

**Minutes of 1066th Meeting of the
Town Planning Board held on 5.9.2014**

Present

Permanent Secretary for Development
(Planning and Lands) (Acting)
Mr Thomas C.C. Chan

Chairman

Mr Stanley Y.F. Wong

Vice-chairman

Professor S.C. Wong

Mr Roger K.H. Luk

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Julia M.K. Lau

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 Sunny L.K. Ho

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Mr Dominic K.K. Lam

Mr Patrick H. T. Lau

Ms Christina M. Lee

Mr H. F. Leung

Mr F.C. Chan

Mr David Y.T. Lui

Mr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Deputy Director of Environmental Protection

Mr C.W. Tse

Chief Engineer, Home Affairs Department

Mr Frankie W.P. Chou

Principal Assistant Secretary for Transport and Housing

Mr Rico W.K. Tsang

Director of Planning

Mr K.K. Ling

Deputy Director of Planning/District

Mr Raymond K.W. Lee

Secretary

Absent with Apologies

Professor P.P. Ho

Mr Clarence W.C. Leung

Mr Ivan C.S. Fu

Mr Stephen H.B. Yau

Dr Eugene K.K. Chan

Mr Francis T.K. Ip

Director of Lands

Ms Bernadette H.H. Linn

In Attendance

Assistant Director of Planning/Board

Ms Fiona S.Y. Lung

Chief Town Planner/Town Planning Board

Mr Louis K.H. Kau (Agenda Items 1 to 4, 7 and 11)

Ms Lily Y.M. Yam (Agenda Items 5, 6 and 8 to 10)

Senior Town Planner/Town Planning Board

Ms Johanna W.Y. Cheng (Agenda Items 1 to 4, 7 and 11)

Ms Amy M.Y. Wu (Agenda Items 5, 6 and 8 to 10)

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1065th Meeting held on 15.8.2014

[The meeting was conducted in Cantonese]

1. The minutes of the 1065th Meeting held on 15.8.2014 were confirmed without amendments.

Agenda Item 2

[The meeting was conducted in Cantonese]

- (i) The Court of Appeal's Judgment on the Judicial Review against the Decision of the Director of Environmental Protection and Town Planning Board in respect of the proposed Integrated Waste Management Facilities in Shek Kwu Chau (CACV 176/2013)

[Open Meeting]

2. The subject appeal was related to the proposed Integrated Waste Management Facilities (IWMF) at Shek Kwu Chau (SKC). The following Members had declared interests in this item:

Mr. C.W. Tse - Deputy Director of Environmental Protection

Professor K.C. Chau - Deputy Chairman of Advisory Council on the Environment

3. Members agreed that as this item was only to report the Court judgment, the above Members could stay in the meeting.

4. The Secretary reported that on 2.9.2014, the Court of Appeal (CA) dismissed (by majority) the appeal lodged by Leung Hon Wai against the Court of First Instance's (CFI) judgment on his Judicial Review (JR) against:

- (a) the decisions of the Director of Environmental Protection (DEP) on 17.1.2012 to approve the Environmental Impact Assessment (EIA) report and to grant the environmental permit (EP) for the IWWMF project; and
- (b) the Town Planning Board (the Board)'s decision on 17.1.2012 not to uphold the opposing representations and to submit the draft SKC Outline Zoning Plan to the Chief Executive in Council for approval.

5. The Appellant did not pursue his challenge against the Board's decision in this appeal. The appeal hearing was heard on 4.6.2014 and 5.6.2014. A copy of the CA's judgment had been circulated to Members prior to the meeting.

6. In gist, all three CA Judges rejected the first two grounds of challenge (i.e. (i) whether the proposed off-site mitigation measures failed to meet the requirement of the Technical Memorandum (TM) and (ii) whether the EIA Report failed to comply with the requirements for health impact assessment in the TM and Study Brief. For the third ground of challenge (i.e. whether DEP had the power to approve the EIA report prepared and submitted on her behalf, and grant the EP to herself), two Judges rejected this ground of challenge whilst the other Judge gave the dissenting judgment.

7. Members noted the above judgment and noted that the appellant had 28 days from the date of judgment (i.e. by 30.9.2014) to apply for leave to appeal to the Court of Final Appeal. Members agreed that the Secretary should represent the Board in all matters relating to the JR/appeal in the usual manner.

(ii) New Town Planning Appeals Received
[Open Meeting]

Town Planning Appeal No. 7 of 2014 (7/14)

Proposed House (New Territories Exempted House-Small House)

in "Agriculture" Zone, Lots 1024 S.C, 1025 S.B and 1028 S.A in D.D.29

Ting Kok, Tai Po

(Application No. A/NE-TK/495)

Town Planning Appeal No. 8 of 2014 (8/14)
Proposed House (New Territories Exempted House-Small House)
in “Agriculture” Zone, Lots 1024 S.D and 1028 S.B in D.D.29
Ting Kok, Tai Po
(Application No. A/NE-TK/496)

8. The Secretary reported that two Notices of Appeal against the decisions of the Town Planning Board (the Board) on 6.6.2014 to reject on review two applications (No. A/NE-TK/495 and A/NE-TK/496) were received by the Appeal Board Panel (Town Planning) on 15.8.2014. Those planning applications were for proposed Small House development at two adjacent sites zoned “Agriculture” (“AGR”) on the approved Ting Kok Outline Zoning Plan No. S/NE-TK/17. The two applications were rejected by the Board for the following reasons:

- (a) the proposed development was not in line with the planning intention of the “AGR” zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. The “AGR” zone was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the submission for a departure from the planning intention; and
- (b) approval of the application would set an undesirable precedent for similar applications at the subject “AGR” zone, resulting in village expansion to the south of Ting Kok Road, leading to disturbance to landscape resources in the surrounding area and degradation of the existing agricultural/recreational landscape character.

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

Appeal Statistics

10. The Secretary reported that as at 5.9.2014, 17 cases are yet to be heard by Appeal Board Panel (Town Planning). Details of the appeal statistics are as follows:

Allowed	:	31
Dismissed	:	132
Abandoned/Withdrawn/Invalid	:	180
Yet to be Heard	:	17
Decision Outstanding	:	2
Total	:	362

(iii) Matters Arising
[Closed Meeting]

11. This item was recorded under confidential cover.

[Dr Wilton W.T. Fok, Mr Dominic K.K. Lam, Dr W.K. Yau, Mr H.F. Leung, Mr C.W. Tse and Mr Rico W.K. Tsang arrived to join the meeting during consideration of MA(iii) under Agenda Item 2.]

Sha Tin, Tai Po & North District

Agenda Item 3

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comments in respect of the Draft Ma On Shan Outline Zoning Plan No. S/MOS/19
(TPB Paper No. 9716)

[The meeting was conducted in Cantonese]

12. As the representations were concerned with proposed Home Ownership Scheme (HOS) and public rental housing (PRH) developments 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 |
| 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 Building Committee of HKHA |
| Ms Bernadette H.H. Linn
(as Director of Lands) | - | being a member of HKHA |
| Mr. Frankie W.P. Chou
(as Chief Engineer, Home Affairs Department) | - | 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 |
| Mr Rico W.K. Tsang
(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 Dominic K.K. Lam |] | having current business dealings with HKHA and his spouse owning two flats in Marbella |

Ms Janice W.M. Lai]	having current business dealings with
Mr Patrick H.T. Lau]	HKHA
Mr Lincoln L.H. Huang	-	had explained the representation consideration procedure to his friend who was a representer

13. At the meeting to consider the subject hearing arrangement on 18.7.2014, Members agreed that except for the interest of Mr Lincoln L.H. Huang which was indirect, the interests of all the above Members were direct and they should leave the meeting temporarily. Members noted that Professor P.P. Ho and Ms Bernadette H.H. Linn had tendered apologies for being unable to attend the meeting and Ms Julia M.K. Lau had not arrived to join the meeting. Members agreed that Mr Huang could stay in the meeting and participate in the discussion.

[Mr Stanley Y.F. Wong, Mr H.F. Leung, Mr Dominic K.K. Lam, Ms Janice W.M. Lai and Mr K.K. Ling left the meeting temporarily at this point, and Mr Patrick H.T. Lau, Mr Rico W.K. Tsang and Mr Frankie W.P. Chou left the meeting at this point.]

14. The Chairman said that the presentation and question sessions for the representations would be made under two groups. The Group 1 hearing was for consideration of the representations and related comments on the site for PRH at Yan On Estate and the site for HOS development to the east of Ma On Shan Road (Amendment Items A1, A2, B1, B2 and B3) and the Group 2 hearing was for consideration of the representations and related comments on the site for private residential development at Lok Wo Sha Lane (Amendment Item C).

Group 1

(Representations No. 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 and Comments No. C1 to C36)

Presentation and Question Session

15. The Chairman said that reasonable notice had been given to all the representers and commenters inviting them to the hearing. Members agreed to proceed with the hearing of the representations and comments in the absence of those representers and commenters who had either indicated not to attend the meeting or made no reply to the invitation to the hearing.

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

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

Mr Anthony K.O. Luk - Senior Town Planner/Sh
Tin, PlanD

R5, C19 - Ng Wing Ki

Mr Ng Wing Ki - Representer and Commenter

R6, C3 - Yung Ming Chau (Shatin District Councillor)

Mr Yung Ming Chau - Representer and Commenter

C9 – Lau Yee Wa

Mr Ng Wing Ki - Commenter's Representative

17. The Chairman extended a welcome and explained the procedures of the hearing. He then invited Mr C.K. Soh (DPO/STN) to brief Members on the background of the representations.

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

Background

- (a) on 7.3.2014, the draft Ma On Shan Outline Zoning Plan (OZP) No. S/MOS/19 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The major amendments involved:
- (i) Amendment Items A1 and A2: 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;
 - (ii) Amendment Items B1, B2 and B3: rezoning the land to the east of Ma On Shan Road from “Green Belt” (“GB”) to “R(A)9” for HOS development; and
 - (iii) Amendment Item C: rezoning a site at Lok Wo Sha Lane from “Open Space” (“O”) to “R(B)5” for private housing development.
- (b) during the two-month exhibition period, a total of 264 representations were received. On 6.6.2014, the representations were published and, in the first three weeks of the publication period, a total of 38 comments were received;
- (c) the Group 1 hearing was for consideration of a total of 15 representations and the related comments in respect of Amendment Items A1, A2, B1, B2 and B3. The representations to be considered in Group 1 were submitted by local residents of the nearby developments, Sha Tin District Council (SDC) member, Hong Kong and China Gas Company Limited (HKCG) and MTR Corporation Limited (MTRCL). These representations generally opposed the PRH development at Yan On Estate and/or HOS development to the east of Ma On Shan Road. R4 supports the PRH development and opposes the HOS development; and

HKCG and MTRCL only raised specific concerns. A total of 36 related comments were received all objecting to the rezonings;

Representation Sites

Yan On Estate PRH Site

- (d) the proposed PRH site comprised the existing Yan On Estate, a section of Hang Tai Road and part of a previous “G/IC” site. The site zoned “R(A)8” was subject to a maximum domestic plot ratio (PR) of 6, a maximum non-domestic PR of 0.5 and a maximum building height (BH) of 140mPD. It was expected that a total of about 1,600 additional PRH units could be provided with supporting retail and Government, institution and community (GIC) facilities;

Ma On Shan Road HOS Site

- (e) the proposed HOS site fell within an area zoned “GB” on the OZP before amendment to “R(A)9”. It was formed and currently used as a temporary cycle park, community farm and archery field under Short Term Tenancies (STTs) and temporary works area by the Highways Department (HyD). The site was elongated in configuration comprising the northern and southern portions. The whole site, with an area of about 1.86 ha, zoned “R(A)9”, was subject to a maximum domestic PR of 5.5 and a maximum non-domestic PR of 0.3 with a maximum BH of 140mPD. It was expected that the site would provide about 1,700 HOS units with supporting GIC facilities. A footbridge was proposed to connect the public housing developments on both sides of Ma On Shan Road. Subject to HD’s feasibility study, some retail facilities could be provided along this walkway to help create a better walking experience;

Grounds of Representations and Responses

Supportive Representations

- (f) the supportive views were summarised in paragraph 2.3.2 of the Paper and highlighted below:
- (i) R4 (part) supported the proposed PRH extension and the re-alignment of Hang Tai Road (i.e. Amendment Items A1 and A2) on grounds that the site was adjacent to Yan On Estate and was suitable for PRH extension. It could also facilitate the provision of more community and retail facilities serving the local residents;
 - (ii) R5 (part) had no objection to the proposed HOS development and retail footbridge (i.e. Amendment Items B1 and B2) and supported the proposed slip road serving the HOS site (i.e. Amendment Item B3) without specifying reasons;

Adverse Representations and Representations Providing Comments

- (g) the main grounds of the adverse representations/representations providing comments were summarised in paragraph 2.3.3 of the Paper. Concerned government bureaux/departments had been consulted on the representations and comments and their latest assessments were set out in the responses highlighted in paragraph 5.2 of the Paper. They were summarised below:

Adverse Visual and Air Ventilation Impacts

- (i) the proposed PRH and HOS developments would have adverse impacts on air ventilation and visual aspects to the surrounding areas. The PRH should be located away from the existing Yan On Estate and the number and height of the new blocks should be

reduced;

(ii) the responses to the above grounds were:

Visual Impacts

- the proposed PRH site extension was to be developed for three housing blocks with BHs ranging from 40 to 44 storeys (i.e. 129 to 140mPD) ascending from north to south. The proposed HOS site was to be developed for six blocks with BHs ranging from 39 to 43 storeys (i.e. 122 to 137mPD) descending from north to south. The maximum BHs of the developments had taken into account the existing BHs of the residential developments at the waterfront (80 to 120mPD), the existing maximum BH of Yan On Estate (120mPD) and the mountain backdrop to form a stepped height profile descending from the inland to the waterfront. The proposed BHs could blend in with the overall stepped height profile descending from the inland to the waterfront;
- the visual appraisal conducted by PlanD indicated that for the public vantage points at A Kung Kok Street/Hang Shun Street, Heng On Estate as well as waterfront promenades at Ma On Shan Area 90 and Hong Kong Science Park where there were heavy pedestrian or visitor flow, the visual impact would be insignificant;

Air Ventilation Impacts

- the proposed BHs, together with appropriate building block orientation aligning with the prevailing wind directions, and incorporation of design features (including building gaps, building separation, empty bays on ground floor and podium roof, and building setback) were expected to help minimize

the impact on the wind environment of the surrounding area. Chief Town Planner/Urban Design and Landscape, PlanD considered that the Air Ventilation Assessment (Expert Evaluation) conducted by HD was acceptable in-principle; and

Proposal to Reduce Development Scale

- in the 2014 Policy Address, the Chief Executive announced that the Government considered it feasible to generally increase the maximum domestic PR currently permitted by around 20% as appropriate. If the number and height of the housing blocks in the PRH extension were reduced, it would be unable to achieve the domestic PR of 6;

Traffic and Transport Aspects

- (iii) the increase in population would generate more traffic flow and create traffic congestion and exacerbate the current situation of lack of public transport facilities in the locality. There were concerns over the re-alignment of Hang Tai Road and its associated traffic arrangements and the accessibility of the proposed HOS site;
- (iv) there were requests for additional/improved transport facilities/services including (i) a new transport interchange near Yan On Estate and additional taxi stand at Hang Tai Road; (ii) additional bus stops along Ma On Shan Road; (iii) additional exits from MTR Heng On Station and/or Tai Shui Hang Station; (iv) a footbridge between Yan On Estate and Po Tai Street; (v) bus route re-arrangement in the district; and (vi) provision of more car parks;
- (v) the responses to the above grounds were:
 - the traffic impact assessment (TIA) conducted by HD for

both the PRH and HOS sites showed that with the implementation of traffic improvement works (including the provision of pedestrian crossing at the re-aligned Hang Tai Road and junction improvement at Hang Shun Street/Hang Tak Street/A Kung Kok Street) as well as the provision of additional bus and GMB services, the traffic generated by the proposed housing developments would not cause any significant impact on the surrounding road networks. The Commissioner for Transport (C for T) considered the TIA acceptable in-principle; and

- regarding the requests for additional transport facilities, the responses for the respective proposals were (i) C for T had no plan to provide a public transport interchange in the vicinity of Yan On Estate nor a taxi stand at Hang Chi Street; (ii) C for T advised that bus lay-bys would be provided on the proposed slip road leading to the proposed HOS site; (iii) the necessity for additional MTR exits was being assessed by the Transport and Housing Bureau and MTRCL; (iv) the TIA indicated that the existing pedestrian links were sufficient to cater for the proposed PRH and HOS developments, and an additional footbridge between Yan On Estate and Po Tai Street was not necessary; (v) C for T would review the public transport services (including bus and GMB services) in accordance with the actual situations before completion of the PRH and HOS developments and arrange necessary improvement measures; and (vi) C for T advised that sufficient car parking facilities would be provided at the sites according to the Hong Kong Planning Standards and Guidelines (HKPSG) requirements;

Exposure to Traffic/Rail Noise

- (vi) since the HOS site was close to both the Ma On Shan Line viaduct

and Tai Shui Hang Station, the potential noise nuisance from rail operations on the proposed HOS site should be assessed, and adequate noise mitigation measures should be incorporated to satisfy the requirements of the Noise Control Ordinance;

- (vii) the response to the above grounds was that HD was conducting a preliminary Environmental Assessment Study (EAS) on environmental impacts. HD would properly implement all the noise mitigation measures to be identified in the EAS and there would be no insurmountable problems on environmental aspect, especially traffic/rail noise aspect;

Provision of Government, Institution and Community and Retail Facilities

- (viii) the increase in population would exacerbate the current situation of the lack of GIC facilities as well as retail facilities. More community and recreational facilities (such as child care centres, kindergartens, youth centres and centres for the elderly) and retail facilities should be provided;

- (ix) the responses to the above grounds were:

- the planned provision and land reservation for various GIC facilities were generally adequate to meet the need of the planned population of Ma On Shan according to the HKPSG. There was no deficit of the planned GIC facilities such as sports centre, sports ground/sports complex, swimming pool complex, integrated family services centre, library, clinic/health centre, divisional/district police station, magistracy, etc. in the planning scheme area as alleged in the representations;

- in the proposed PRH development, apart from the existing community and recreational facilities at the existing Yan On Estate, various community facilities including a kindergarten, a day care centre for the elderly, a supported hostel for mentally handicapped persons, a special child care centre and an early education and training centre would be provided. A basketball court would also be provided at the “G/IC” site across the re-aligned Hang Tai Road. In the proposed HOS development, a badminton court and basketball court would be provided; and
- retail and commercial facilities were planned in the proposed PRH and HOS developments respectively. A shopping centre was proposed at the southern tip of Yan On Estate, and a footbridge with allowance for retail facilities over Ma On Shan Road was also proposed;

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

Risk Aspect

- (x) existing high pressure gas pipelines were located near the PRH site and had encroached onto the HOS site. A risk assessment on gas pipeline should be conducted for the proposed PRH development;
- (xi) a liquefied petroleum gas (LPG)/petrol filling station was located in close proximity to the proposed PRH site and might cause potential risk. The LPG/petrol filling station should be relocated and/or the site should be used as an open space;
- (xii) the responses to the above grounds were:
 - the Quantitative Risk Assessment (QRA) conducted by HD for the proposed PRH site indicated that both the levels of

individual and societal risks for the LPG station on the proposed PRH development were acceptable; and

- the HKCG (R3) had been requested to divert the high pressure gas pipeline to area outside the site boundary of the proposed HOS site. The new diverted high pressure gas pipeline had to comply with the Gas Safety Ordinance;

Greenery Area and Popular Cycle Park, Community Farm and Archery Field at the HOS Site

(xiii) the rezoning for the proposed HOS development would result in the loss of greenery area and the displacement of cycle park, community farm and archery field which were highly utilised by the local residents; and

(xiv) the responses to the above grounds were:

- the HOS site, previously zoned “GB”, had been formed and currently used as a temporary cycle park, community farm and archery field under Short Term Tenancies and temporary works area by the HyD. The rezoning proposal would not result in an extensive loss of greenery area; and
- the Lands Department had assisted in recommending suitable sites for reprovisioning of these existing temporary uses on-site;

Representers’ Proposals

(h) the representers’ proposals were summarised in paragraph 2.4 of the Paper and the responses were summarised in paragraph 5.3 of the Paper. They were:

- (i) the proposed HOS site should be setback from the high pressure gas pipeline; and
- (ii) the original “GB” zone should be maintained; and
- (iii) the responses to the above proposals were:
 - the existing high pressure gas pipeline would be diverted and would not encroach onto the proposed HOS site; and
 - the site was suitable to be rezoned for residential development to meet the housing demand. The existing uses on the “GB” zone were only temporary uses;

Comments on Representations

- (i) a total of 36 comments were received objecting to the rezoning proposals. The comments on representations were mainly on grounds similar to the representations as mentioned above and the above responses were relevant; and

PlanD’s Views

- (j) PlanD’s views on the representations were summarised in paragraph 7 of the Paper. They were:
 - (i) the supportive views of R4 (part) on Amendment Items A1 and A2 and supportive views of R5 (part) on Amendment Item B3 were noted;
 - (ii) the comments of R3 (part) (submitted by HKCG) was noted. The HKCG had been requested by the Government to divert the existing high pressure gas pipeline outside the boundary of the HOS site;

- (iii) the comment of R264 (submitted by MTRCL) was noted. R264 should be advised that the proposed HOS development would not cause any insurmountable problems on the traffic/rail noise aspect; and
- (iv) the adverse representations No. R1 (part), R2 (part), R4 (part), R5 (part), R6, R7 (part), R8 (part), R9 (part), R10 (part), R11, R261 (part), R262 (part) and R263 (part) were not supported and the Plan should not be amended in respect of Amendment Items A1, A2, B1, B2 and B3.

