Zoning Plan No. S/SK-TA/C (TPB Paper No. 9690)

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[The meeting was conducted in Cantonese.]

37. Mr Ivan M.K. Chung, District Planning Officer/Sai Kung and Islands, Planning Department (DPO/SKIs, PlanD) was invited to the meeting at this point.

38. The Chairman extended a welcome and invited DPO/SKIs to brief Members on the Paper. With the aid of a Powerpoint presentation, Mr Ivan M.K. Chung briefed Members on the draft Tung A and Pak A Outline Zoning Plan (OZP) No. S/SK-TA/C as detailed in the Paper and covered the following main points:

#### **Background**

- (a) on 28.3.2014, the Town Planning Board (the Board) gave preliminary consideration to the draft Tung A and Pak A OZP No. S/SK-TA/C and agreed that the draft OZP was suitable for submission to the Sai Kung District Council (SKDC) and the Sai Kung Rural Committee (SKRC) for consultation;

#### **Local Consultation**

- (b) SKRC and SKDC were consulted on the draft OZP on 16.4.2014 and 13.5.2014 respectively. The Village Representative (VR) of Pak A Village submitted two letters dated 28.4.2014 and 21.5.2014 proposing to increase the size of the “Village Type Development” (“V”) zone on the draft OZP. SKRC also submitted a letter dated 26.5.2014 requesting for rezoning some agricultural land for Small House development;

- (c) the comments and proposals of SKRC, SKDC and the VR of Pak A Village were summarised as follows:

*Insufficient “V” Zone*

- (i) the proposed “V” zone of 3.45 hectares was insufficient to meet the Small House demand of Tung A and Pak A Villages. The land reserved for “V” zones should be enlarged to include as much government land as possible in order to meet the Small House demand;
- (ii) the VR of Pak A Village considered that the 47 Small House sites within the “V” zone were far below the 148 sites as requested by him;

*Designation of Private Land as “Green Belt” Zone*

- (iii) the designation of private land as “Green Belt” (“GB”) zone was unfair, resulting in deprivation of private property right. The private agricultural land was overgrown with vegetation because the villagers no longer carried out agricultural activity on the agricultural land for decades. The Government should avoid zoning private land as “GB” because this would deprive the villagers of the right to apply for Small House development on their own lot;
- (iv) the VR of Pak A Village put forward the following rezoning proposals:
- to rezone two areas in the northern part of Pak A from “GB” to “V”; and
  - to rezone some private lots in Chau Tsai and in the southern

part of Pak A from “GB” to “V”;

*Designation of Part of Country Park as “V” Zone*

- (v) the VR of Pak A Village suggested that a piece of land, currently forming part of the Sai Kung East Country Park (SKECP), be rezoned to “V” for Small House development;

PlanD’s Responses

- (d) PlanD’s responses to the comments and proposals were as follows:

*Insufficient “V” Zone*

- (i) the boundaries of the “V” zones had been drawn up having regard to the village ‘environs’ (‘VE’), local topography, settlement pattern, Small House demand forecast, areas of ecological importance as well as other site-specific characteristics. The Small House demand forecast was only one of the factors in drawing up the “V” zones;
- (ii) only land suitable for Small House development had been included in the “V” zones whilst areas with dense vegetation, difficult terrain and near the natural stream courses had been excluded;
- (iii) most of the flat land in Tung A and Pak A had already been occupied by village houses and other supporting facilities. Suitable land available for Small House development was very limited;
- (iv) within the proposed “V” zones (about 3.45 ha), the area reserved for Small House development amounted to about 1.98 ha which could accommodate about 79 new Small House sites capable of meeting about 35% of the total outstanding and 10-year forecast of

Small House demand in Tung A and Pak A Villages (i.e. 229);

- (v) considering that there was a lack of infrastructural facilities and based on an incremental approach, the “V” zones were confined to the existing village settlements and on relatively flat areas. Should there be a genuine need to cater for more Small House development, flexibility had been provided under the planning application system for Small House development within the “GB” zone or for rezoning application to expand the “V” zone;
- (vi) the incremental approach could guide village expansion around the existing village settlements to achieve a more orderly development pattern, efficient use of land and provision of infrastructures and services. It would also help confining human disturbance to the areas around the existing settlements, thus minimising unnecessary adverse impacts on the natural environment outside the villages;