19. The Chairman then invited the representers/commenters and their representatives to elaborate on their representations/comments.

R5, C19 – Ng Wing Ki and C9 – Lau Yee Wa

20. Mr Ng Wing Ki made the following main points:

- (a) he had been living in Yan On Estate for two years and had attended the Residents' meeting and the Residents' Workshop organized by HD on the proposed PRH extension at Yan On Estate in September and November 2014 respectively. Majority of the residents expressed their concerns and objection to the proposed development;
- (b) he objected to the construction of three additional PRH blocks at Yan On Estate and its adjoining land (i.e. Item A1 and A2) which would create wall effect and block the air flow to the surrounding areas. They were located too close to the existing buildings. The 42-storey new buildings would create adverse impact on air ventilation and sunlight penetration to the existing Yan On Estate (in particular those units at the lower floors), as well as affecting the vista of those units facing east (about half of the total number of units);

- (c) if new blocks were to be built, they should be located away from the existing Yan On Estate, and the number and height of the new blocks should be reduced (e.g. from three blocks to one or two blocks). Consideration should also be given to relocating the LPG/petrol filling station so as to allow more space for the development;
- (d) there was currently inadequate transport, commercial and community facilities serving Yan On Estate. The residents of Yan On Estate supported the provision of more commercial and community facilities and had no objection to the proposed HOS development which was farther away from Yan On Estate;
- (e) however, the Board should consider the following proposals in relation to the provision of transport facilities:
 - (i) addition of new bus stops on both sides of Ma On Shan Road (both the north-bound and south-bound);
 - (ii) modification at Hang Tai Street to allow buses and other vehicles to enter the northeast bound lane of Ma On Shan Road from Hang Tai Road;
 - (iii) relocation of the taxi stands at Yan On Estate to Hang Tai Street, and addition of passenger boarding and alighting point at Hang Tai Street for taxis and school buses;
 - (iv) addition of a footbridge in Yan On Estate to facilitate access to and from Po Tai Street bus stop and the future Po Tai Street Shopping Centre; and
 - (v) addition of a new MTR Heng On Station exit to facilitate the residents of Yan On Estate.

R6, C3 – Yung Ming Chau

21. Mr Yung Ming Chau read out the content of the authorization letters of nine commenters including C26, C32, C7, C12, C20, C22, C23, C29 and C31 which were as follows:

- (a) C26 and C32 had no comment;
- (b) C7 proposed to reduce the height of the new blocks and to widen the building gaps so as to minimize the adverse impact on sunlight penetration and air ventilation to the existing residential units facing east. Taxis using the petrol filling station currently occupied public roads. Buses could not get into the bus stops. Increasing bus trips would only exacerbate traffic congestion. A place should be identified to accommodate these taxis using the petrol filling station or to relocate the station;
- (c) C12 proposed to increase the number of bus routes, improve transport infrastructure, increase recreational facilities and relocate petrol filling station;
- (d) C20 accepted the proposed extension of Yan On Estate but did not support the construction of three blocks with a building height of more than 40 storeys. This would lead to a very congested living environment. Without resolving the existing traffic and infrastructural problems, HD should reduce the number of new blocks so as not to exacerbate the problems. She requested the Government to minimise the dust and noise impact during construction; to construct only two new PRH blocks and six HOS blocks; to construct bus terminus and road-crossing facilities e.g. traffic lights, footbridge etc.; and to provide markets and eating places;
- (e) C22 requested that the existing air ventilation, air quality, sunlight penetration, greenery and traffic condition would not be affected by the

proposed Yan On Estate Phase 2 development. Noise impact should be mitigated. She proposed to relocate the LPG/petrol filling station and to construct recreational facilities, hospital, commercial facilities, green belts, open spaces, MTR exits, schools and kindergarten;

- (f) C23 proposed to increase the number of bus routes to and from Ma On Shan Plaza and to provide more eating places and market;
- (g) C29 considered that there would be noise and air pollution during construction of the proposed Yan On Estate Phase 2 development; and with the future increase in population, there should be increase in supporting transport service and commercial facilities. The existing market in Heng On Estate was too small and too crowded; and
- (h) C31 considered that the transport network for Yan On Estate was still incomplete after residents moved in for three years. The existing facilities within Yan On Estate might not be able to accommodate the future needs of the residents in the Phase 2 development.

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

22. With the aid of a Powerpoint presentation, Mr Yung made the following points:

Background

- (a) the existing Yan On Estate was one of the PRH estates under the jurisdiction of HKHA. The site was previously occupied by a temporary housing area comprising 33 temporary housing blocks which were demolished in 1999. The site had once been identified as a land sale site and also for the development of sandwich class housing by the Hong Kong Housing Society before it was finally developed by HKHA for PRH;

- (b) the existing Yan On Estate comprised three residential blocks of 40 storeys with 2,587 units accommodating 6,262 population. The flat size of the estate ranged from 14.05m² (for 1-2 persons) to 39.51m² (for 4-5 persons);

Provision of Commercial and Community Facilities

- (c) the existing commercial facilities in Yan On Estate included one eating place (194m²), one supermarket (138m²), one convenience store (52m²) and two District Councilors offices (each of 26m²);
- (d) there was inadequate provision of cultural and recreational facilities in Yan On Estate which only included one table-tennis table, five chessboard tables, one badminton court, one basketball court, one five-a-side football court and three children playgrounds. Children had to play in the emergency vehicular access area and community functions had to be held at the open area under the building. There was also no facilities for the elderly;
- (e) there were no known development programmes for the proposed two sports complexes and the proposed health centre in Ma On Shan;

Living Space

- (f) it was estimated that the living space per capita of the existing Yan On Estate was 3.66. Upon completion of the Phase 2 development, the living space per capita would be reduced to 2.93. These figures were just about half of those four existing PRH estates in Ma On Shan built in 1987-1996, which ranged from 6.15 to 7.44. That was the reason why the residents of Yan On Estate objected to the proposed Phase 2 development as the living environment would become very congested. The Government should consider reducing the PR for the PRH site;

Transport Facilities

- (g) there was insufficient transport facilities serving Yan On Estate. When the residents started moving into the estate in 2011, only two bus routes were available. Three other bus routes were available in 2012 only after the residents had moved in for a year. After the residents expressed their concern on the insufficient transport facilities at the residents' workshop organized by the Government on 30.8.2013, three more bus routes were added to serve the estate in 2013. Besides, it was also extremely inconvenient for the residents to walk to the MTR station which took about 5-10 minutes or to Heng On Estate which took about 10 minutes. If the residents wanted to take buses, they needed to walk to Hang Fai Street for about 15 minutes;

- (h) there were currently only three whole-day bus routes and five peak-hour bus routes serving Yan On Estate but there were 12 whole-day bus routes, nine peak-hour bus routes and two overnight bus routes passing through Ma On Shan Road. The residents therefore requested additional bus stops along Ma On Shan Road. C for T said that they would review the public transport services in accordance with the actual situations before completion of the proposed PRH and HOS developments and arrange necessary improvement measures. Unfortunately, even after the bus route re-arrangement in Sha Tin district, there was no improvement to the transport facilities in Yan On Estate. As for the residents of Chevalier Garden, though they did not object to the proposed HOS development, they opposed the reduction of public transport facilities due to the bus route re-arrangement;

LPG Filling Station

- (i) there were always many taxis queuing up at the round-about of the LPG filling station which led to serious traffic obstruction. Buses could not approach the bus stops and passengers had to get off the buses in the middle of the roads. Worse still, some taxi drivers washed their cars

after gas filling which led to serious sanitation and mosquito problem. Besides, the noise generated during the gas filling process (60-70 dB) also seriously affected the nearby residents;

MTR Station Exit

- (j) the existing MTR Heng On Station exit was very far away from Yan On Estate. Residents had to walk a long way (450m) through an uncovered staircase, a subway and then through the pet garden at a round-about to the station. With the new Phase 2 development, it was proposed that a new exit to be constructed at the pet garden to facilitate the residents of Yan On Estate;
- (k) a new MTR exit should also be provided for the proposed HOS development. Otherwise, future residents had to walk a long way (550m) through a quiet footpath along the hillside to the existing exit in Tai Shui Hang Station. It would be very dangerous to the residents;

Lack of Car Parking Spaces

- (l) there were insufficient car parking spaces in Ma On Shan, especially for heavy goods vehicles and coaches. Illegal overnight roadside parking was found along Hang Chi Street and sometimes occupied one whole lane of the road. There was also occasion that one car parking space was occupied by two or three vehicles;

Government Workshop

- (m) at a workshop held by the Government with representatives from HD, PlanD and TD on 24.11.2013, the residents had expressed their concerns on the existing and future problems on air ventilation, sunlight penetration, transport facilities, commercial and community facilities. They considered that these problems should be resolved first before considering new development in the areas;

Noise Problem

- (n) the existing three residential blocks in Yan On Estate were currently exposed to serious railway noise from Ma On Shan Line and traffic noise from Sai Sha Road and Ma On Shan Road. Some parts of the railway line and roads in front of the residential blocks were not covered by noise barriers. As a result, most of the flats were exposed to noise impact of about 60dB-70dB and to even more than 70dB which could not satisfy the requirements of the Noise Control Ordinance;
- (o) it was expected that the situation would get worse when there were more new developments nearby which caused more traffic along Sai Sha Road and Ma On Shan Road. If no adequate mitigation measures and noise barrier were provided along Ma On Shan Road, the proposed Phase 2 development at Yan On Estate would be exposed to serious railway and traffic noise, as well as the noise generated by the LPG station. The use of acoustic windows as proposed by HD would not be effective;
- (p) according to the EIA report prepared by EPD for the T7 trunk road, it was proposed that a 5m high cantilever noise barrier be provided alongside the northern edge of the western bound carriageway of T7 adjacent to the boundary of the previous "G/IC" site (now rezoned for Yan On Estate Phase 2 development). It was considered that the barrier would adequately protect the proposed development at the site from noise impact associated with T7. Given that the current proposed PRH extension (more than 40 storeys) would be much higher than the original G/IC development (probably 7-8 storeys), adequate noise mitigation measures i.e. noise barrier were necessary;
- (q) since the current OZP amendment involved realignment of road leading to the existing trunk road, the Government had to do a EIA under the EIAO;

- (r) six points were selected around Yan On Estate to monitor the noise impact and the average noise impacts recorded were as follows:
 - (i) Point A (Hang Tai Street near Yan Hei House): 74dB;
 - (ii) Point B1/B2 (Hang Yiu Street LPG filling station near Ma On Shan Road within/outside noise barrier): 73dB/90dB;
 - (iii) Point C (on Hang Yiu Street footbridge over Ma On Shan Road): 77dB;
 - (iv) Point D (below Hang Yiu Street footbridge near Ma On Shan Road): 71dB;
 - (v) Point E (Ma On Shan Road towards Hang Tai Street slip road): 86dB;
 - (vi) Point F (below Hang Chi Street/Sai Sha Road footbridge): 65dB;

- (s) it was estimated that the traffic generation along Ma On Shan Road at Point C were 3,156 vehicle trips per hour and 25,820 vehicle trips per day, which would generate a noise impact of about 74.72dB to 78.69dB. The proposed PRH extension (Yan On Estate Phase 2) was just about 25m from Ma On Shan Road. It was estimated that future flat units would be exposed to a noise impact of 69-75.69dB which could not be mitigated simply by architectural design e.g. acoustic windows;

- (t) noise impact should be mitigated at source. It was proposed that the existing covered noise barrier along Ma On Shan Road (near Point C) should be extended alongside the future Yan On Estate Phase 2 development and the existing one on Heng On Station (near Point F) should also be extended alongside the existing Yan On Estate. New noise barriers (near Point E) should be constructed alongside the proposed HOS development so as to mitigate the traffic noise along Ma On Shan Road; and

- (u) in considering the amendments, the Board should be requested to strike a balance between the needs of the existing residents of Yan On Estate and the need to meet the pressing housing demand. It was also hoped that HD would consider the needs and views expressed by the residents of Yan On Estate during the consultation process; and that PlanD would

closely monitor the provision of cultural, recreational and community facilities in Ma On Shan. The Government should resolve the existing problems before new development was proposed in the area.

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

23. As the presentations for the representers and commenters had been completed, the Chairman invited questions from Members.

24. In response to a Member's query, Mr Yung said that the living space per capita for those housing estates presented by him was the result of the site area of each housing estate divided by the total number of population. The figures for the site areas were provided by PlanD's representative at the Sha Tin District Council meeting. For those housing estates which had been involved in the tenants purchase schemes before (i.e. Heng On Estate and Yiu On Estate), the total population included both the population under the tenancy agreements and the population under the tenants purchase schemes. The information was based on those presented to the Development and Housing Committee of the Sha Tin District Council on 4.9.2014.

[Mr Frankie W.C. Yeung arrived to join the meeting at this point.]

25. Noting that the views expressed by the local residents at the workshop held on 24.11.2013 basically related to the current traffic, noise and air ventilation problems which could be alleviated by future improvement measures, a Member asked if the residents of Yan On Estate had expressed any objection to the proposed PRH extension at the workshop. In response, Mr Yung said that not all the residents of Yan On Estate attended the workshop. For those residents who had attended, they expressed grave concern on the insufficient transport facilities in Yan On Estate. They were generally satisfied with their living environment, except the traffic noise impact. On the proposed PRH extension, while they understood that there was a genuine need to meet the pressing housing demand, they were much concerned with the proposed new block close to Yan Hei House. The existing disposition of the new block was governed by the need to maintain a safety buffer from the LPG filling station. The residents therefore proposed to relocate the LPG filling station. The existing tenancy for the LPG filling station would expire in 2024 and the

service agreement with EMSD was up to 2021. However, the Government representatives had expressed difficulty in moving the station.

26. Mr Yung concluded that there were some residents objecting to the proposed PRH extension, but the most important issue was that even if the development was to proceed, the residents hoped that the Government could ensure that there was sufficient transport and infrastructural facilities and improvement measures to cater for the need of the existing and future residents.

27. Noting that the residents of Yan On Estate were mainly concerned with the provision of transport facilities and the noise impact, a Member opined that with more new developments and population intake, there would be improvement and expansion of the transport facilities serving the area. Besides, noise barriers could always be constructed if necessary and should not be an issue for the proposed developments. Mr Yung said that the provision of transport facilities, including the expansion of bus routes and addition of bus stops, was a commercial decision of the bus companies and TD normally took a passive role on this matter. In this regard, the existing transport facilities were not satisfactory and the residents therefore proposed that bus stops should be provided on both sides of Ma On Shan Road. On the noise impact, he proposed that a covered noise barrier should be constructed along the section of Ma On Shan Road fronting the new HOS development. A podium garden could then be provided on top of the noise barrier to compensate the loss of the green belt areas due to the HOS development.

28. In response to a Member's question, Mr C.K. Soh (DPO/STN) said that the proposed HOS development was located on an elongated site. There was a need to provide an integrated internal road network linking the northern portion and southern portion of the site for better development. During construction, some modification works would be undertaken to the existing cut slope in the middle part of the site so that an internal road would be provided there. On greenery, Mr Soh said that for all PRH and HOS development, HD was currently required to provide a green ratio of 20-30%. HD would implement appropriate greenery measures in the proposed PRH and HOS developments.

29. A Member asked whether there would be a shared-use of facilities among PRH

estates and if so, whether there would be any improvement on the connectivity of Yan On Estate with other estates. Mr Soh said that with the proposed PRH and HOS developments and more population intake, more retail and community facilities would be provided to serve the area. The provision of open space would meet the requirement under the HKPSG. Besides, new footbridge connections would be constructed to ensure that the existing and planned estates were well-connected and developed in a comprehensive manner.

30. As Members had no further question to raise, the Chairman thanked the representatives of PlanD as well as the representers/commenters and their representatives for attending the meeting. They all left the meeting at this point.

31. As the attendees for the Group 2 hearing and agenda item 4 had already arrived, the Chairman suggested to defer the deliberation for the Group 1 hearing to the end of the meeting and to proceed with the Group 2 hearing first. Members agreed.

[Mr Stanley Y.F. Wong, Mr H.F. Leung, Mr Dominic K.K. Lam, Ms Janice W.M. Lai and Mr K.K. Ling returned to join the meeting, Mr H.W. Cheung left the meeting temporarily and Dr W.K. Yau and Mr Laurence L.J. Li left the meeting at this point.]

Agenda Item 3 (Continued)

(Open Meeting (Presentation and Question Session only)

Consideration of Representations and Comments in respect of the Draft Ma On Shan Outline Zoning Plan No. S/MOS/19

(TPB Paper No. 9717)

[The meeting was conducted in Cantonese]

Group 2 Hearing

(R1 (part), R2 (part), R3 (part), R7 (part), R8 (part), R9 (part), R10 (part), R12 to R260, R261 (part), R262 (part) and R263 (part))

32. Mr Francis T.K Ip had declared interest in this item (for the Group 2 hearing) as he was residing in Double Cove (the Incorporated Owners of Double Cove had submitted a representation No. R212). Members noted that Mr Ip had tendered apologies

for being unable to attend the meeting.

Presentation and Question Session

33. The Chairman said that reasonable notice had been given to all the representers and commenters inviting them to the hearing. Members agreed to proceed with the hearing of the representations and comments in the absence of those representers and commenters who had either indicated not to attend the meeting or made no reply to the invitation to the hearing.

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

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

R28 – Kai Shing Management Services Limited

Mr Tsang Chi Tak] Representer's Representative
Mr Ho Shau Kwun]
Mr Choi Ho Pang]
Ms Yeung Yuk Bing, Ida]
Mr Lum Chor Ming]

R29 – Chan Iu Keung

Ms Celina Wang] Representer's Representative

R53 – Cheung Muk Tau Village Office

Mr Lee Yiu Bun] Representer's Representative

R174 – Incorporated Owners of Lake Silver

Mr Fong Ching Chung - Representer's Representative

R205 – Wan Kang Sun

Mr Wan Kang Sun - Representer

R206 – Celina Wang

Ms Celina Wang - Representer

35. The Chairman extended a welcome and explained the procedures of the hearing. He then invited Mr C.K. Soh (DPO/STN) to brief Members on the background of the representations.

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

Background

- (a) on 7.3.2014, the draft Ma On Shan Outline Zoning Plan (OZP) No. S/MOS/19 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The major amendments involved:
 - (i) Amendment Items A1 and A2: 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 public rental housing (PRH) development;
 - (ii) Amendment Items B1, B2 and B3: rezoning the land to the east of Ma On Shan Road from “Green Belt” (“GB”) to “R(A)9” for home ownership scheme (HOS) development; and
 - (iii) Amendment Item C: rezoning a site at Lok Wo Sha Lane from “Open Space” (“O”) to “R(B)5” for private housing development.

- (b) during the two-month exhibition period, a total of 264 representations were received. On 6.6.2014, the representations were published and, in the first three weeks of the publication period, a total of 38 comments were received;
- (c) the Group 2 hearing was for consideration of a total of 259 representations and the two related comments that were all opposing Amendment Item C for rezoning of the Lok Wo Sha Lane site. The representations to be considered under Group 2 were mainly submitted by local residents of the nearby developments, incorporated owners of the residential developments in the vicinity, members of the Sha Tin District Council (STDC) and Hong Kong and China Gas Company Limited (HKCG);

Representation Site and its Surrounding

- (d) the site was mainly vacant with shrubs and grasses, and partly occupied by existing cycle track, footpaths, subway and amenity area. To its immediate west was a “G/IC” site reserved for the development of an indoor recreation centre. To its north and northeast across Lok Wo Sha Lane were various Government, institution and community (GIC) uses including Li Po Chun United World College (subject to building height (BH) restriction of 42mPD) and Helping Hand Holiday Centre for the Elderly (subject to BH restriction of 32mPD). To its east along both sides of Sai Sha Road was the low-density residential development of Symphony Bay (subject to BH restriction of 36mPD and 55mPD and maximum plot ratio (PR) of 1 and 1.5). To its west was the medium-density residential and commercial development of Double Cove (subject to BH restriction of 105/120/130mPD, and PR ranging from 3 to 3.63) which was being implemented in phases. To its southwest were the MTR Wu Kai Sha Station and the residential and commercial development of Lake Silver (subject to BH of 185mPD, and PR of 5);

Grounds of Representations and Responses

- (e) the main grounds of representations were summarised in paragraph 2.3.2 of the Paper. Concerned government bureaux/departments had been consulted on the representations and comments and their latest assessments were set out in the responses highlighted in paragraph 5.2 of the Paper. They were summarised below:

Adverse Impacts on the Surrounding Areas

- (i) the proposed residential development with a maximum BH of 95mPD (about 21 storeys) would create wall effect and block the air flow to the surrounding areas. It would also affect the vista and/or 'fung shui' of the nearby residential and village developments;
- (ii) it would destroy the pleasant environment and cause adverse ecological impact on the nearby "Conservation Area" ("CA") zone of Starfish Bay;
- (iii) additional traffic flow would overload the existing traffic network. As there was no public sewerage in the area, the proposed residential development would create drainage and sewage problems to the surrounding areas;
- (iv) the responses to the above proposals were:

Air Ventilation Impact

- according to the recommendations of the Air Ventilation Assessment (Expert Evaluation) conducted for the Ma On Shan OZP in 2009, the site was not located within air paths. The surrounding developments were predominantly medium-rise and separated by major roads. The adjoining low-rise "G/IC" zone and a strip of "GB" zone further west

would also allow a separation of about 150m between the future residential development and the high-rise developments at Lake Silver/Double Cove. No major air ventilation problem was anticipated;

Visual Impact

- the site was located at the transition area from high-rise development at Lok Wo Sha (Lake Silver at 185mPD and Double Cove at 105/120/130mPD) to the low-rise development at Cheung Muk Tau (Li Po Chun United World College at 42mPD and Symphony Bay at 36mPD and 55mPD). The proposed maximum BH of 95mPD for the site would blend in with the overall setting and preserve the stepped height profile descending towards the waterfront. The adjoining “G/IC” zone which was restricted to a BH of 2 storeys could also serve as a visual break in the locality;
- the visual appraisal (VA) conducted by PlanD indicated that for the public vantage points from Yiu Sha Road and Sai Sha Road where there were major pedestrian or visitor flow, the visual impact of the development would be insignificant;

Environmental Impact

- the Director of Environmental Protection (DEP) had no objection to the rezoning and advised that necessary noise mitigation measures should be incorporated into the proposed residential development to address the traffic noise impact. The requirement for submission of Traffic Noise Impact Assessment would be incorporated into the lease condition;

Ecological Impact

- the site was a formed site originally planned for open space development, and a large part of the site was currently covered with grass. Ecological impact for development of the site was negligible. The site was some 150m away from the “CA” and “Site of Special Scientific Interest” (“SSSI”) zones beside Starfish Bay to its further north. The proposed development would not cause any adverse impact on the “CA” and “SSSI” zones;

Traffic Impact

- given the proximity to the Wu Kai Sha Station, majority of the residents were expected to rely on rail transport. The traffic generated by the proposed residential development would be minimal and it would not generate adverse traffic impact on the area. Sufficient car parking facilities would be provided for the developments in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG) requirements. The Commissioner for Transport (C for T) would also review the public transport services in accordance with the actual situations before completion of the proposed residential development and arrange necessary improvement measures;

Drainage Impact

- the future developer was required to make its own connection to the communal drainage networks and it was not anticipated that the proposed residential development would have adverse drainage impact on the surrounding areas;

Sewerage Impact

- there was no existing sewerage in the area and the future developer was required to provide his own on-site sewage treatment facilities, and such requirement would be incorporated in the lease condition;

Incompatible with the Surrounding Low-rise and Low-density Developments

- (v) the proposed residential development, in terms of BH, was too tall when compared with that of the surrounding developments such as Symphony Bay with a maximum BH of 36mPD and Li Po Chun United World College with a maximum BH of 42mPD. Besides, the proposed residential development with a maximum BH of 95mPD would not blend in with the stepped BH profile descending from the inland to the waterfront;
- (vi) the response to the above ground was that the site was subject to a maximum domestic PR of 3.6 for pure residential development. The zoning had taken consideration of the character of the medium density developments to its west (about PR of 5 at Monta Vista and Lake Silver, and PR 3 at Double Cove) and the low to medium density developments to its east (about PRs of 1 or 1.5 at Symphony Bay), and the policy initiative of increasing development density as appropriate. The proposed BH of 95mPD could also blend in with the overall stepped height profile of the area descending from inland to the waterfront;

Provision of Open Space and Recreational Facilities

- (vii) the rezoning proposal would result in the loss of an open space/a greenery area which was currently enjoyed by the local residents. Besides, there was a lack of open spaces in Ma On Shan to serve the

community;

(viii) the responses to the above grounds were:

- the overall provision of open space within the Ma On Shan OZP planning area (about 75 ha) was sufficient to meet the planned population in Ma On Shan. There were about 27 ha of surplus open space in Ma On Shan OZP planning area as a whole after excluding of the area originally zoned “O” (0.83 ha) on the site. The Director of Leisure and Cultural Services (DLCS) had no objection to the release of the site and there was no objection from STDC; and
- a large piece of land zoned “Recreation” (“REC”) at Whitehead (about 15 ha) had been reserved for the development of a sports park, and the “G/IC” zone to the immediate west of the site was reserved for the development of an indoor recreation centre. The area zoned “REC” had not been counted towards the overall open space provision of 75ha in Ma On Shan as mentioned above;

Lack of Government, Institution and Community Facilities in Ma On Shan

(ix) the increase in population would exacerbate the current situation of the lack of GIC facilities such as educational, recreational and community facilities;

(x) the responses to the above grounds were:

- the planned provision and land reservation for various GIC facilities were generally adequate to meet the need of the planned population of Ma On Shan according to the HKPSG. There was no deficit of the planned GIC facilities in the planning scheme area;

- the Secretary for Education (S for E) advised that, among the 304 existing primary school classrooms in Ma On Shan, only 230 primary school classrooms are in use and there was still an existing surplus of 74 primary school classrooms; and
- the relevant departments had no plan to develop additional educational, recreational or community facilities at the site and the site was considered suitable for residential development;

No Significant Contribution to Housing Supply

(xi) the site was small and could only accommodate about 420 flats. It would not help address the housing shortage problem. Besides, the site was proposed for high-class private housing development which could not meet the demand for more public housing;

(xii) the response to the above ground was that the Government had to plan for different types of housing to meet the housing demand from various segments of the market. As the site was suitable for medium-density housing development and was not required for open space development, it was considered appropriate to rezone the site for residential use to meet the housing needs of the community;

Lack of Proper Consultation

(xiii) local residents/villagers and STDC had not been consulted prior to gazettal of the rezoning proposal;

(xiv) the response to the above ground was that the statutory and administrative procedures in consulting the public on the proposed zoning amendments had been duly followed. Prior to the gazettal

of the OZP, the Development and Housing Committee (DHC) of STDC was consulted on the proposed amendments to the Ma On Shan OZP on 27.2.2014. The exhibition of OZP for public inspection and the provisions for submission of representations/comments formed part of the statutory consultation process under the Town Planning Ordinance;

Possible Extension of MTR Ma On Shan Line

(xv) the proposed residential development at the subject location would become an obstruction to the future extension of MTR Ma On Shan Line to Sai Kung;

(xvi) the response to the above ground was that there was no plan to use the site for rail extension. The Railway Development Office of the Highways Department had no objection to rezoning the site for residential use;

Presence of High Pressure Gas Pipeline

(xvii) HKCG (R3) indicated that the proposed residential development would be in conflict with the existing high pressure gas pipeline;

(xviii) the response to the above ground was that concerned departments would make necessary arrangements for diversion of the high pressure gas pipeline running underneath the middle portion of the site and the requirement for a Quantitative Risk Assessment (QRA) would be included in the lease condition;

Representers' Proposals

(f) the representers' proposals were summarised in paragraph 2.4 of the Paper and the responses were summarised in paragraph 5.3 of the Paper. They were:

- (i) the “O” zone at the site should be retained for open space use such as park and greenery area or developed for GIC uses such as recreational, community or educational facilities;
- (ii) the maximum PR of the proposed residential development should be reduced from 3.6 to 1.2 or 0.5 with BH not more than that of Symphony Bay, i.e. 36mPD; and
- (iii) a representer (R235) suggested using other sites in Ma On Shan such as (i) the site abutting Hang Fai Street and Hang Yiu Street (near Yan On Estate); (ii) the existing bus termini at Yiu On Estate and Kam Ying Court for residential use; and (iii) the two sites abutting Hang Fai Street and Hang Kin Street (to the north of Oceanaire) for residential use;
- (iv) the responses to the above proposals were:
 - there were no planned and proposed GIC facilities in the area required by the relevant government departments that would need to be accommodated at the site;
 - the proposed residential development, at PR of 3.6 and BH of 95mPD as stipulated in the OZP for the “R(B)5” zone, was appropriate in the site context and compatible with the surrounding developments. In view of the scarce land resources and the acute demand on land for housing development, there was a need to optimize the development potential of housing sites; and
 - regarding R235’s proposals, for (i) above, part of that site had been proposed to be rezoned for Yan On Estate Phase 2 development and re-alignment of Hang Tai Road (i.e. Amendment Items A1 and A2); for (ii) above, the existing bus

termini had formed part of those estate developments and for (iii) above, the Government would continue reviewing various land uses and rezoning sites as appropriate to meet the pressing housing demand;

Comments on Representations

- (g) two comments were received objecting to the rezoning without indicating the related representations. The comments on representations were mainly on grounds similar to the representations as mentioned above and the above responses were relevant; and

PlanD's Views

- (h) PlanD's views on the representations were summarised in paragraph 7 of the Paper. They were that all the adverse representations considered under this group, representations No. R1 (part), R2 (part), R7 (part), R8 (part), R9 (part), R10 (part), R12 to R260, R261 (part), R262 (part) and R263 (part) were not supported and that the OZP should not be amended to meet the representations.

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

[Mr H.W. Cheung returned to join the meeting at this point.]

R28 – Kai Shing Management Services Limited

38. Mr Ho Shau Kwun made the following main points:

- (a) he represented the residents of Villa Concerto in Symphony Bay. The residents strongly opposed rezoning the site for residential use. They had collected the comments of many residents that was submitted at the meeting for Members' consideration;

- (b) he was a property owner of Villa Concerto in Symphony Bay. Symphony Bay and its surroundings was low-rise in character. Symphony Bay had a BH of 35mPD. However, the rezoned site was proposed at a much higher BH of 95mPD that was incompatible in the local setting. The future developments on the site would be very close to block 1 of Villa Concerto causing concerns on privacy and deterioration of the living environment of existing residents. Development of housing on the site would create adverse environmental and traffic impacts; and
- (c) residents would use the site for leisure walk or for walking the dog. On weekends, there were also people from other districts who would visit the site. When the new residential developments were occupied in future, the problem of insufficient open space would be worsened. The Government should develop the site as an open space as originally intended.

39. Ms Yeung Yuk Bing, Ida made the following main points:

- (a) there was a lack of open space and community facilities in Ma On Shan. The site was located amidst many existing developments, including Lake Silver, Double Cove, Symphony Bay, Li Po Chun United World College and Cheung Muk Tau. These surrounding developments had a total of some 10,000 households. The site was very small and it should not be used for an 'in-fill' development that would affect the large number of households in its surroundings and deprive the residents' right of having some open space near their homes;
- (b) the development would create a lot of adverse impacts in terms of traffic, air ventilation, environment and additional demand on open space;
- (c) she only received the Paper on the night of 3.9.2014. This was unfair as it did not allow sufficient time for them to study the Paper in detail;

- (d) PlanD provided responses to the representers' grounds indicating that relevant government departments had no comment on the amendment. However, the government departments had ignored the problems and views of local residents and the rezoning was not acceptable to residents;
- (e) for example, on the traffic aspects, TD indicated that there would be no traffic problem because the future residents were expected to rely on rail transport due to proximity of the Wu Kai Sha Station. However, the current acute traffic congestion problem, which started at 7:00am every working day, was being ignored. While TD had assumed that future residents would take rail transport, it had not reflected the fact that many residents would take buses and housing estate coaches or drive which would further worsen the traffic congestion problem. This situation was expected to be exacerbated with the completion and occupation of many residential developments currently under construction in the area; and
- (f) another matter was the presence of an existing high pressure gas pipeline. In view that the HKCG had raised objection regarding this point, it could not be understood why the Paper still indicated that the gas pipeline was not a problem.

40. Mr Lum Chor Ming made the following main points:

- (a) a relative approach had been adopted in assessing the proposal. Its logic seemed to be that since there were already a lot of existing developments in the area, the addition of 400 units would not create any major problem. However, it should adopt an approach by which the absolute impacts would be assessed. The impacts from the perspective of local residents should also be given due consideration;
- (b) the Paper included incomplete information that might mislead Members. For example, the photomontages included in the Paper only showed

views of the simulated development from the west where the taller buildings were or from a higher level at Sai Sha Road. For a more comprehensive picture, photomontages should also be prepared for viewpoints at Li Po Chun United World College (looking southeast), Cheung Muk Tau south village (looking north), Hong Kong Baptist Theological Seminary (looking west) and Sai O (looking northwest) as well as a view from pedestrian level;

- (c) from paragraph 5.2.1 (g) of the Paper, it was obvious that there was a traffic problem. TD had assumed that future residents would take rail transport at Wu Kai Sha Station. However, it was not reasonable to assume that future residents would rely on a single mode of transport. It was quite obvious that due to the limited capacity of Sai Sha Road, it would be difficult to increase bus services serving the site. It would also be impossible to add any bus stop adjacent to the site along Ma On Shan By-pass;
- (d) the Paper had indicated that there would be sufficient car parking spaces for the development on the site as such requirement would be stipulated in the lease conditions. However, additional car parking spaces would put burden on the road capacity. Increased traffic would also lead to traffic noise impact;
- (e) from paragraph 5.2.1 (e) of the Paper, it was clearly indicated that there was traffic noise problem. Instead of stating how and whether the problem could really be addressed, the Paper only indicated that requirement for traffic noise impact assessment would be incorporated into the lease condition;
- (f) from paragraph 5.2.1(d) of the Paper, it was also indicated that an air ventilation assessment had been prepared in 2009. It should be noted that Double Cove had not been built in 2009, and the current proposal for rezoning of the site would require a new assessment;

- (g) each of the problems was assessed separately without taking into account the inter-relating impacts arising from these problems. For example, in a section of pavement adjacent to the commercial centre at Double Cove, there was a noise barrier to mitigate the noise. However, the noise barrier itself blocked air ventilation and trapped exhaust of air-conditioners which led to air pollution. Hence, another comprehensive assessment should be conducted taking into account all impacts, proposed mitigation measures and their interacting impacts; and
- (h) Lok Wo Sha and Symphony Bay should be under the boundary of Tai Po District Council (TPDC). However, the Paper only indicated that the STDC was consulted. For local consultation, the relevant district should have been consulted.

[Ms Janice W.M. Lai and Ms Bonnie J.Y. Chan left the meeting at this point.]