*Designation of Private Land as “GB” Zone*

- (vii) the “GB” zoning mainly covered the wooded slopes at the periphery of Tung A and Pak A which were contiguous to the expanse of vegetation in the adjoining SKECP and formed part of the wider ecosystem;
- (viii) protected species as well as species of conservation interest had been recorded in the Area. Wetland plants were also found in the estuaries and delta connecting Pak A and Chau Tsai. The Director of Agriculture, Fisheries and Conservation (DAFC) and the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD considered that the proposed “GB” zoning was appropriate;
- (ix) the two areas in the northern part of Pak A and the various private lots in the southern part of Pak A and Chau Tsai, which were proposed for rezoning to “V” by the VR of Pak A Village, involved

mostly old schedule agricultural lots currently covered by natural vegetation and formed an integral part of the proposed “GB” zones. To rezone these areas to “V” would jeopardise the comprehensiveness and integrity of the “GB” zones;

- (x) the Head (Geotechnical Engineering Office), Civil Engineering and Development Department (H(GEO), CEDD) objected to rezoning the two areas in the northern part of Pak A from “GB” to “V” because they were close to natural hillslope. To carry out development in these areas, Natural Terrain Hazard Study (NTHS) would be required. DAFC advised that these two areas were in close proximity to the SKECP, and a buffer between the “V” zone and the country park should be retained in order to avoid extensive and active human disturbance to the country park. CTP/UD&L, PlanD did not support the proposal from the landscape planning perspective because the two areas were adjacent to the SKECP which was a significant landscape with high landscape and conservation value. Should those two areas be rezoned to “V”, there would be insufficient green buffer between the country park and the village developments. Rezoning those two areas to “V” would also create piecemeal “GB” zones and haphazard village developments which were not in line with the planning intention of “GB” zone;
  
- (xi) CTP/UD&L, PlanD also did not support the rezoning of the private lots in Chau Tsai from “GB” to “V” because Chau Tsai was a small island which had attractive geological features and was of high landscape and scenic values. The proposed “V” zones would form isolated patches on the island thus creating piecemeal development and causing general degradation to the island landscape. DAFC opined that no sufficient justification had been provided to substantiate the proposed rezoning of the relevant lots in Chau Tsai to “V”;

*Designation of Part of Country Park as “V” Zone*

- (xii) the proposed “V” zone was outside the planning scheme area of the approved DPA Plan and the draft OZP. As the area formed an integral part of the SKECP, excising the area from the country park and zoning it as “V” would jeopardize the integrity of SKECP and adversely affect the natural features of SKECP;
- (xiii) DAFC did not support the proposal since the natural setting of the SKECP was not suitable for Small House development;
- (xiv) the area was outside the ‘VE’ of Pak A and located on a vegetated slope comprising entirely government land. CTP/UD&L, PlanD did not support the proposal from the landscape planning perspective because the future site formation and construction works associated with Small House development would create adverse impact on the existing coastal wooded slope, and degrade the continuous coastal landscape amenity; and
- (xv) H(GEO), CEDD objected to the proposed “V” zone because it was close to steep natural hillside and met the Alert Criteria for requiring NTHS; and

Land Use Zonings

- (e) in view of the above, PlanD considered that it was appropriate to maintain the proposed land use zonings as shown on the draft OZP. The detailed land use proposals were set out in paragraph 9 of Annex III of the Paper.

39. In response to a Member’s enquiry, Mr Ivan M.K. Chung said that the “Residential (Group C)” zone (“R(C)”) on Chau Tsai was to cover a building lot which was the subject of a planning application for house redevelopment approved with conditions by the Rural and New Town Planning Committee in 2013. Details of the approved planning application were set out in TPB Paper No. 9583 at Annex IVa of the Paper.



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

40. After deliberation, Members agreed to note the comments from and responses to SKDC, SKRC and the VR of Pak A Village on the draft Tung A and Pak A OZP No. S/SK-TA/C. Members also agreed that:

- “(a) the draft Tung A and Pak A OZP No. S/SK-TA/C (to be renumbered as S/SK-TA/1 upon gazetting) and its Notes at Annexes I and II of the Paper are suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance;
- (b) the Explanatory Statement (ES) at Annex III of the Paper should be adopted as an expression of the planning intentions and objectives of the Town Planning Board (the Board) for various land use zonings of the draft Tung A and Pak A OZP No. S/SK-TA/C; and
- (c) the ES is suitable for exhibition for public inspection together with the draft OZP and issued under the name of the Board.”

41. Members noted that, as a general practice, the Secretariat of the Board would undertake detailed checking and refinement of the draft OZP including the Notes and ES, if appropriate, before its publication under the Ordinance. Any major revision would be submitted for the Board’s consideration.

### **Procedural Matters**

#### **Agenda Item 8**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments in respect of the Draft Tin Fu Tsai Outline Zoning Plan No. S/TM-TFT/1 (TPB Paper No. 9691)

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[The meeting was conducted in Cantonese.]

42. The Secretary briefly introduced the Paper. On 20.12.2013, the draft Tin Fu Tsai Outline Zoning Plan (OZP) No. S/TM-TFT/1 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance.