R53 – Cheung Muk Tau Village Office

41. Mr Lee Yiu Bun made the following main points:

- (a) he represented the Cheung Muk Tau village representatives as well as the villagers to raise strong objection to the rezoning of the site;
- (b) the site was located to the immediate north of Cheung Muk Tau village. The two tall buildings at 95mPD proposed on the site would create major visual impacts on village houses in Cheung Muk Tau. Some villagers were also concerned about the fung shui impacts on the village;
- (c) the site was well used by residents of Ma On Shan and Sha Tin for strolling, jogging or leisure activities near Starfish bay. Rezoning the site for housing would be a great loss to the large number of people currently using the site;
- (d) the rezoning would lead to opposition and create conflicts in the local

community, that would be an unworthy social cost for the 400 odd units being proposed;

- (e) it was important for the Board to adopt a consistent approach to planning matters. In 2007/2008, the Board rejected planning applications for two village houses in Cheung Muk Tau just opposite the site. If the Board agreed to rezone the site, it appeared that the Board had adopted a different set of standards and this would affect its credibility; and
- (f) the Board had approved a planning application for a few thousand housing units in Shap Sze Heung some 20 years ago. As part of that planning approval, the applicant was required to widen Sai Sha Road and provide sewerage facilities in the local area. Villagers of Shap Sze Heung had hoped that the development would proceed as soon as possible. However, the applicant had applied to extend the planning approval every four years and the latest approval for extension was granted by the Board three years ago. It was difficult to understand why the Board was not concerned about the development of the few thousand housing units in that planning application but would consider that there was very urgent need for the 400 units proposed on the site.

R174 – Incorporated Owners of Lake Silver

42. Mr Fong Ching Chung made the following main points:

- (a) he was the chairman of the Incorporated Owners of Lake Silver (with some 2,000 units);
- (b) the meeting arrangement needed to be improved. They had arrived punctually and had to wait for 2.5 hours before they were allowed into the meeting room;
- (c) many grounds of their objection, such as traffic problem, had already been covered by other representers and would not be repeated;

- (d) the site was not only used by local residents. As the site was close to the Wu Kai Sha station, it had attracted many people from other parts of the territory to go there during holidays. Hence, this site which served as recreation ground for many people should be retained as an open space; and
- (e) it was not worth to rezone this small site for 400 housing units at the expense of local opposition and adverse impact on harmony within the community.

43. As the presentations for the representers and commenters had been completed, the Chairman invited questions from Members.

44. A Member asked DPO/STN to clarify whether another AVA should be prepared as the one prepared in 2009 might not have taken into account the impact of Double Cove as pointed out by a representer. In response, Mr C.K. Soh said that the AVA prepared in 2009 was for stipulation of BH on the OZP and it had taken into account all existing and approved developments. Double Cove was already an approved development known at that time and its layout and BH at 130mPD had been accounted for in the AVA. Furthermore, the site was separated from Double Cove by a road as well as other low-rise buildings and there should not be major air ventilation impacts.

45. A Member asked DPO/STN whether he considered that a BH of 95mPD on the site or a BH of 50mPD (similar to BH of Li Po Chun United World College and Symphony Bay) would be better from visual perspective. Mr Soh said that the site was at a level of 22mPD, hence a BH of 95mPD would allow buildings with an absolute BH of around 70m i.e. 22 to 23 storeys. 20 odd-storey buildings were not very tall compared to those buildings at Lake Silver or Double Cove. In terms of development intensity, the site was subject to a PR of 3.6 which was only a medium-density development. Hence, the PR and BH stipulated on the site had taken into account its compatibility with the surrounding developments and government departments' comments. If the BH or PR were to be reduced, it might not fully utilize the site's development potential.

46. A Member asked whether there were benefits to swap the “R(B)5” site with the adjacent “G/IC” site to its west. Mr Soh said that if the two sites were swapped, the development would be closer to Lake Silver and would result in a bigger building mass near the Wu Kai Sha Station. He showed a site boundary plan of the land sale site and said that the land sale site would not extend to the western boundary of the “R(B)5” zone and there would be some buffer area from Symphony Bay.

47. A Member asked DPO/STN to clarify whether the site was within the boundary of the STDC or TPDC as raised by a representer. Mr Soh said that the site was within the STDC boundary, but Symphony Bay was within the TPDC boundary. Hence, they had consulted STDC on the rezoning and had provided the Paper to Tai Po District Officer.

48. Mr Lum Chor Ming (R28) said that the above explanations by DPO/STN were not convincing as it only considered the impacts from the Double Cove side. While 20 odd storey buildings might not be tall compared to those at Lake Silver or Double Cove, it was much taller than the 8-storey buildings in Symphony Bay. Furthermore, there was no assessment of air ventilation impacts that the proposed development on the site would have on Symphony Bay.

49. Mr Fong Ching Chung (R174) supplemented that buildings in Double Cove were becoming taller and taller and this might reflect insufficient control by the relevant authority. Furthermore, it was not worth to take away the small open space on the site that was used by many people for building only 400 units.

50. As Members had no further question to raise, the Chairman thanked the representatives of PlanD as well as the representers and their representatives for attending the meeting. They all left the meeting at this point.

51. As the attendees for Agenda item 4 had already arrived, the Chairman suggested to defer the deliberation for the Group 2 hearing to the end of the meeting and to proceed with Agenda item 4 first. Members agreed.

[Mr Lincoln L.H. Huang and Ms Christina M. Lee left the meeting at this point.]

Agenda Item 4

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comments in respect of the Draft Pak Shek Kok (East) Outline Zoning Plan No. S/PSK/12
(TPB Paper No. 9718)

[The meeting was conducted in Cantonese.]

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

- | | | |
|----------------------|---|---|
| Mr Stanley Y.F. Wong | - | co-owning a flat and 2 parking spaces at Deerhill Bay near Pak Shek Kok with his spouse and being the Chairman of the Incorporated Owners of Deerhill Bay which had submitted Representation No. R178 |
| Dr. W.K. Yau | - | owning a house and land in Cheung Shue Tan Tsuen near Pak Shek Kok |

53. As the interest of the Vice-chairman was direct, Members agreed that he should be invited to leave the meeting temporarily for this item. Members noted that Dr. W.K. Yau had left the meeting.

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

54. The Chairman said that reasonable notice had been given to all the representers and commenters inviting them to the hearing. Members agreed to proceed with the hearing of the representations and comments in the absence of those representers and commenters who had either indicated not to attend the meeting or made no reply to the invitation to the hearing.

55. Members noted that (a) a letter from the Hon Charles Mok with joint signatories dated 29.8.2014; (b) a letter from 科學園租戶大聯盟, 首選香港創新科技,

香港新興科技教育協會, Internet Professional Association and ToloMix; (c) a letter from the Hon Lo Wai Kwok dated 3.9.2014; (d) a letter from The Hong Kong Electronic Industries Association Ltd. dated 4.9.2014; and (e) a document including a questionnaire from the Hong Kong Information Technology Federation dated 3.9.2014, all raised objection to the rezoning of the site were tabled at the meeting.

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

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

Mr C.T. Lau - Senior Town Planner/Tai Po, PlanD

Mr Vincent C.L. Tang - Assistant Commissioner for Innovation and Technology, Innovation Technology Commission Commerce and Economic Development Bureau (AC for I&T, ITC, CEDB)

R4 - Virginia Ng

Ms Virginia Ng - Representer

R6 – Ezra Information Technology Ltd.

Mr Leung Tseng Wai - Representer's representative

R12 – Tseng Hing Tin

Mr Tseng Hing Tin - Representer

R71 – Incorporated Owners of Providence Peak Providence Bay

Mr Chan Ting Hin

R75 - Chan Siu Kuen (Tai Po District Councillor)

Mr Chan Siu Kuen - Representer

R143 – The Graces Providence Bay Property Management Co. Ltd.

Ms Ho So Man - Representer

R174 – Lau Chee Li

Ms Lau Chee Li - Representer

Ms Gloria Kong - Representer's representative

R179 - Wong Bun Yuen

Mr Wong Bun Yuen - Representer

R233 - Che Chi Mei

Mr Ku Yat Ming, Calvin - Representer's representative

R315 - Lau Kim Fung - Representer

Mr Lau Kim Fung

C32 - Wong Lai Ying, Mariah

Ms Wong Lai Ying, Mariah - Commenter

C58 – Hon Charles Mok (Legislative Councillor)

Mr SC Leung] Commenter's representatives

Mr Stanley Ng]

Mr Ken Lam]

C59 – Internet Professional Association

Dr Witman Hung - Commenter's representative

C61 - ToloMix

Mr Alex Hung] Commenter's representatives

Ms Yvonne Wong]

C75 – Yu Ching Kit

Ms Yu Ching Kit

-

Commenter

57. The Chairman extended a welcome and explained the procedures of the hearing. He then invited Mr C.K. Soh (DPO/STN) to brief Members on the background of the representations.

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

Background

(a) on 7.3.2014, the draft Pak Shek Kok (East) Outline Zoning Plan (OZP) No. S/PSK/12 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The major amendments involved:

(i) Amendment Item A was to rezone a site along Chong San Road, originally reserved for Hong Kong Science Park (HKSP) expansion, from “Other Specified Uses” annotated “Science Park” (“OU(SP)”) to “Residential (Group B)” (“R(B)6”) for medium-density residential development; and

(ii) Amendment Item B was a consequential amendment of Amendment Item A, for rezoning a site adjoining the “R(B)6” zone from “OU(SP)” to “Government, institution or community” (“G/IC”) to reflect the existing sewage pumping station at Fo Yin Road;

Representations and Comments

(b) a total of 458 valid representations (i.e. R1 to R458) were received. The majority (except R1, R321 and R458) were submitted by residents of Pak Shek Kok, owners’ committees of residential developments in the

vicinity, Legislative Councillors, District Council members, business owners and individuals generally opposing Amendment Item A. Some of the representations also objected to Amendment Item B. The other non-adverse representations included R1 submitted by an individual that supported the rezoning without providing any justifications; R321 submitted by MTR Corporation (MTRC) that had no objection to the proposed amendments but indicated that the future residential development might be subject to noise from the East Rail and appropriate mitigation measure should be implemented; and R458 submitted by an individual that had no comment on the amendment items;

- (c) a total of 96 valid comments on the representations were received. The comments were submitted mainly by residents of Pak Shek Kok, Legislative Councillor, related interest groups and individuals;

Grounds of Representations and Responses

- (d) the main grounds of the representations were summarised in paragraph 2.3 of the Paper. Concerned government bureaux/departments had been further consulted on the representations and comments and their latest assessments were set out in the responses highlighted in paragraph 5.2 of the Paper. They were summarised below:

Impacts on the Surrounding Areas

- (i) the increase in population due to the proposed residential development would overcrowd the area and bring about adverse environmental impacts. The Government had not conducted sufficient assessments (including environmental, drainage, sewerage, water supply, air ventilation etc. impact assessments) in support of the rezoning proposal and had not provided sufficient justifications for rezoning the site from “OU(SP)” to “R(B)6” and “G/IC”;

(ii) the responses to the above grounds were:

Air Ventilation Aspect

- according to the conclusions of the air ventilation assessment (expert evaluation) conducted, the proposed development at the site at a plot ratio (PR) of 3.6 and maximum building height (BH) of 65mPD was not anticipated to cause major air ventilation problem. To further enhance local air ventilation, two 15-m wide non-building areas (NBAs) had been designated within the “R(B)6” zone on the OZP. The NBAs would also act as visual corridors for the area;

Visual Aspect

- the visual appraisal (VA) conducted by PlanD indicated that at the public vantage points from the eastern end of Tai Po Waterfront Promenade and the Chinese University of Hong Kong (CUHK) where there were major pedestrian or visitor flow, the visual impact would be insignificant;
- the proposed maximum BH of 65mPD would not adversely affect the existing local character with medium-density residential developments with BHs ranging from 36mPD to 52mPD. The maximum BH of 65mPD would allow design flexibility at the site through adopting measures such as set back, building separation etc. which would have a positive effect on reducing building bulk;
- the site would be subdivided into smaller lots (about 2ha) for disposal and the future development would be required to comply with the Sustainable Building Design Guidelines as stipulated under the land sale conditions so as to avoid excessive

building bulk;

Environmental Impact

- the requirement to conduct a Noise Impact Assessment (NIA) and implement suitable noise mitigation measures would be incorporated into the land sale condition. No insurmountable road traffic noise impact was expected if appropriate design and mitigation measures were duly implemented. The East Rail, with a buffer distance of about 100m away and separated from the site by Tolo Highway, was not expected to cause adverse rail noise impact on the site;

Drainage Aspect

- through the provision of proper drainage facilities, the proposed residential development would not have adverse drainage impact on the surrounding areas; and

Sewerage Aspect

- public sewerage system was available in the area and no insurmountable problem on sewerage issue was anticipated. The future developer was required to submit a Sewerage Impact Assessment (SIA) and such requirement would be incorporated into the lease condition as appropriate;

Traffic and Transport Aspects

- (iii) there were insufficient transport facilities and public transport service in Pak Shek Kok. The current public transport system and road network would not be able to handle the additional traffic generated by the population in the new “R(B)6” zone. There was a lack of car parking space in the area. The increase in population

would affect the cycle track and its safety. A multi-storey car park building, public transport facility and railway station should be provided;

(iv) the responses to the above grounds were:

- the Commissioner for Transport (C for T) advised that the current vehicle/capacity ratio of the section of Tolo Highway near Pak Shek Kok at peak-hour traffic was capable of coping with the peak-hour traffic arising from current and planned developments;
- the main cycle track along the Pak Shek Kok Promenade was about 150m to the north from the site and the development was not expected to cause adverse safety impact on the cycle track; and
- according to C for T and Director of Highways, there was no need for reservation of site in Pak Shek Kok for development of a multi-storey car parking, public transport interchange or railway station;

Compatibility with the Surrounding Developments

(v) the proposed residential development at PR 3.6 with a maximum BH of 65mPD was incompatible with the surroundings and would cause adverse impacts on the air ventilation, visual and environmental aspects. The proposed residential development which was taller than the surrounding developments would create wall effect and block the air flow to the area, and would affect the view of the nearby residential developments;

(vi) the responses to the above grounds were:

- the Pak Shek Kok area mainly comprised the HKSP in the east and medium-density residential developments in the west. The existing and planned developments had maximum plot ratios ranging from 3 to 3.5 with respective maximum BHs between 30m and 45m (equivalent to about 36mPD to 52mPD); and
- the current development parameters of the “R(B)6” zone was considered comparable to the nearby developments. The BH restriction of 65mPD would complement the lower buildings near Tolo Harbour and create an interesting BH profile descending from Tolo Highway towards Tolo Harbour;

Provision of Open Space, Government, Institution and Community (GIC) and Supporting Facilities

(vii) there was a lack of open space, playgrounds, education, community, recreational and commercial facilities in the area and the increase in flats (about 3,400 units) and its population would exacerbate the current situation. Part of the site should be used for development of park, recreational, GIC and educational facilities. Other additional supporting facilities such as shopping mall/retail shops and restaurants should also be provided;

(viii) the responses to the above grounds were:

- about 4.28ha of land was currently zoned “G/IC” on the OZP. A piece of land at Fo Chun Road had already been reserved for school use and other GIC facilities. The community facilities in Tai Po, including libraries and clinics, could meet the needs of the residents in Pak Shek Kok;
- the Secretary for Education advised that the shortage of classrooms in Pak Shek Kok could be addressed/partly addressed by kindergartens/schools available in Tai Po district

whilst suitable school sites might be identified in Tai Po to address the shortfall for the district in the long run;

- the deficit for hospital beds and magistracy could be met at regional level by the provision in the New Territories East Cluster and Sha Tin/Fanling respectively;
- about 10.6 ha of land in the Pak Shek Kok area were zoned “Open Space” (“O”), including the waterfront promenade along Tolo Harbour adjacent to the residential areas and HKSP, which could meet the needs of existing and additional population. The Director of Leisure and Cultural Services considered that according to the requirements of the Hong Kong Planning Standards and Guidelines (HKPSG), there was a surplus of open space in Tai Po and there was a wide variety of sport facilities in Tai Po to serve the local community; and
- regarding the need for additional shopping mall/retail shops and restaurants in Pak Shek Kok, sufficient flexibility had been allowed as ‘Shop and Services’ and ‘Eating place’ uses were always permitted on the lowest three floors of a building or in a purpose-designed non-residential portion of an existing building in the adjacent “R(B)3” and “R(B)4” zones provided that the non-domestic PR did not exceed 0.2. For the other “R(B)” zones, such uses might be permitted upon application to the Board. Besides, there were shops and restaurants within the HKSP. Pak Shek Kok area was mainly planned for HKSP and residential developments, extensive commercial facilities such as major shopping mall was not considered appropriate for the area;

Contribution to Housing Supply

- (ix) the proposed residential development for luxurious housing was not

aimed at providing affordable housing to the general public and therefore unable to ease the prevailing pressure on housing supply;

- (x) the responses to the above grounds were that the Government had to plan for different types of housing to meet the housing demand from various segments of the market. The proposed medium-density residential development with an estimated flat production of about 3,380 units would contribute to the Government's effort in meeting the pressing need for increasing housing land supply;

Public Consultation Procedures

- (xi) local residents, tenants of HKSP and other stakeholders had not been consulted prior to gazettal of the rezoning proposal and the consultation procedures were inappropriate;

- (xii) the responses to the above grounds were that the statutory and administrative procedures in consulting the public on the proposed zoning amendments had been duly followed. Prior to the submission to the Rural and New Town Planning Committee (RNTPC) of the Board, the Environment, Housing and Works Committee of Tai Po District Council (TPDC) was consulted on 13.2.2014 and their views had been incorporated into the RNTPC paper to facilitate RNTPC's consideration of the rezoning proposal on 21.2.2014. The exhibition of OZP for public inspection and the provisions for submission of representations and comments on representations formed part of the statutory public consultation process under the Ordinance. During the exhibition period of the OZP, representatives of PlanD also attended meetings with the representatives of owners' committees and local residents on 10.3.2014 and 11.4.2014 to exchange views on the amendments;

Unfairness to Property Owners/Residents

(xiii) the proposed rezoning would bring about material change to the character and environment of the area. It was unfair to the current property owners and residents that the Government changed the zoning of the area after they had purchased their properties and it would affect their interests; and

(xiv) the responses to the above grounds were that Pak Shek Kok was mainly occupied by the HKSP and medium-density residential developments. The proposed residential development would not bring about fundamental change to the character of the neighbourhood. Nevertheless, planning was an on-going process and the Government would continue to review zonings of different sites from time to time so as to provide land to meet the economic and development needs of Hong Kong.

Policy Aspect and Impact on Future Development of HKSP and Research and Development

59. On the policy aspect, Mr Soh said that some representers indicated that the site was close to the existing HKSP and CUHK, which could create a synergy effect and was the most suitable location for HKSP's expansion. Abandoning the HKSP expansion plan at the site and rezoning it for residential use might send a message that there was a change in the Government's policy in promoting technological development. This would hinder future development of the Research and Development (R&D) sector in Hong Kong. It would also negatively impact the overall economic growth of Hong Kong and reduce the variety and number of jobs available.

60. Mr Vincent C.L. Tang (AC for I&T) of ITC provided the following responses to the above grounds of representations:

(i) the Government would continue to provide support to the development of innovation and technology sector;

- (ii) the HKSP Phase 3 currently under development would be completed in stages from 2014 to 2016 and would be able to meet the demand for laboratory and office floor space of the R&D sector at least up to 2018;

- (iii) in parallel, the Hong Kong Science and Technology Park Corporation (HKSTPC) was conducting a study to review the policy on technological development and to examine ways to better utilise the existing 22 ha of land in Phases 1 to 3 to meet the future development needs of the HKSP (HKSTPC Review). There was also some undeveloped land in Phase 3 that could be developed together with the bus terminus for additional floor space in future. In addition, HKSTPC was also exploring the possibility to slightly increasing the PR and efficiency ratio of Phases 1 to 3. These measures would allow sufficient laboratory and office space to be provided within HKSP to satisfy the medium term needs. The long term needs would be met by land reserve for technology park development in the New Development Areas (NDAs).