43. During the two-month exhibition period, a total of 3,902 representations were received. All the representations objected to the Plan, except for R1 and R2 which supported the current extent of the “Village Type Development” (“V”) zones on the Plan. Two of the 3,900 adverse representations, submitted by the Village Representative of Tin Fu Chai (R3898) and Tuen Mun Rural Committee (R3899) respectively, objected to the insufficient “V” zone to meet Small House demand and proposed to enlarge the “V” zone. The remaining 3,898 adverse representations (R3 to R3897 and R3900 to R3902), submitted by environment-concern groups, other organisations and individuals, objected to the “V” zone or residential developments, and proposed mainly to enlarge the “Conservation Area” zone, enhance the protection of country park enclaves (CPEs) and incorporate the CPEs (including Tin Fu Tsai) into country parks.

44. On 4.4.2014, the representations were published for public comments for three weeks and two comments were received from Hon Chan Ka Lok (C1), and Shap Pat Heung Rural Committee (C2) respectively. C1 objected to developments within CPEs and proposed to incorporate them into country parks. C2 proposed to enlarge the “V” zone and requested for a village re-site option. The gist of representations, the index of comments on the representations and a full set of the representations and comments had been deposited at the Secretariat for Members’ inspection.

45. Since the representations and comments were mainly related to the extent of “V” zones, conservation of the natural environment and landscape of the Tin Fu Tsai area, it was recommended that the representations and comments should be considered by the full Board. The hearing could be accommodated in the Board’s regular meeting. Additional meeting dates would be scheduled for the Board’s consideration of the representations and comments as required.

46. Although the representations and the related comments from the villagers and environment-concern groups and individuals were different, only two representations and one

comment were from the villagers and a separate meeting for hearing them would not be necessary. It was suggested that the representations and comments should be considered collectively by the Board. The hearing was tentatively scheduled to be held in August 2014.

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

### **Agenda Item 9**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments in respect of the Draft Ma On Shan Outline Zoning Plan No. S/MOS/19 (TPB Paper No. 9697)

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[The meeting was conducted in Cantonese.]

48. The item was concerned with a proposed Public Rental Housing (PRH) and a Home Ownership Scheme (HOS) development by the Housing Department, 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 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 the Tender Committee of HKHA |
| Mr H.F. Leung        | - being a member of the Tender Committee of HKHA and having business dealings with HKHA  |

- Mr K.K. Ling  
*as Director of Planning* - being a member of the Strategic Planning Committee and the Building Committee of HKHA
- Ms Bernadette H.H. Linn  
*as Director of Lands* - being a member of HKHA
- Miss Winnie M.W. Wong  
*as Principal Assistant Secretary (Transport), Transport and Housing Bureau* - being the representative of the Secretary for Transport and Housing who was a member of the Strategic Planning Committee of HKHA
- Mr Eric K.S. Hui  
*as Assistant Director, Home Affairs Department* - being a representative of the Director of Home Affairs who was a member of the Strategic Planning Committee and the Subsidised Housing Committee of HKHA and owning a flat and a carparking space at Vista Paradiso
- Mr Dominic K.K. Lam - having business dealings with HKHA and his spouse owning two flats at Marbella
- Ms Janice W.M. Lai ] having business dealings with HKHA  
Mr Patrick H.T. Lau ]
- Mr Lincoln L.H. Huang - had explained the representation consideration procedure to his friend who was a representer

49. The meeting noted that, except for the interest of Mr Lincoln L.H. Huang which was indirect, the interests of all the above Members were direct. As the item was procedural in nature and no discussion was required, Members agreed that the above Members should be allowed to stay in the meeting. Members noted that Ms Janice W.M. Lai, Ms Julia M.K. Lau and Ms Bernadette H.H. Linn had tendered apologies for being unable to attend the

meeting.

50. The Secretary briefly introduced the Paper. On 7.3.2014, the draft Ma On Shan Outline Zoning Plan (OZP) No. S/MOS/19 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance. The major amendments involved rezoning Yan On Estate and its adjoining area from “Residential (Group B)2” (“R(B)2”), “Government, Institution or Community” (“G/IC”) and ‘Road’ to “Residential (Group A)8” (“R(A)8”) for PRH development (Amendment Item A); rezoning the land to the east of Ma On Shan Road from “Green Belt” (“GB”) to “R(A)9” for HOS development (Amendment Item B); and rezoning a site at Lok Wo Sha Lane from “Open Space” to “R(B)5” for private housing development (Amendment Item C).