61. Mr Soh continued with his presentation making the following main points:

Representers' Proposal

- (a) the proposal put forward in some representations, as summarised in paragraph 2.4 of the Paper, was that the "R(B)6" (Amendment Item A) and the "G/IC" (Amendment Item B) zonings should be reverted back to "OU(SP)" so as to reserve land for future expansion of HKSP;

- (b) the responses to the representers' proposal, as summarised in paragraph 5.3 of the Paper, were that as explained above, the site was no longer required for HKSP expansion and there was no need to retain the "OU(SP)" zoning. Given that the site was formed and readily available for development and the north-western part of Pak Shek Kok was predominantly a residential area, the site was suitable for

medium-density residential development; and

Comments on Representations

- (c) the 96 comments on representations were mainly on grounds similar to the representations as mentioned above and the above responses to the grounds of representations were relevant.

PlanD's Views

- (d) PlanD's views on the representations were summarised in paragraph 7 of the Paper. They were:
 - (i) R1's supportive views and R458's no comment on the amendments to the Plan were noted;
 - (ii) R321's concern on noise impact of the East Rail on the future residential development were noted. However, as there was a buffer distance of about 100m, the East Rail was not expected to cause adverse noise impact on the future residential development; and
 - (iii) the adverse representations No. R2 to R320 and R322 to R457 were not supported and that the Plan should not be amended to meet the representations.

62. The Chairman then invited the representers/commenters and their representatives to elaborate on their representations/comments.

R6 – Erza Technology Information Limited

63. Mr Leung Tseng Wai made the following main points:

- (a) he was the Chief Executive Officer of Erza Technology Information

Limited and he had previously worked for a few companies in HKSP. He and many tenants of HKSP strongly objected to rezoning the site that was previously reserved for HKSP Phase 4. There was other land in Hong Kong that could be used for housing development but the site was unique and irreplaceable for extension of HKSP as it abutted the existing HKSP and was close to CUHK;

- (b) since its opening in 2004, HKSP had created a clustering effect that allowed different companies engaged in the same Innovation and Technology (I&T) sector to interact and to create synergy. Companies in HKSP had also employed many CUHK graduates;
- (c) the tenants of HKSP were shocked when they knew about the rezoning. The Chief Executive had indicated in his election campaign that there was a need to strengthen infrastructural support to the I&T sector. However, it now appeared that the provision of housing land had become the sole objective of the Government. The Government did not provide support and had harmed the I&T sector;
- (d) the I&T sector currently contributed only to a single digit percentage of Hong Kong's Gross Domestic Product (GDP). Should the Government assume that the GDP contribution of the I&T sector would remain the same in future, it was not be difficult to claim that the demand for floor space of the I&T sector could be met. However, it was the Government's responsibility to provide policy support to drive the growth of the industry. It was also a legitimate expectation of tenants in HKSP that the science park would continue to expand;
- (e) the HKSP with an area of 22 ha or 30 ha (including the site of 8 ha originally planned for Phase 4) was a few times smaller than other science and technology parks in Taiwan, Shenzhen or Korea;
- (f) companies would only choose to invest in a place if there was long term policy and commitment from the Government to promote growth of the

I&T sector. However, the rezoning had sent a completely opposite message that would discourage investment and human capital in the I&T sector in Hong Kong;

- (g) representatives of IT Voice learnt from PlanD that the land reserved in Kwu Tung North NDA would only be available at least 17 years later and it would take even longer for business operators to cluster and create synergy; and
- (h) the I&T sector was not being consulted before the rezoning of the site. It was only through the assistance of the Hon Charles Mok that they were able to hold discussion with the ITC and HKSTPC. The consultation process was not genuine, the views of the I&T sector had not been truly reflected in the Paper and the so-called responses had failed to address their views/concerns. Members should request that a thorough and genuine consultation be undertaken again by the Government before making a decision on the rezoning.

R12 – Tseng Hing Tin

64. Mr Tseng Hing Tin made the following main points:

- (a) he was a resident of Providence Bay and a doctor by profession. His main concern about the rezoning was not from the perspective of impacts on them as residents but the impacts on the future generation who wanted to work in the I&T sector;
- (b) he had visited recruitment fairs in HKSP and was much attracted by the vibrant atmosphere. The applicants included both graduates from local universities as well as from the Mainland;
- (c) two issues of Forbes Magazine had named Hong Kong as the No. 1 tech-capital to watch out for. However, if the Government rezoned the land reserved for HKSP expansion for residential use, it was destroying

the possibility of Hong Kong excelling as a tech-capital in future; and

- (d) he requested that the site be retained for technology use.

R71 — Incorporated Owners of Providence Peak (Providence Bay Phase 2)

65. Mr Chan Ting Hin made the following main points:

- (a) he represented the Incorporated Owners of Providence Peak and some residents, who opposed both amendment items to the OZP. In fact, all, except two of the representations, received by the Board opposed the amendments;
- (b) it was indicated in paragraph 5.2.2(d) of the Paper that there would be sufficient car parking spaces. Car parking spaces were provided at a ratio of 0.7 space per unit, but this was insufficient for residential developments in the New Territories where there would normally be one or two cars per unit. For example, in Providence Bay Phase 2, many cars were parked on the street because there were insufficient car parking spaces. The situation would worsen in future when other developments in the vicinity were built;
- (c) with regard to public transport, there were only three bus routes and green mini-bus services that were infrequent and inadequate to cater for the demand of residents in Providence Bay;
- (d) with regard to traffic conditions:
 - (i) in paragraph 5.2.2(a) of the Paper, C for T indicated that the current vehicle/capacity ratio of the section of Tolo Highway near Pak Shek Kok at peak-hour traffic was capable of coping with the peak-hour traffic arising from current and planned developments. However, according to papers submitted by C for T to the Traffic and Transport Committee of the STDC in 2010, it was indicated that

traffic congestion in Tai Po Road was a problem affecting the entire North East New Territories;

- (ii) in the papers submitted by the Civil Engineering and Development Department (CEDD) to the Traffic and Transport Committee of the STDC in June 2013 regarding the Road T3 project, it was indicated that Tai Po Road (Sha Tin Section) was already very congested in the morning, afternoon and evening peak hours. It was indicated that the morning peak hour west-bound traffic on Tai Po Road (Shatin section) had reached 4,000 vehicles/hours and for the morning peak hours, it would take 15 minutes to travel from Sha Tin Town Centre to the Race Course. As the bottleneck was near Scenery Court, it was necessary to build Road T3 to provide additional traffic lanes onto Tsing Sha Highway;

- (iii) CEDD's report in 2013 had not taken into account the additional traffic brought about by the later phases of Providence Bay, other residential developments planned in the area, traffic from HKSP Phase 3 as well as traffic from the planned NDAs. There were about 4,000 units in the planned residential developments in the area and there would be about 2,800 cars (assuming 0.7 cars/unit). This was a quite substantial number of cars when compared with the current peak hour traffic flow of 4,000 vehicles/hour on Tai Po Road. When he came to the meeting in the morning, it took 45 minutes to drive from Providence Bay to Sha Tin. This meant that the traffic congestion had worsened a lot as compared to June 2013. There was doubt that the road infrastructure could cope with the future increase in traffic; and

- (iv) there should be provision of the railway station at Pak Shek Kok. In fact, the rail facilities were already built and it was only necessary to build a cover for the station. The Development Bureau (DEVB) had previously examined the feasibility of providing a railway station at Pak Shek Kok;

- (e) it was indicated in paragraph 5.2.4 of the Paper that residents at Pak Shek Kok could use recreation and community facilities in Tai Po. However, Pak Shek Kok was located in between Tai Po and Sha Tin and there was literally no recreation or community facilities for use by residents in Pak Shek Kok; and
- (f) in June 2013, the DEVB had released a plan for the Pak Shek Kok development stating that Pak Shek Kok would be well designed to provide a high-quality environment for further development of HKSP. The Government should not rezone the site now and nullify the past efforts in creating and sustaining the growth of HKSP. The Government should reserve the site for use by HKSP and make efforts to attract global companies to enhance the clustering effect at HKSP.

R75 — Chan Siu Kuen (Tai Po District Councillor)

66. Mr Chan Siu Kuen made the following main points:

- (a) he was a member of the TPDC and Chairman of the Environment, Housing and Works Committee of TPDC;
- (b) the transport facilities for Providence Bay was poorly planned, it was only served by three public bus routes;
- (c) traffic congestion was a major problem in Tai Po. For southbound traffic to Kowloon, it would start to queue up around the Race Course. The existing and planned residential developments, including the 3,400 units planned on the site, would result in an additional 30,000 population. It was doubted that the road network could cater for such increase in population as claimed by the Transport Department (TD);
- (d) he agreed that there was a need for housing land but there was also a need for I&T developments; and

- (e) the TPDC would support rezoning of land for housing use if the sites were appropriate. In fact, of the eight housing sites proposed in Tai Po, the TPDC had agreed to rezone three of the sites. From his own opinion, sites at Tai Po Market near Kwong Fuk Road were suitable for residential use as the area was served by a rail station and there were adequate supporting facilities. However, the site that abutted HKSP and was close to CUHK should be retained for HKSP's expansion and not for housing. The Government should not pursue the rezoning when there were so many objections received. It should be noted that the TPDC members unanimously opposed the rezoning at the District Council meeting. District Council members were representatives of the locals and their views to retain the site for HKSP use should be respected.

[Professor S.C. Wong left the meeting at this point.]

R174 — Lau Chi Li

67. Ms Lau Chi Li made the following main points:
- (a) both her spouse and her neighbour were concerned about the traffic conditions in the locality. As compared to last year when they first moved to Providence Bay, the traffic congestion problem had been deteriorating. They had to spend at least 10 to 15 minutes more to drive to work or to drop off the kids at school. They did not agree with TD's view that addition of 3,600 units on the site would not cause traffic congestion problem;
 - (b) the lay-bys at University Station were currently already very congested with the pick-up/drop-off activities of coaches, private cars and mini-vans. Their housing estate had applied many times for a shuttle service to/from University Station. However, TD rejected their applications and the reasons were that the University Station area was

seriously congested and there was no space to accommodate any additional pick-up/drop-off. It was quite obvious that residents in the new residential developments would also be using University Station and it was doubted how the trips generated by these additional population could be accommodated at the station; and

- (c) the Board was requested to retain the site for HKSP's expansion.

R179 — Wong Bun Yuen

68. Mr Wong Bun Yuen made the following main points:

- (a) it should be put on record that the meeting was poorly arranged. They had arrived on time but had to wait for over two hours. The time management should be improved in future;
- (b) before his retirement, he had worked in the international media, the Hong Kong Tourism Board and had taught part-time in CUHK. He was currently an advisor of a programme in CUHK;
- (c) he agreed with the arguments put forth by Mr Leung (R6) in his presentation. A more macro view should be taken to safeguard the long term development of Hong Kong;
- (d) if looking at a strategic level, the site was unique as it was close to both HKSP and CUHK and was along the East Rail line. It should be optimised for technological and research uses. Based on overseas experience, locating technological and research uses near universities would create synergy effects;
- (e) the Government should decide whether the Pak Shek Kok Station would be built to resolve the current traffic congestion problem before the Board made a decision on the rezoning of the site;

- (f) the site could also be used to satisfy the needs of CUHK. If the Pak Shek Kok Station was to be built, CUHK could have a new northeast gateway. There was a lack of shops and student hostels in CUHK and students had to rent units in places along the East Rail line. If it was decided that the site was suitable for residential use, it should be allocated to CUHK to build student hostels; and
- (g) it was indicated in the Paper that the Pak Shek Kok area was mainly planned for HKSP and residential developments, extensive commercial facilities such as major shopping mall was not considered appropriate for the area. There was, however, no reasons provided to substantiate why provision of shopping mall at the site was not appropriate. In fact, many shopping malls such as that in Sha Tin had been thriving due to visitors from the Mainland.

R233 — Che Chi Mei

69. Mr Ku Yat Ming made the following main points:

- (a) he was a resident of Providence Bay Phase 2. He said that PlanD had a pre-determined position on the rezoning, and the consultation with residents and the public was merely to satisfy a procedural requirement. The responses in the Paper were not based on facts and residents' views were being ignored;
- (b) the lack of car parking space was a real problem in Pak Shek Kok. Private car parking spaces in the residential development were inadequate as they were provided at a ratio of 0.7 space/unit. For public car parking, there used to be a metered parking site some ten minutes walking distance from Providence Bay. However, the metered parking site had recently been sold and there would be no public parking in the area and visitors would have to park illegally on the streets. Traffic congestion was also a real problem;

- (c) there was a lack of public transport facilities to serve the area. For example, there was no bus service providing direct connection between Pak Shek Kok and Tai Po Market and they had to change bus at University Station;
- (d) it was clearly stated in Annex 7 of the Paper that there was no provision of community facilities in Pak Shek Kok and it was only assumed that residents could be served by community facilities in Tai Po, however, another representer had already indicated that those facilities in Tai Po were very inconvenient for residents living in Pak Shek Kok. It was also indicated in the Paper that the local open space in Pak Shek Kok far exceeded the HKPSG standard. However, the local open space included the cycle track that was part of a larger cycle track system in the area. Moreover, there were no local facilities such as children's playground. Taking into account the existing and already planned housing developments (including the site), there might be a few ten thousand population in Pak Shek Kok. There would be even more demand for community facilities in future;
- (e) the BH for residential sites in Pak Shek Kok was restricted to 45mPD and the buildings in HKSP were at a maximum BH of 50mPD. This BH was determined after considering the objections raised by residents in Deerhill Bay and residences along Tai Po Road to the North. However, the BH for the site was now proposed to be 65mPD and the justification given in the Paper that it would create an appropriate and interesting height profile was very subjective; and
- (f) the representers had put in a lot of effort to prepare for the presentations. However, it was very likely to be futile as the Board would unlikely reverse its decision on the rezoning. However, should the Board force through the rezoning that had no benefit to the local community, there might be chance of judicial review against the Board's decision.

R315 — Lau Kim Fung

70. Mr Lau Kim Fung made the following main points:

- (a) he represented residents of Providence Bay. At its meeting held on 8.5.2014, the TPDC members unanimously objected to rezoning of the site for residential use. The Board being an independent body should give due consideration to views of TPDC and the local stakeholders;
- (b) residents were not objecting to having development on the site, their concern was whether it was suitable for residential use. There were many other land suitable for housing developments in the territory. However, the site was originally planned for HKSP Phase 4 and retaining it for such use would create synergy effects with HKSP Phases 1 to 3 and CUHK. That would be good for the future development of Hong Kong; and
- (c) technological development required sustainable and continuous policy support. The Government should not constantly change its policy and deprive the growth of the I&T sector. The representative of ITC had admitted that HKSP had expansion needs. Instead of satisfying the expansion needs in the NDAs, it would be more appropriate to retain the site for HKSP Phase 4 such that the clustering and synergy effects could be sustained.

[The meeting took a 5-minute break.]

[Professor Eddie C.M. Hui arrived to join the meeting at this point.]

C58 — Hon Charles Mok

71. With the aid of a Powerpoint presentation, Mr Stanley Ng made the following main points:

- (a) he represented the Hon Charles Mok as well as various operators in the I&T sector to make the presentation. The Hon Charles Mok sent his apologies for not attending the meeting in person as he was attending a tech-conference overseas;
- (b) the Hon Emily Lau has also asked him to request the Board to give due consideration to the representations that she submitted on behalf of Owners' Committees of Providence Bay;
- (c) they did not agree with the responses to the following grounds of representations as stated in the Paper:
- (i) one of the ground of representation was that the site was close to the HKSP and CUHK, it was the most suitable location for HKSP's future expansion:
- the response in the Paper was that the Commissioner for Innovation and Technology (CIT) considered that HKSP Phase 3 being completed in stages from 2014 to 2016 would be able to meet the demand for laboratory and office floor space of the R&D sector in the short to medium term. The HKSTPC would also be looking for ways to find other sources of land to meet the future development needs of HKSP; and
 - C58's comment was that the above had not directly responded to why the site, with its unique location abutting HKSP, should not be retained for use by HKSP;
- (ii) another ground of representation was that the rezoning indicated a change in the Government's policy in promoting technological development which would hinder future development of the R&D sector in Hong Kong and would negatively impact on the overall economic growth and reduce the variety and number of jobs

available:

- the responses in the Paper were that the Government would closely monitor the occupancy rate of HKSP and would identify other suitable sites for R&D and related uses as and when necessary. For long term development, sites had been reserved in the Kwu Tung North NDA, Lok Ma Chau Loop and Hung Shui Kiu NDA. CIT advised that the proposed rezoning was not anticipated to hinder the growth of the R&D sector in Hong Kong and was not expected to bring negative impact on the overall economy of Hong Kong nor reduce job opportunities. The Government considered that with the completion of the HKSP Phase 3, there should be sufficient supply of R&D floor space in the short to medium term, that could be flexibly used for various types of testing and research purposes. Land was also available in industrial estates if larger scale manufacturing was required. Regarding the land supply in the medium term, the Government and HKSTPC were reviewing the possibility of further utilising the existing sites within HKSP and other industrial estates with the aim to creating additional floor areas for R&D and industrial uses in the medium term;
 - C58's comments were that there were many controversies and uncertainties regarding the supply of land in the NDAs in the long term. The further utilising of existing sites within the HKSP meant that in-fill and intensified developments would be built within HKSP, however, the representative from ITC had not provided information on how much additional floor space could be provided through such in-fill developments;
- (iii) one other ground of representation was on the traffic and transport aspects. C58's comment was that the Government only indicated that there would not be insurmountable problems without any

substantiation;

- (d) there were many people and organisations who opposed the rezoning, they included:
 - (i) the Hon Charles Mok, the Hon Emily Lau who had submitted representations on behalf of residents at Providence Bay and another legislative council member of the Engineering constituency who had submitted a written statement to the Board before the meeting;
 - (ii) Hong Kong Information and Technology Federation which was one of the most important business federation in the I&T sector, IT Voice, IT Serve Management Forum Hong Kong Chapter, and elearning Consortium;
 - (iii) key persons in various I&T related organisations who opposed the rezoning in their personal capacities were Erwin Huang (Chairman of the Hong Kong Information Technology Federation), Lento Yip (Chairman of the Hong Kong Internet Service Providers Association), Peter Miao (Chairman of the IT Service Management Forum Hong Kong Chapter), S. C. Leung (co-ordinator of IT Voice), Francis Fong (founder of elearning Consortium), D.K. Leung (Vice-chairman of the Chamber of Hong Kong Computer Industry), Joseph Leung (Vice-chairman of the Hong Kong Retail Technology Industry Association), and Ir Vicor Ng (Chairman of the Hong Kong Electronics & Technologies Association); and
 - (iv) many professors, members of the election committee and tenants of HKSP. The views of these organisations and persons were passed to the Secretariat at the meeting;
- (e) the views of those organisation/persons mentioned in paragraph (d) above were summarised as follows:

- (i) the relevant government departments, including PlanD, ITC and HKSTPC had not consulted the stakeholders in the I&T sector before provided their views on the rezoning to the Board;
 - (ii) generally did not support rezoning and selling the site for residential use;
 - (iii) strongly disagree that the site originally reserved for HKSP Phase 4 could be substituted by land reserves in the Kwu Tung North NDA, Lok Ma Chau Loop and Hung Shui Kiu NDA;
 - (iv) some views supported the Government's proposal to slightly increase the development intensity in HKSP but the Government needed to plan for such intensification properly;
 - (v) the general consensus was that the rezoning and the sale of the site would have a very negative impact on development of HKSP and the R&D industries; and
 - (vi) it was ironical for the Government to take away land reserved for expansion of HKSP while at the same time pushing for establishment of the proposed Innovation and Technology Bureau;
- (f) the following views gathered from IT Voice were presented:
- (i) there were strong worries on the future supply of office and research workshop space for technology development. The Government had not provided any information in the Paper on the forecast amount of land required by the industries in the 5, 10 or 15-year timeframe;
 - (ii) the change in government policy on promoting technological development in Hong Kong had shaken up the confidence of

investors in the I&T sector; and

- (iii) it was the responsibility of the Government to provide information to the Board about the forecast on demand for floor space by the I&T sector, but such information was not found in the Paper. The demand might arise from expansion plans and office consolidation needs of current tenants of HKSP; Hong Kong investors returning from the Mainland or overseas; need for high-value added factories/workshops; and the need of technology companies that currently had offices outside HKSP. The Board should only make its decision with such information made available by the Government;
- (g) there were the following doubts with regard to the claimed supply of floor space for the I&T sector:
- (i) ITC said that the HKSP Phase 3 would provide floor space of some 108,000 sq.m. to solve the short term needs. However, it was understood that about 60% of those floor space had already been taken up. The remaining undeveloped floor space that was expected to be completed in 2016 was also expected to be fully taken up rapidly;
 - (ii) the floor space that could be provided for residential use on the site (originally reserved for HKSP Phase 4) was about 250,000 to 280,000 sq.m., that was more than doubled the floor space provided in HKSP Phase 3;
 - (iii) it was understood that land reserve for I&T industries in the Kwu Tung North NDA, Lok Ma Chau Loop and Hung Shui Kiu NDA would only be available earliest in 2030. Given the controversies and uncertainties with some of these projects, it was not reasonable for the Board to assume those would be sources of floor space to satisfy the long term demand; and

- (iv) there was no information on the amount of floor space provision that could be provided through intensification of HKSP Phases 1 to 3. In any case, the additional floor space to be provided by such in-fill developments would be minimal. On the other hand, if there was too much intensification, it might lead to ‘pencil-like’ or ‘walled buildings’ that would not be appropriate for the HKSP setting;
- (h) there was a lack of policy initiatives to encourage the I&T sector in Hong Kong. The Mainland or other countries such as Singapore, Malaysia, Thailand etc., had adopted aggressive policies to encourage technology development, e.g. provision of tax-free incentive of five to ten years by the Government; facilitate clustering in science park/tech parks and development of core industries; lower salary (not applicable to Singapore); nourishing tech students; and strong government policy initiatives;
- (i) Hong Kong had its advantage in that it was the most internationalised city in Mainland, although Hong Kong was also competing with places like Shanghai and Shenzhen. The cost of operation in Hong Kong was high and the Government had to off-set these negative factors by providing policy support. However, as compared to the above named places in the Mainland or in other countries, the Government of Hong Kong did not show the same level of commitment. To take away the land reserved for HKSP’s expansion would further affect the future of the I&T sector;
- (j) based on information from the Census and Statistics Department (C&SD), the number of establishments and number of persons engaged in the information and communication technology (ICT) sector were growing from 2008 to 2011 but both had a decline in 2012. One of the reasons for the decline might be that there was a problem with Hong Kong’s competitiveness and ability to attract talents and investments in the field;

- (k) also based on information from the C&SD, about 4.7% of the total employees in Hong Kong were employed in the ICT sector but the value added of the sector accounted for 6.2% of the GDP. That meant, employees in the ICT sector were 32% more productive than an average worker;
- (l) while it was claimed in various papers to the Legislative Council that the Government was supportive of information technology, R&D and I&T and would aim to provide world-class technological infrastructure, the current proposal to rezone the site for residential use was totally contrary to these claims; and
- (m) based on the above reasons, they opposed to rezone and sell the site for residential use and the Board was asked to retain the site for HKSP Phase 4 and. Many questions had been raised in the presentation and the relevant government departments should provide the relevant information to the Board to facilitate an informed decision.

[Mr Frankie W.C. Yeung left the meeting at this point.]

72. Mr Ken Lam made the following main points:

- (a) ITC had underestimated the demand for floor space for I&T sector, especially the need of the existing tenants in HKSP with expansion/re-structuring plans;
- (b) in the previous financial crisis, the R&D industries had slowed down and many companies had moved to the Mainland or Singapore. However, recently, there was increasing interest of these investors to return to Hong Kong to establish R&D and/or high-valued added production lines. The Government should make all efforts to attract such returning investors;

- (c) based on past experience, companies had found that it was ineffective to separate R&D and production in two different places. There was a need for the R&D department to closely monitor the production lines. Companies would only chose to establish its R&D and production lines in places where the Government would provide clear and strong policy support to the long term development of the I&T sector. However, the current decision to rezone the land that was reserved for HKSP's expansion for residential use could send a detrimental message that the Government had no commitment to the long term development of the I&T sector and this would discourage investors as well as talents to come to Hong Kong;
- (d) the Government suggested that R&D uses could be accommodated in NDAs outside HKSP. However, those land reserve would be available only at least 15 years later and the future management of those sites in NDAs were unknown. In view of such uncertainties, no investors would be willing to make such risky decisions to establish new operations in these sites; and
- (e) if the Government really wanted to develop I&T and bio-technology in the long term, it had to send a clear and strong message to the business operators. By rezoning the site, the Government was sending a contrary message and it would definitely smash investors' confidence to establish I&T operations in Hong Kong.

C59 – Internet Professional Association

73. Dr Witman Hung made the following main points:

- (a) he was Chairman of the Internet Professional Association with some 3,000 members, many of which were tenants of HKSP. He was also representing 科學園租戶大聯盟, 首選香港創新科技, 香港新興科技教育協會 and ToloMix;

- (b) although he was not a tenant of HKSP, the rezoning would have major implications on the future development of Hong Kong, hence the whole I&T sector and Hong Kong people were stakeholders in the matter and should be consulted;
- (c) the ITC advised that there would be sufficient floor space in HKSP Phases 1 and 3 to satisfy the demand of the I&T sector in the short to medium term. However, ITC's forecast was only based on past trends in terms of number of establishments and employees. However, to foster growth of the I&T sector, the Government should have strategies to attract industries/companies to establish in Hong Kong;
- (d) in the Global Competitiveness Report 2014-2015, Hong Kong was ranked number 7 and Singapore was ranked number 2. Hong Kong's competitiveness was a matter of concern. In 1998, the Singapore's income level was lower than Hong Kong. In 2004, the GDP per capita in Singapore already exceeded that of Hong Kong. In 2014, its total GDP also exceeded that of Hong Kong;
- (e) it was understood that there was a housing problem in Hong Kong. Nevertheless, the site was rezoned for low-density housing and the occupancy rate of the existing residential developments at Pak Shek Kok was not high;
- (f) if the Government did not take action to promote the future development of the I&T sector now, it would become a critical problem in future. Hong Kong needed job opportunities other than that in the financial and retail sectors. I&T was a high value-added industry and it could offer the future generation jobs with a bright prospect; and
- (g) it was important to retain the site for HKSP Phase 4 to sustain the clustering effect. There were uncertainties about the land reserved in the NDAs which in any case would only be available in the very long

term. The Government had often focused on the supply of floor space for R&D, however, the I&T sector also involved other operations such as manufacturing and software development. These operations would also require additional floor space. The rezoning of the site could not be reverted after the residential developments were built. For the future generation, Members should oppose the rezoning and avoid making a wrong decision which was irreversible.

C61 – ToloMix

74. Mr Alex Hung made the following main points:

- (a) he had worked in the I&T sector for more than 20 years, he had previously established a company in HKSP for three years. Similar to many other companies, he had been forced to move out of HKSP due to high rent and insufficient space. Some companies had moved to Fo Tan Industrial area and he had moved to Tsim Sha Tsui. In the past, he could have frequent contact with companies related to his business within HKSP, it was much more inconvenient for him after moving out. HKSP was also well connected to the Mainland by train and coach services;
- (b) while HKSTPC's proposal to intensify development on the existing HKSP Phases 1 to 3 to provide more floor space was supported, it should also reduce rent in HKSP;
- (c) the HKSTPC was responsible for the management of the HKSP, industrial estates as well as the Innocentre in Kowloon Tong. Given these facilities were located in different parts of Hong Kong, they could only function independently and there was no linkage or consolidation between these facilities. Based on these experience, HKSP Phase 4 should be developed adjacent to the existing HKSP to sustain the clustering effect; and

- (d) there was a lack of traffic and other support facilities at the residences in Providence Bay and it was doubted whether the area could accommodate additional residential developments.

75. Ms Yvonne Wong made the following main points:

- (a) ToloMix was established in 2008 by entrepreneurs and employees of HKSP. Some of their members had already moved out to Fo Tan or other urban areas mainly due to lack of large office floor space in HKSP. However, many members had a desire to move back to HKSP if suitable space became available;
- (b) similar to some Mainland or overseas counterparts, the HKSTPC might consider developing a mixed community with some residential use in HKSP;
- (c) after graduation from CUHK, she had worked in HKSP for six years. The HKSP environment had stimulated her to develop many new ideas; and
- (d) it was a pity that the Government had proposed to build low-density residential developments on the site that was reserved for HKSP Phase 4. If the site was rezoned, it would no longer be available for the I&T sector and could not contribute to economic development of Hong Kong.

C75 – Yu Ching Kit

76. Ms Yu Ching Kit made the following main points:

- (a) she was a resident of Providence Bay. She would not repeat the points made by other representers regarding the traffic problems and lack of community facilities;
- (b) the HKSP had gradually grown over the years to become a science park

with well established connections and supporting infrastructure for the I&T sector. The site was very precious for the continued growth of HKSP. Land reserved in the other NDAs, even if they would become available, would need many more years before they were as well established as HKSP. It was unreasonable for the Government to say that there was no need for additional floor space to be provided in HKSP Phase 4, and the site should be reserved for the long term expansion of HKSP. For the future generation and future development of Hong Kong, the site should not be given up for merely building more houses;

- (c) there was a recent incident where an international company gave up its plan to establish a data centre in Tseung Kwan O Industrial Estate due to insufficient space available. The company had then moved to Singapore and Taiwan. A responsible government should have long term objectives and plans to promote the I&T sector. If the site was sold off for building residential developments, it would only benefit the developers and there was very limited economic benefits to the society; and
- (d) many of his friends had also submitted representations but they chose not to attend the hearing because they considered that the Board already had a pre-conceived position on the rezoning and their views would not be accepted. This would be very unfair for the many attendees who had spent a lot of efforts to explain to Members as to why the rezoning should be reverted. Members were urged to retain the site for development of HKSP Phase 4.

77. The Chairman thanked all the representers/commenters and their representatives for their presentations. He also reassured the attendees that the Board was an independent statutory body and Members would thoroughly consider all written and oral submissions before making a decision. As the presentations for the representers and commenters had been completed, the Chairman invited questions from Members.

Job Opportunities in Phase 4

78. A Member asked how many jobs would be generated if the site was retained for HKSP Phase 4. Ms Yvonne Wong (C61) said that according to the Tien Chang Lin report (The Commission on Innovation and Technology Report), the HKSP was planned to generate 10,000 to 20,000 job opportunities in four phases. There was currently about 10,000 job opportunities in the existing HKSP. With the Phase 4 development, the HKSP as a whole should generate a total of 15,000 to 20,000 job opportunities depending on the actual development intensities to be adopted.

79. Mr Vincent C.L. Tang (AC for I&T) of ITC supplemented that HKSP Phases 1 and 2 provided about 9,900 job opportunities and Phase 3 that would be completed by 2016 would provide about 4,000 job opportunities. Hence, for Phases 1 to 3, there would be about 14,000 to 15,000 job opportunities. If the site was retained for the Phase 4 development and with the assumption that it would be developed according to the same development intensities as in Phases 1 to 3, by pro-rata estimate based on the site area (22 ha for Phases 1 to 3 and 8 ha for Phase 4), an additional 5,000 job opportunities might be generated in Phase 4.

80. In response to the Member's further question of the estimate if the site was to be developed in accordance with the increased development intensities stipulated for the "R(B)6" zone, Mr Tang said that it was difficult to provide such an estimate as it could not be assumed that the higher PR of 3.6 for residential development (as compared to the existing PR of 2.5 in the HKSP) could be strictly adopted for the Phase 4 development.

81. Mr Stanley Ng (C58) said that the "R(B)6" zone was subject to BH of 65mPD and PR of 3.6, as compared to BH of 50mPD and PR of 2.5 for the existing HKSP. Hence, if the site was developed in accordance with the development parameters for the "R(B)6" zone, an additional 5,000 to 10,000 jobs would likely be generated.

GDP Contribution from HKSP

82. A Member asked whether there was information on the GDP contribution from business operations in HKSP. Mr Stanley Ng (C58) said that as mentioned in his

presentation, overall speaking, the ICT sector contributed \$124 billion (6.2%) of GDP and employed 129,000 (4.7%) employees, that meant every 10,000 employees in the ICT sector would create GDP of about \$10 billion. However, they did not have information about the specific contribution of business operations in HKSP. Mr Tang said that he did not have such information on hand, but he could check with HKSTPC and C&SD to see if such information was available. If needed, the information could be provided to Members after the meeting.

Need for Phase 4

Better Utilisation of Phases 1 to 3

83. A Member asked whether there was scope for intensification in HKSP Phases 1 to 3. Mr C.K. Soh (DPO/STN) said that Phases 1 to 3 was subject to a PR of 2.5 under the lease. As HKSP was designed as a park-like setting, there was ample open space and amenity space and HKSTPC was reviewing whether there was scope for better utilization of the existing land in Phases 1 to 3. However, details were not available at this stage. As there was no development restriction stipulated on the OZP for areas occupied by HKSP Phases 1 to 3, any future intensification would not require amendments to the OZP.

84. Regarding the question on intensification of development in HKSP, Mr Stanley Ng (C58) supplemented that from overseas experience, I&T and R&D uses could be accommodated in high-rise buildings. One of the examples was the Metropolis that was a new phase of the Singapore science park where technological uses were accommodated in two tall towers. However, whether in-fill development of tall buildings within HKSP was appropriate was another matter that required further study. He said that retaining the site for HKSP Phase 4 would create much more economic benefit than merely selling the land for housing.

85. Mr Chan Siu Kuen (R75) supplemented that from the local perspective, the site should be retained for HKSP use. On the other hand, there would only be very limited economic benefits if the site was sold to the developer for building houses. If the Board could not decide at this meeting, perhaps the site should be put up for exhibition use under short term tenancy, during that period, the demand for additional floor space in

HKSP could be further monitored and assessed.

Demand Projection

86. Another Member said that given that land was being reserved in NDAs to satisfy the long term needs of the R&D and I&T sectors, there must clearly be a need to further expand HKSP. It was doubted how the originally planned floor space in Phase 4 could be accommodated within Phases 1 to 3 merely by in-fill developments. Mr Tang said that Phase 4 was only a land reserve and the Government/HKSTPC did not have concrete plans for developing Phase 4 at this moment.

87. Mr Tang further said that HKSTPC had engaged consultants to conduct an overall review of the I&T ecosystem, technological trend and how to better utilize the existing 22 ha of land in HKSP. Nevertheless, only mild increase in PR and efficiency ratio would be considered as both the Government and HKSTPC were mindful of maintaining the park-like environment of HKSP. Furthermore, the Government would work closely with PlanD to identify other sites in the territory suitable for long-term expansion of HKSP to support development of R&D and I&T industries. A Member said that it appeared that there was limited land within Phases 1 and 2 of HKSP that could be developed for more buildings. Another Member said that in-fill developments in Phases 1 to 3 might alter the existing character and the quality of space in HKSP.

88. A Member asked what was the programme for completion of the HKSTPC Review. Mr Tang said that the review report would likely be completed by the end of the year for submission to the Government for consideration.

89. Three Members said that according to ITC, Phase 3 would only be able to meet the demand up to 2018, they asked how demand could be satisfied after 2018 and before the land reserve in the NDAs became available. Mr Tang said that there were 220,000m² of GFA in Phases 1 and 2. Phase 3 would provide 105,000m² of GFA, i.e. some 50% increase in GFA compared to Phases 1 and 2. There were undeveloped land in Phase 3 that could be developed together with the existing public transport terminus; and that there might be further scope to mildly increase the PR and efficiency ratio of Phases 1 to 3. With the above measures, it was considered that the medium term demand for R&D space

could be met by the existing land in Phases 1 to 3 before the long-term development of new technology parks in addition to HKSP.

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

90. The Chairman said that some representers had indicated that land reserved in the Kwu Tung North NDS, Lok Ma Chau Loop and Hung Shui Kiu NDA would only be available in 2030, he asked DPO/STN to explain the development programmes for these sites. Mr Soh said that for the Kwu Tung North NDA, 12 ha of land was zoned “Other Specified Uses” (“OU”) annotated “Business and Technology Park” and 8 ha of land was zoned “OU” annotated “Research and Development”. It was roughly estimated that these 18 ha of land would be available in phases between 2023 and 2031. For land in Lok Ma Chau Loop and Hung Shui Kiu NDA, it would likely be available around 2030.

91. A Member said that it was difficult to understand why the Government did not use the readily available land on the site but chose to reserve land in the NDAs to satisfy the long term needs. The Member asked what the estimated time frame was when existing land in HKSP would no longer be sufficient to meet the medium-term demand. Mr Tang said that while it was estimated that the short to medium-term demands could be met by new and intensified developments in HKSP Phases 1 to 3, it was not possible at this stage to state the exact time-frame for the medium term as demand for R&D spaces depended on many sociological and economic factors.

92. A Member further asked what was the estimated year when Phases 3 and 4 of HKSP would become fully occupied. Mr Tang said that the floor space in Phase 3 would be able to meet the demand up to 2018. Phase 4 was only land reserve and there was no programme for its development.

93. A Member said that some representers/commenters had indicated that tenants were being forced to move out of HKSP due to high rents, and asked whether there was any information on the amount of floor space these ‘displaced’ companies had taken up in other parts of Hong Kong. The Member was concerned that if these companies could not cluster in HKSP, it might affect their long term development. Mr Tang said that the decision to move out of HKSP was a commercial decision and was not solely due to high

rents. In fact, HKSP offered rent incentives to start-up companies to foster their development for initial years of their establishment with its incubation programme and full market rent would be charged thereafter.