51. During the two-month exhibition period, a total of 264 representations were received. The representations could be categorised into the two groups:

- (a) the first group (comprising a total of 15 representations) (i.e. R1 (part), R2 (part), R3 (part), R4, R5, R6, R7 (part), R8 (part), R9 (part), R10 (part), R11, R261 (part), R262 (part), R263 (part) and R264) was mainly from the local residents and District Council members objecting to/having comments on the proposed PRH and/or HOS developments under Amendment Items A and B; and
- (b) the second group (comprising a total of 259 representations) (i.e. R1 (part), R2 (part), R3 (part), R7 (part), R8 (part), R9 (part), R10 (part), R12 to R260, R261 (part), R262 (part) and R263 (part)) was mainly from the local residents of the nearby residential and village developments which opposed Amendment Item C for rezoning the Lok Wo Sha Lane site for private residential development.

52. On 6.6.2014, the representations were published for public comments for three weeks and 38 comments were received. The comments could be categorised into the two groups:

- (a) the first group (36 comments, i.e. C1 to C36) supported the representations

which opposed Amendments Items A and/or B, of which 32 commenters (C3 to C34) supported R6, one commenter (C2) supported R6 and R11, and three commenters (C1, C35 and C36) did not indicate the representations to which their comments were related; and

- (b) the second group (2 comments, i.e. C37 and C38) opposed Amendment Item C without indicating the representations to which they were related.

53. Since the proposed amendments to the Plan had attracted much public interest, it was recommended that the representations and comments should be considered by the full Board. The hearing could be accommodated in the Board's regular meeting and a separate hearing session would not be necessary. The 264 representations could be divided into two groups as mentioned in paragraph 52 above. As the concerned amendments and grounds of representation were different between these two groups, it was suggested that the representations and comments should be considered by the Board in two groups (i.e. the first group in relation to Amendment Items A and B, and the second group in relation to Amendment Item C). The hearing was tentatively scheduled to be held in September 2014.

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

### **Agenda Item 10**

[Open Meeting]

Submission of the Draft South West Kowloon Outline Zoning Plan No. S/K20/29A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance (TPB Paper No. 9713)

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[The meeting was conducted in Cantonese.]

55. As the item was concerned with a proposed Home Ownership Scheme development by the Housing Department, 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 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 the Tender Committee of HKHA
- Mr H.F. Leung - being a member of the Tender Committee of HKHA and having business dealings with HKHA
- Mr K.K. Ling - being a member of the Strategic Planning Committee and the Building Committee of HKHA  
*as Director of Planning*
- Ms Bernadette H.H. Linn - being a member of HKHA  
*as Director of Lands*
- 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*
- Mr Eric K.S. Hui - being a representative of the Director of Home Affairs who was a member of the Strategic Planning Committee and the Subsidised Housing Committee of HKHA  
*as Assistant Director, Home Affairs Department*
- Ms Janice W.M. Lai ]

Mr Patrick H.T. Lau           ]   having business dealings with HKHA  
Mr Dominic K.K. Lam        ]

56.           The meeting noted that the interests of the above Members were direct. As the item was procedural in nature and no discussion was required, Members agreed that the above Members should be allowed to stay in the meeting. Members noted that Ms Janice W.M. Lai, Ms Julia M.K. Lau and Ms Bernadette H.H. Linn had tendered apologies for being unable to attend the meeting.

[Dr Eugene K.K. Chan and Mr Frankie W.C. Yeung arrived to join the meeting at this point.]

57.           The Secretary briefly introduced the Paper. On 13.12.2013, the draft South West Kowloon Outline Zoning Plan (OZP) No. S/K20/29, incorporating amendments to rezone the Fat Tseung Street West site from “Government, Institution or Community” (“G/IC”), “Open Space” (“O”) and area shown as ‘Road’ to “Residential (Group A) 11” (“R(A)11”) and the Lin Cheung Road 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 an area shown as ‘Road’, was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of 3,099 representations were received. On 28.2.2014, the representations were published for public comments and, in the first three weeks of the publication period, 34 comments were received.

58.           On 20.6.2014 and 4.7.2014, after giving consideration to the representations and comments, the Town Planning Board (the Board) noted eight supportive representations and three representations providing views, and decided not to uphold the remaining 3,088 adverse representations and that no amendment should be made to the draft OZP to meet the representations. As the representation consideration process had been completed, the draft South West Kowloon OZP was ready for submission to the Chief Executive in Council (CE in C) for approval.

59.           After deliberation, the Board agreed:



- “(a) that the draft South West Kowloon OZP No. S/K20/29A and its Notes at Annexes I and II of the Paper respectively are suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) to endorse the updated Explanatory Statement (ES) for the draft South West Kowloon OZP No. S/K20/29A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board; and
- (c) that the updated ES for the draft South West Kowloon OZP No. S/K20/29A is suitable for submission to the CE in C together with the draft OZP.”

**Agenda Item 11**

[Open Meeting]

**Any Other Business**

[The meeting was conducted in Cantonese.]

60. There being no other business, the meeting was closed at 9:45 a.m.