94. The Member further asked whether there was information on the required floor space from potential tenants. Mr Tang said he could ask HKSTPC whether such data was available. For general information, HKSP Phases 1 and 2 were over 95% occupied and Phase 3, that was commencing occupation, still had space for laboratory and office uses.

[Mr H.W. Cheung left the meeting at this point.]

Traffic and Transport Matters

95. With regard to the problem of traffic congestion raised by some residents of Providence Bay, a Member asked whether there were similar complaints from employees of HKSP and whether the traffic congestion problem could be tolerated from the perspective of HKSP. Mr Soh said that the residents' main concerns were for the peak hour traffic to the urban areas. To address this concern, road improvement works were being implemented to improve the access from Tai Po Road (Sha Tin Section) to Tsing Sha Highway. The traffic congestion problem should be improved with completion of the road improvement works. With regard to HKSP, the traffic pattern was typically in a reverse direction of peak hour traffic for residents. Mr Alex Hung (C61) agreed and supplemented that peak hour traffic congestion problem was not a big concern for tenants/employees in HKSP. Furthermore, there were ample car parking spaces in HKSP. There would not be major traffic concern even if the site was to be used as HKSP Phase 4.

96. A Member asked for clarification about the Pak Shek Kok railway station mentioned by some representers. Mr Soh said that the Railway Development Office of Highways Department was conducting a study for the Review and Update of the "Railway Development Strategy 2000" and the findings would be announced in late 2014. It was uncertain whether a new station at Pak Shek Kok would be proposed. Mr Chan Siu Kuen (R75) said that the TPDC fully supported the provision of a new railway in Pak Shek Kok.

97. A Member asked whether there were improvement measures to resolve the

congestion problem at University Station as mentioned by some representers/commenters. Mr Soh said that according to C for T, there was currently no plan for road improvement works but to rely on mainly traffic management measures.

HKSP Tenant Policy

98. Mr K.K. Ling (Director of Planning) said that some commenters had indicated that it was beneficial to have both R&D and manufacturing operations in HKSP. He asked the representative of ITC to clarify whether Phase 4 was intended to accommodate manufacturing operations. Mr Tang said that companies renting floor space in HKSP had to satisfy some specific requirements such as over 50% of floor space and employees had to be engaged in R&D. Floor space in HKSP was mainly used for R&D and office purposes. Intensive manufacturing was not allowed in HKSP but they could be accommodated in the existing industrial estates.

99. Mr K.K. Ling asked the representative of ITC to explain the incubation programme in HKSP and whether the intention was to incubate start-up companies for a few years with a view that they would then move out and the space would be 'recycled' for incubating other start-up companies. Mr Tang said that the incubation programme in HKSP was quite successful in helping start-up companies. It would provide rent incentives as well as financial, marketing and legal advices to start-up companies. The HKSP also could provide an environment for business operators to cluster and interact that would create synergy effect. Mr Alex Hung (C61) supplemented that for the incubation programme offered at HKSP, the first year was rent free, they would pay 70% of regular rent in the second and third year, and then regular rent in the fourth year onwards. Since the regular rent was quite high and there might not be sufficient floor space available, some companies might choose to move out of HKSP. Mr Stanley Ng (C58) said that incubation and 'recycling' of space was a common phenomenon in technology park. For science park in Singapore, when the start-up companies matured, they could choose to expand in other phases of the science park. However, in Hong Kong, the situation was to force these mature companies to move out from the science park instead of accommodating their expansion needs within HKSP.

100. In response to a Member's question, Mr Tang said that there were five core

sectors of technology and R&D in HKSP, namely electronics, precision engineering, biotechnology, green technology and information technology and telecommunications. HKSP would give priority to companies engaged in these core sectors to rent space in HKSP.

101. A Member said that it appeared that the five core sectors had different space and facilities requirements, as such increasing floor space by in-filling might not be very effective. The Member asked whether each phase of HKSP was focused on clustering of a different core sector. In response, Mr Tang said that companies engaged in all five core sectors were allowed to rent space in all phases of HKSP. In response to the Member's further question, Mr Tang said that he would try to see if information about the type of business in each phase of the HKSP could be obtained from the HKSTPC after the meeting.

102. In response to a Member's question, Mr Tang said that from the start of HKSP, the five core sectors had broadly not been changed. However, as part of the on-going review, consideration would be given to whether the five core sectors needed to be changed or refined.

BH Restriction of "R(B)6" Zone

103. A Member asked why a single BH of 65mPD was stipulated for the 8 ha site as this might lead to a monotonous design. Mr Soh said that based on other developments in the vicinity, a development with a PR of 3.6 would not need to be built up to 65mPD. The single BH restriction for the entire site was to allow for design flexibility.

Land Near CUHK

104. A Member asked whether there were any planned use for the undeveloped land located to the south of the railway line near CUHK. Mr Soh said that the undeveloped land near CUHK was intended to be reserved for expansion needs of the university. The Member said that the number of university students was not projected to grow in the future, as such the land might be considered for other developments. Mr Soh said that it was understood that there were plans to expand some academic facilities as well as student

hostel in CUHK. Since the land was very close to CUHK, priority would be accorded for its use by CUHK.

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

106. Mr Roger K.H. Luk said that as some representers/commenters had mentioned about CUHK as one of the stakeholders in this matter in their oral submissions, he wished to put on record his declaration of interest for being the Board of Directors of CUHK. Members considered that his interest was indirect and he should be allowed to stay in the meeting and participate in the discussion.

107. The Chairman said that as the attendees for Agenda Items 5 and 6 had arrived, he suggested to defer deliberation of Agenda Item 4 to the end of the meeting. Members agreed.

Agenda Item 7

[Open Meeting]

Review of Application No. A/K18/304

Temporary School (Kindergarten) for a Period of 3 Years in “Residential (Group C)1” zone,
2 Essex Crescent, Kowloon Tong
(TPB Paper No. 9640)

[The meeting was conducted in Cantonese]

108. The Secretary informed Members that the applicant for Agenda Item 7 had informed the Secretariat that as the meeting scheduled had been delayed and they had other engagements, they could not attend the hearing today. They had requested the Board to defer consideration of the application to the next meeting. Members agreed to the deferral request.

109. The meeting resumed at 4:25 p.m.

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

Mr Thomas C.C. Chan

Chairman

Mr Stanley Y.F. Wong

Vice-chairman

Mr Roger K.H. Luk

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Julia M.K. Lau

Ms Anita W.T. Ma

Professor K.C. Chau

Mr Sunny L.K. Ho

Mr Dominic K.K. Lam

Mr H. F. Leung

Mr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Deputy Director of Environmental Protection

Mr C.W. Tse

Director of Planning

Mr K.K. Ling

Hong Kong District

Agenda Item 5

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/H3/418

Proposed Hotel in “Residential (Group A)7” zone, 291 – 295 Queen’s Road West, Sai Ying Pun
(TPB Paper No. 9712)

[The hearing was conducted in Cantonese and English.]

Presentation and Question Sessions

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

Professor P.P. Ho	-	His spouse owned a flat in Sai Ying Pun
Mr Clarence W.C. Leung	-	His mother owned a flat in Sai Ying Pun

112. Members noted that the above two Members had tendered apologies for not able to attend the meeting.

113. Members also noted that the applicant had tabled a document at the meeting listing out the reasons why the application should be approved on review.

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

Ms Ginger Kiang	-	District Planning Officer/Hong Kong (DPO/HK), PlanD
Ms W.H. Ho	-	Senior Town Planner, Hong Kong, PlanD
Mr Chih Ming Yuen]	
Mr Raymond Wong]	
Mr Ian Brownlee]	

Mr Benson Poon]	Applicant's representatives
Ms Grace Luk]	
Mr Sam Wong]	
Mr Simon Ng]	
Mr Ryan Ng]	

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

116. With the aid of a Powerpoint presentation, Ms W.H. Ho, STP/HK, made the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for a proposed 19-storey hotel (excluding basement floor) at a site zoned "Residential (Group A)7" ("R(A)7") on the approved Sai Ying Pun & Sheung Wan Outline Zoning Plan (OZP) No. S/H3/29;
- (b) according to the applicant, the proposed hotel accommodated 90 guestrooms at a plot ratio (PR) of 12 and with site coverage (SC) ranging from 61% to 92%. The proposed hotel comprised E&M rooms on the basement floor and second floor, hotel lobby and retail use on G/F and 1/F and guest rooms on 3/F to 18/F;
- (c) on 13.12.2014, the Metro Planning Committee (MPC) of the Town Planning Board (the Board) rejected the application for the following reasons:
 - (i) the application site was located in an area intended for high-density residential development. Given the current shortfall in housing supply, the site should be developed for its zoned use. The proposed hotel development would result in reduction of sites for residential developments and affect the supply of housing land in meeting the pressing housing demand over the territory;
 - (ii) the approval of the application would set an undesirable precedent for similar applications in the area and the cumulative effect of which

would aggravate the shortfall in the supply of housing land; and

- (iii) there was no planning merit to justify the hotel development.;
- (d) the site was located near the junction of Queen's Road West (QRW) and Centre Street and occupied by two tenement buildings of 3 and 6 storeys high with shop and services use on G/F. The immediate areas were predominantly residential in nature with commercial uses such as banks, shops and restaurants on ground floors;
- (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 Board should only consider factors laid down on the OZP. The current government policy in relation to the shortfall of housing supply should not be taken into consideration;
 - (ii) even if the government policy was to meet the housing demand, the demand for hotel should also be taken into consideration;
 - (iii) the hypothetical loss of potential housing units due to the approval of this application was very insignificant (22 units); and
 - (iv) there was no adverse comment on technical grounds from government departments;
- (f) departmental comments – comments from relevant government departments were detailed in paragraph 5 of the Paper. There was no adverse technical comments from relevant departments;
- (g) previous application - the site was the subject of a previous planning application (No. A/H3/403) for hotel development (99 guest rooms) at a PR of 13.2. It was rejected by the MPC on 5.8.2011 mainly for the reasons that the proposed PR was excessive and incompatible with the surrounding

residential developments; and the approval of the application would set an undesirable precedent;

- (h) similar applications - there were 27 similar applications within the “R(A)” zone of the same OZP. Out of them, 16 applications were approved with conditions and 11 applications were rejected. Three were rejected (No. A/H3/411, A/H3/412 and A/H3/414) since 2013 for reasons of affecting the supply of housing land in meeting the pressing housing demand over the territory, no planning merit, adverse impacts and/or undesirable precedent;
- (i) public comments - during the statutory publication period of the review application, eight public comments were received (including a joint letter from five Central and Western District Council (C&WDC) members and two Area Committee members, Designing Hong Kong Limited, the Central and Western Development Concern Association, the Incorporated Owners of Fung King Court and members of the public). They objected to the application mainly for the reasons that the hotel accommodation in the surrounding area was more than enough, land use incompatibility, reduction in housing supply, adverse impact on traffic, pedestrian safety and the living environment of the local residents ; and
- (j) PlanD’s views – PlanD did not support the review application based on the planning considerations and assessments in paragraph 7 of the Paper, which were summarised below:
 - (i) the immediate neighbourhood was predominantly residential in nature. The proposed hotel development was considered not incompatible with the surrounding developments in terms of land use. The building height of the proposed hotel was also in compliance with building height restriction (BHR) of 110mPD under the OZP. Planning intention and land use compatibility were not rejection grounds. There were also no adverse technical comments from relevant departments;
 - (ii) the Board was tasked to promote the health, safety, convenience and

general welfare of the community. In the Policy Address 2014, there was a strong commitment to increase housing supply and the target was to provide a total of 470,000 units in the coming ten years. The site was zoned “R(A)7” which was intended primarily for high-density residential developments. The provision of residential units at the Site was for long-term housing flat supply targeted for local residents. The retention of the site for residential development was in line with the planning intention of the site and could help meet the pressing housing demand of the community;

- (iii) whilst the supply of housing land in meeting housing demand would be given due consideration, each planning application for hotel development in residential zone would be considered on its own circumstances and merits, rather than to reject it as a rule on housing supply consideration. The MPC decided to reject the application for having no planning merits, reduction of housing land and undesirable precedent effect;
- (iv) the proposed setback area on G/F could not be considered as planning merit as it was to comply with the Practice Note for Authorised Persons, Registered Structural Engineers and Registered Geotechnical Engineers on ‘Site Coverage and Open Space Provision’ (APP-132) which was applicable to both non-domestic and domestic buildings;
- (v) demand for hotel could be addressed by developing hotel within other zones e.g. “Commercial” zone where ‘Hotel’ use was always permitted;
- (vi) the site was zoned “R(A)7” and should be developed for its zoned use unless with strong justifications. The applicant failed to demonstrate that the site was conducive for hotel development or the proposed hotel development would meet a specific planning objective;
- (vii) since 2013, three similar applications for hotel development within the “R(A)” zone on the Sai Ying Pun & Sheung Wan OZP were similarly rejected by the MPC. Approval of the current application would set

an undesirable precedent for similar applications in the area, and the cumulative effect of which would aggravate the shortfall in the supply of housing land.

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

118. With the aid of a Powerpoint presentation, Mr Ian Brownlee made the following main points:

- (a) the proposed hotel was located at a very small site of 180m² at QRW. It had a total Gross Floor Area (GFA) of 2,160m² and a proposed building height of about 70mPD, which was 40m lower than the BHR of 110mPD on the OZP;
- (b) the site was currently occupied by two tenement buildings of 3 and 6 storeys with shops and services on G/F. The general neighbourhood was dominated by old buildings of similar age and type. It was located near Sai Ying Pun MTR station and was convenient for public transport;
- (c) there was no objection to the application from technical departments. The Chief Town Planner/Urban Design and Landscape, PlanD considered it compatible with the surrounding developments. The Commissioner for Tourism supported the application as it would increase the supply of hotel rooms and would broaden the range of accommodation for visitors;
- (d) the site was the subject of a previous application (No. A/H3/403) for hotel use submitted in 2011 but was rejected by MPC mainly because the PR of 13.2 was considered excessive and incompatible with the surrounding residential development. The PR of the current application had been reduced to 12. The applicant had legitimate expectations that the application would be approved. It would not set any undesirable precedent; and
- (e) there was no fundamental rejection of the hotel use on the site under the previous application. The rejection reason relating to housing supply was not raised in the previous application. As there was no change to the

statutory context since the previous application, the same should apply to the current application.

119. With the aid of a Powerpoint presentation, Mr Chin Ming Yuen made the following main points:

- (a) in compliance with APP-132, the proposed hotel scheme had two special design characteristics, namely a setback of the building at the pedestrian level along QRW and a progressive decrease of site coverage (i.e. setting back of the building at different levels). The building would have a distinctive architectural outlook as a result of the proposed setting back;
- (b) the proposed hotel development comprised the following:
 - (i) G/F – 2/F: Commercial and E&M rooms;
 - (ii) 3/F – 9/F: Guestrooms facing QRW;
 - (iii) 10/F-14/F: Guestrooms facing QRW & Back-of-House facilities;
 - (iv) 15/F – 18/F: Guestrooms facing QRW and Victoria Harbour;
- (c) with the progressive setting back of the building at different levels, landscape decks could be provided at 2/F, 3/F, 10/F to 13/F to enhance the greenery of the building. Besides, the setback of the building at the pedestrian level would also widen the existing narrow footpath along QRW;
- (d) if the site was to be developed into a residential development with a PR of 8 and SC of 33.33%, the total saleable floor area (SFA) of the typical floors would only be 464.2m², which was less than that of the existing residential building (SFA: 582.8m²). The efficiency rate of 35% was very low. There would only be a total of 22 units with an average unit size of 21.1m²;
- (e) if the site was to be redeveloped into the proposed hotel under the current application, the SC would be about 61% to 65%. The efficiency rate of 58% would be much higher. The average guest room size would be 63.7m²; and
- (f) from financial perspective, it was not attractive to redevelop a residential development of only 22 units with an average size of 21.1m² at the site.

120. With the aid of a Powerpoint presentation, Mr Ian Brownlee continued to make the following main points:

Planning Intention

- (a) the site was located in a “R(A)” zone at the fringe of the Central Business District (CBD). It would become an integral part of this mixed-use zone given its proximity to the MTR station;
- (b) there was a clear distinction between the pure residential zones in the uphill areas (i.e. “R(B)” and “R(C)” zones) and the subject “R(A)” zone. The planning intention of the “R(B)” and “R(C)” zones was intended primarily for medium density residential development where commercial uses serving the neighbourhood might be permitted on application to the Board. For the “R(A)” zone, it was intended primarily for high-density residential developments but commercial uses were always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building;
- (c) ‘Hotel’ was a Column 2 use under the Notes for “R(A)” zone and was generally considered suitable within the zone. It was also a form of ‘residential’ use by nature. There was no particular restriction under the Explanatory Statement (ES) for the “R(A)” zone that would prevent the approval for a hotel use;
- (d) in a recent decision on a Town Planning Appeal Board (TPAB) case (No. 15 of 2011) for a proposed hotel in a “R(A)” zone at Yat Fu Lane, Kennedy Town in February 2014, the TPAB approved the hotel use and was of the view that:

“the proposed hotel is in line with the planning intention of the “R(A)” zone which is “intended for high-density residential developments”. This is reinforced by the fact that the hotel use is listed under Column 2 of the Draft Plan, which is a permissible use subject to obtaining planning permission. This is reinforced by the fact that there is

nothing in the Draft Plan, the Notes and the ES cited by the Appellant and the TPB which suggest that the development of a hotel on the Site is inconsistent with the planning intention of “R(A)” zone.”

- (e) in this regard, by including ‘Hotel’ as a Column 2 use, it was compatible with the general planning intention for the “R(A)” zone but needed to be subject to consideration of possible impact, such as traffic. For the current application, there was no technical objections from government departments and the application should not be rejected;

Setback and Urban Renewal

- (f) over the years, the applicant had difficulty in purchasing the adjacent buildings which prevented him from achieving a higher BHR through site amalgamation under the provision of the “R(A)” zone. He could only redevelop on the existing small site and there was no incentive to redevelop;
- (g) there would be incentive for redevelopment if the current application for hotel use was approved. The urban renewal process would proceed while a setback could be provided to improve the width of the public footpath which was a public planning gain;
- (h) for practical and economic reasons, no setback would be provided if the site was redeveloped for a domestic building. The setback was not a mandatory requirement but offered by the applicant on a voluntary basis. The TPAB in the Yu Fat Lane appeal case considered that setback was a planning benefit;

Responses to PlanD’s Assessments

- (i) the planning intention for the “R(A)” zone was ‘primarily’ for housing but not only or exclusively for housing. TPAB had ruled that a hotel use was compatible with the planning intention;
- (j) there was no documentation, study or report considered by the Board on the adverse impact on housing supply due to approvals of hotels in “R(A)” zones.

There was also no planning policy relating to the provision of hotels in “R(A)” zones;

- (k) there was also no TPB Guidelines on the preparation and consideration of applications for hotels in “R(A)” zones, or relating to establishing a priority for residential developments only in “R(A)” zones;
- (l) there were other better alternatives to meet housing need. The Government was undertaking various steps to meet housing need, e.g. providing housing sites, rezoning sites, conducting studies for New Development Areas, expanding Tung Chung etc;
- (m) each application should be considered on its own merits. There was no adverse department comment and the Commissioner for Tourism supported the application. PlanD was wrong to state that the applicant failed to demonstrate that the site was conducive for hotel development;
- (n) the proposed hotel development would only lead to a potential loss of 22 flats. There would not have any significant impact on housing supply;
- (o) the proposed hotel would suit business travellers who wanted to stay in a hotel located at the fringe of the CBD and close to MTR station. It would meet the policy objectives in the 2014 Policy Address, i.e. to expand Hong Kong receiving capacity focusing on high-spending visitors and to achieve the greatest economic benefits with limited resources;
- (p) the Board had to consider the application based on the OZP at the time the application was submitted. Government policy had no specific standing in the planning permission process unless it was incorporated into the OZP. In adopting a blanket policy to reject hotel applications in “R(A)” zone, the Board was acting outside the provisions of s.16 and s.17 of the Town Planning Ordinance (TPO);

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

Reasons for Approving the Applications

- (q) the application was not a fresh hotel proposal but a submission of a revised scheme. There was a reduction in PR and the scale of development was no longer an issue;
- (r) the previous application was submitted in 2011 before the Board had adopted its policy in 2013 of rejecting hotel applications in “R(A)” zones. As the application had already started before the policy change, it should not be considered as a new proposal or new application;
- (s) the proposed setback for public footpath widening was a public planning gain and would become a requirement through approval of this application;
- (t) ‘Hotel’ was a use permitted within the “R(A)” zone. The approval of some hotels in the zone would not adversely affect the planning intention of having ‘primarily’ residential development in this zone;
- (u) there was nothing in the OZP which justified the rejection of application on the basis of provision of housing. The amount of housing units forgone was insignificant and could be met by other alternatives;
- (v) the site and locality was suitable for a hotel of this size and design. It was compatible with the existing character of the neighbourhood;
- (w) the Board had approved other hotel developments in the “R(A)” zone in this area and the precedent of having hotels in this portion of Sheung Wan had already been established;
- (x) Government policy was not a significant matter for consideration unless it had been included on the OZP through appropriate amendments. If the Board had to consider government policy, equal consideration had to be given to the policy for encouraging the establishment of new hotels;
- (y) the non-statutory blanket policy of rejecting all hotel applications in “R(A)” zones should not override the particular circumstances of this application; and

- (z) the constraints on the redevelopment of the site as part of the private sector urban renewal process should be taken into account in granting approval of the application.

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

122. As requested by the Chairman, Ms Ginger Kiang, DPO/HK, provided some background information on the TPAB appeal case mentioned by the applicant. She said that the appeal case was related to a planning application for a proposed hotel development at Yat Fu Lane within a “R(A)” zone on the draft Kennedy Town and Mount Davis OZP. That application was rejected by the Board on review on 14.10.2011 for the reasons that the application site was not conducive to hotel development given its small site area and triangular configuration; there was no planning merit to justify the proposed hotel development; and the proposed hotel development would aggravate the traffic management problems and safety concern. The current application was however rejected by the MPC for the reasons that the proposed hotel development would result in reduction of sites for residential developments and affect the supply of housing land in meeting the pressing housing demand; it would set an undesirable precedent; and there was no planning merit. She said that given the current shortage of housing land in meeting the pressing housing demand of the community, application for non-residential uses such as hotel in predominant residential areas would in general not be supported unless with very strong justifications, e.g. there were planning merits or that the site was very suitable for hotel development. Hence, the current application was not directly comparable with the Yat Fu Lane appeal case.

123. Mr Ian Brownlee referred Members to the extract of the TPAB’s decision on Yat Fu Lane appeal case as shown on the visualiser and said that the decision was directly relevant to the consideration of the current application in many ways. First, the areas of the two sites were very similar. Second, the TPAB ruled that hotel use was in line with the planning intention of the “R(A)” use. There was no other reason that the Board should reject the current application. Third, the TPAB considered that a setback for the widening of a footpath for public use was a planning merit. A Member then asked whether he considered that the Board should approve all hotel applications within “R(A)” zones, in particular for those with the provision of a setback, unless there was other reason to reject it. In response,

Mr Brownlee said that the proposed hotel use was in line with the planning intention of the “R(A)” zone. Hence, if there was no other substantive reason to reject the current application, it should be approved.

124. A Member noted that the average flat size of about 200 sq. ft under the hypothetical residential scheme presented by the applicant’s representative was very small and asked PlanD if there could be other design options for residential use at the site. Ms Ginger Kiang replied that according to her observations on some recent building plans submission, there were proposed residential developments with flat size of less than 200 sq. ft. Besides, instead of using a SC of 33.33% assumed under the applicant’s residential scheme, the applicant could make application to the Building Authority (BA) to vary the SC for a domestic building under APP-132 if certain setback requirements were met, just like what he did for the proposed hotel under the current application.

125. Mr Chih Ming Yuen agreed that the SC of a domestic building could vary upon application to BA under APP-132 provided that certain setback requirements were met. However, it would require a setting back of not less than 18% of the site area. In doing so, the SC would only increase from 33.33% to 40% as demonstrated by the two hypothetical residential schemes shown on the Powerpoint. While the SFA per floor would increase from 21.1m² to 32.2m², the number of flat units would be reduced from 22 to 18. In practice, a developer would unlikely be willing to give up 18% of the ground floor shop area in exchange for just a slight increase in SFA on the upper floors. In response to a Member’s query, Mr Chih said that there was no difference between the total GFA under both residential schemes.

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

Deliberation Session

127. A Member did not support the application and considered that the applicant had

not provided sufficient justification in support of the proposed hotel development at the site. This Member said that the planning intention of the “R(A)” zone was primarily for residential use. The retention of the site for residential development was in line with this planning intention and also the Government policy to provide residential units to meet the pressing housing demand of the community. Whether the development of a hotel was more financially attractive than a residential use was a commercial consideration of a developer, but not a relevant consideration of the Board for the current application. Another Member concurred.

128. A Member did not support the application and considered that the need for provision of housing supply was more pressing than the proposed hotel use. On the efficiency rate of the hypothetical residential scheme presented by the applicant, this Member said that it was not uncommon to have one unit per floor in a residential development but considered that there was scope to improve the efficiency of the layout in the applicant’s residential scheme. On the setback, even though it might be considered as a planning merit, it was not sufficient enough to justify the proposed hotel development at the site.

129. As requested by the Chairman, the Secretary provided some background information in relation to the previous application at the site and the Yat Fu Lane appeal case for Members’ reference:

- (a) the site was the subject of a previous application (No.A/H3/403) for hotel development which was rejected by the MPC on 5.8.2011 mainly for the reason of excessive PR which was incompatible with the surrounding residential development. The current application (No.A/H3/418) was a different application submitted by the applicant on 25.10.2013. The MPC had considered the current application taking into account the relevant planning considerations at that time and rejected the application on 13.12.2013 for the reason, among others, that it would affect the supply of housing land in meeting the pressing housing demand over the territory. Since June 2013, the Board had started to take into account the Government’s commitment to increase housing supply to meet the pressing housing demand of the community when considering hotel applications within “R(A)” zones. Three hotel applications (No. A/H3/411, A/H3/412

and A/H3/414) within “R(A)” zones on the same OZP were rejected for that reason, among others; and

- (b) for the Yat Fu Lane appeal case, the concerned hotel application was rejected by the MPC on 6.5.2011 and by the Board on review on 14.10.2011. The MPC and the Board had not yet taken into account the housing supply issue at that time. The application was rejected for the reasons that the site was not conducive to hotel development given its small site area and triangular configuration; there was no planning merit to justify the proposed hotel development; and that that it would aggravate the traffic management problems and safety concern.

130. The Vice-chairman said that as ‘hotel’ use was a column 2 use, it was the onus of the applicant to provide sufficient information to justify the proposed hotel use at the site which was intended primarily for residential use under the “R(A)” zone. However, he did not consider that the applicant had provided sufficient justifications for such deviation from the planning intention and therefore did not support the application. He said that whether the development of a hotel or a residential use at the site was more financially attractive was not a consideration of the Board.

131. The Chairman said that the provision of a setback was just a matter of choice of the applicant. Given that ‘hotel’ use was a column 2 use, the main consideration of the Board should be whether the applicant could provide sufficient justifications to demonstrate that the proposed hotel development was better than a residential development at the site. Besides, Government policy should also be a relevant consideration of the Board.

132. As to the applicant’s argument that the planning intentions of “R(B)” and ”R(C)” zones were different from “R(A)” zone given that some commercial uses were permitted on the lowest three floors within “R(A)” zone, a Member said that it would not justify that all hotel applications should be approved in “R(A)” zones. Sufficient justifications had to be provided.

133. Mr K.K. Ling, Director of Planning, referred Members to the document tabled by the applicant. He disagreed with the applicant that Government policy was not a significant

matter for the Board's consideration and said that the Board had and would continue to take into account all relevant planning considerations including the prevailing Government policy when considering planning applications. The Board would also make their own judgment as to how much weight should be given to each factor. Moreover, he disagreed with the applicant that the Board had adopted a blanket policy of rejecting all applications for hotels within "R(A)" zones. He said that the Board considered each application based on its individual merits. As to the supply of hotels, he said that hotel use was always permitted within "Commercial" zones and the Board also considered hotel applications in other zones e.g. "Other Specified Uses" annotated "Business".

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

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

- “(a) the application site is located in an area intended for high-density residential development. Given the current shortfall in housing supply, the site should be developed for its zoned use. The proposed hotel development would result in reduction of sites for residential developments and affect the supply of housing land in meeting the pressing housing demand over the territory;
- (b) there is no planning merit to justify the hotel development; and;
- (c) the approval of the application would set an undesirable precedent for similar applications in the area and the cumulative effect of which would aggravate the shortfall in the supply of housing land.”

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 6

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/YL-KTS/616

Temporary Open Storage of New Coaches and New Vehicle Parts with Ancillary Workshop for a Period of 1 Year in “Other Specified Uses” annotated “Rural Use” zone, Lots 560 (Part), 563 (Part), 564 (Part), 565 (Part), 618 s.C (Part) and 618 RP (Part) in D.D. 106, Kam Sheung Road, Pat Heung, Yuen Long
(TPB Paper No. 9728)

[The hearing was conducted in Cantonese.]

Presentation and Question Sessions

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

- | | | |
|----------------|---|---|
| Ms Maggie Chin | - | District Planning Officer/Fanling, Sheung Shui and Yuen Long East (DPO/FS&YLE), PlanD |
| Mr Francis Lau | - | Applicant’s representative |
| Ms Ng Pui Shan | - | Applicant’s representative |

137. The Chairman extended a welcome and explained the procedure of the review hearing. He then invited DPO/FS&YLE to brief Members on the review application. Members noted that a document with the applicant’s justifications was tabled by the applicant’s representatives at the meeting.

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

138. With the aid of a Powerpoint presentation, Ms Maggie Chin, DPO/FS&YLE made

the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for temporary open storage of new coaches and new vehicle parts with ancillary workshop for a period of one year at a site zoned "Other Specified Uses" annotated "Rural Use" ("OU(RU)") on the approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/11;
- (b) on 22.11.2013, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board rejected the application for the following reasons:
 - (i) the planning intention of the "OU(RU)" zone was for the preservation of the character of the rural area. Non-conforming and undesirable industrial-related uses such as the open storage use at the site within the zone should be gradually phased out to help achieve the implementation of the planning intention to upgrade the environmental quality of the area. There had been material change in planning circumstances upon approval of a proposed residential development to the immediate northeast of the site which would act as a catalyst to realise the planning intention. The continuation of the temporary open storage use at the site would not be compatible with the permanent uses and hence jeopardise the materialisation of the planning intention of the "OU(RU)" zone;
 - (ii) the development did not comply with the Town Planning Board Guidelines No. 13E for "Application for Open Storage and Port Back-up Uses" (TPB PG-No. 13E) in that the applicant failed to demonstrate that genuine efforts had been made in compliance with the approval conditions on fire safety aspect and the development would generate adverse environmental impacts on the surrounding areas and that there were adverse departmental comments and local objection against the application; and;
 - (iii) the surrounding land uses in the vicinity were mainly existing or planned residential structures/dwellings/development, and agricultural

land. The development was not compatible with the existing and future residential land uses in the vicinity;

- (c) the site, with an area of about 3,620m², was located on the western side of Kam Sheung Road with access via the adjoining land to the east. It was currently fenced off, paved and currently used for the applied use without valid planning permission;
- (d) the surrounding areas were predominated by residential structures/dwellings/development, agricultural land and vacant/unused land with scattered open storage/storage yards, workshops and a warehouse. To its immediate northeast was a proposed development of 10 houses under Application No. A/YL-KTS/499 approved with conditions by the RNTPC on 17.6.2011. To its immediate south and west were residential structures, vacant/unused land and orchards;
- (e) the site fell within Category 3 areas under the TPB PG-No. 13E where applications would normally not be favourably considered unless the applications were on sites with previous planning approvals. Sympathetic consideration might be given if the applicants had demonstrated genuine efforts in compliance with approval conditions of the previous planning applications and included technical assessments/proposals to demonstrate that the proposed uses would not generate adverse impacts on the surrounding areas;
- (f) according to the applicant, 6 structures with a total floor area of about 734.9m² (including 3 open sheds as workshop areas, 1 open shed as storage area, and 2 two-storey container storerooms) and building height of 5.4m and 6m respectively were provided within the site. A total of 15 non-designated parking spaces for coaches were also provided within the open area of the site. The operation hours were between 7:00 a.m. and 7:00 p.m. from Mondays to Saturdays with no operation on Sundays and public holidays;
- (g) the applicant had not submitted any written representation in support of the review but submitted fire service installations (FSIs) proposals to address the

comments of Fire Services Department (FSD);

- (h) departmental comments – comments from relevant government departments were detailed in paragraph 4 of the Paper and summarised below:
 - (i) the Director of Fire Services (D of FS) advised that the FSIs proposal submitted by the applicant was considered acceptable; and
 - (ii) the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. existing residential structures located to the immediate west and in the vicinity of the site, and environmental nuisance was expected;
- (i) previous applications - there were 8 previous applications (No. A/YL-KTS/36, 193, 340, 416, 470, 479, 525 and 569) for similar temporary open space uses covering the site. Seven applications were approved with conditions and amongst which, four planning approvals were revoked due to non-compliance with approval conditions on the submission/implementation of FSIs proposals. For the last two applications:
 - (i) Application No. A/YL-KTS/525 submitted by the same applicant for the same use as the current application was rejected by the RNTPC on 2.9.2011 mainly on the grounds that non-conforming and undesirable industrial-related uses such as the open storage use at the application site within the “OU(RU)” zone should be gradually phased out to help achieve the implementation of the planning intention to upgrade the environmental quality of the area. The surrounding land uses in the vicinity were predominated by residential structures/dwellings/development, agricultural land and vacant/unused land. Besides, there had been material change in the planning circumstances upon approval of a proposed residential development (Application No. A/YL-KTS/499) to the immediate northeast of the site which would act as a catalyst to realize the planning intention. The continuation of the temporary open storage use at the site would jeopardize the planning intention of the “OU(RU)” zone; and

- (ii) the last Application No. A/YL-KTS/569 submitted for the use same as the current application for a period of 3 years was approved by the Board on review on 16.11.2012 for 1 year on sympathetic grounds to allow time for relocation of the use to another site. At the review hearing of this last application, Members noted that the requirement on fire safety had been imposed since 2008 but were not complied with throughout the years. The applicant's representative pledged that he would personally oversee the compliance of the condition on fire safety requirements or reduce the covered area to comply with D of FS's requirements but the application was revoked on 16.2.2013 as the approval condition on submission of FSIs proposal was not complied with;
- (j) similar applications - there were 19 similar applications for temporary open storage uses within the same "OU(RU)" zone. Among them, 16 applications were approved and three applications were rejected by RNTPC;
- (k) public comment - during the statutory publication period of the review application, one public comment was received from a Yuen Long District Councillor who raised concerns on potential environmental and traffic impact; and
- (l) PlanD's views – PlanD did not support the review application based on the planning considerations and assessments in paragraph 6 of the Paper, which were summarised below:
 - (i) the development was not in line with the planning intention of the "OU(RU)" zone which was for the preservation of the character of the rural area. Uses or developments compatible with the rural landscape, such as passive recreational uses and a selected range of rural uses, might be allowed on application to the Board, with a view to upgrading or improving the area or providing support to the local communities. Non-conforming and undesirable industrial-related uses, creating noise nuisance, such as the subject open storage use and

workshop related use within the zone should be gradually phased out;

- (ii) the applied use was considered not compatible with the surrounding land uses which were predominated by existing and planned residential structures/dwellings/development, agricultural land with scattered open storage/storage yards, workshops and a warehouse. In particular, a proposed development of ten houses under Application No.A/YL-KTS/499 was due to be developed to the immediate northeast of the site. An approval condition was imposed under the planning permission of this residential development, requiring that the construction of the proposed houses should not be commenced prior to cessation of the industrial-related uses to the immediate south of the site including the subject site. The approval of Application No. A/YL-KTS/499 could be considered as a material change in planning circumstances. The continuation of this temporary open storage use at the site would jeopardise the materialisation of the planning intention of the “OU(RU)” zone; and

- (iii) the proposed development did not comply with the TPB PG-No. 13E. Approval conditions in relation to the fire safety aspects were imposed in the four previously approved applications (No. A/YL-KTS/416, 470, 479 and 569) for the same open storage use (with/without workshop) at the site. However, all the four planning permissions were subsequently revoked as the approval conditions on fire safety aspect were not complied within the specified time limit, despite the applicant pledged in the review hearing of the last approval that the FSIs would be provided under his personal supervision. The FSIs proposal submitted under the current application was accepted by D of FS. However, DEP did not support the application as there were sensitive receivers, i.e. existing residential structures located to the immediate west and in the vicinity of the site, and environmental nuisance was expected. Noting the applicant’s violation of his undertaking to relocate within one year and there were adverse departmental comment and local objections against the application, sympathetic consideration was not warranted.

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

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

140. With the aid of a Powerpoint presentation, Mr Francis Lau made the following main points:

- (a) the business had been operating at the site for more than nine years since planning approval had been granted to the site for the proposed use in 2005;
- (b) the proposed development was an open storage of new coaches and new vehicle parts with ancillary workshop use. It played a key role in facilitating the Environmental Protection Department's (EPD's) policy to phase out old diesel commercial vehicles (DCV) by providing a site for storage of new Euro IV DCV;
- (c) there would not be frequent travelling of vehicles in and out from the site. As such, there would not be any significant impact on the nearby residents;
- (d) the applicant understood that there was a change in planning circumstances and he had to relocate the operation away from the approved residential development under Application No. A/YL-KTS/499. Although the application for land exchange for the concerned residential development was completed, a revised development scheme for the housing development under application No. A/YL-KTS/639 was submitted to the Board and was pending approval by RNTPC on 12.9.2014. Noting that the proposed development was still under the planning process, the commencement of construction works such as submitting building plans, calling tenders etc. might be delayed. It was estimated that the proposed development would start about one year from the day of approval from the Board. The site would be better utilised in serving the local open storage need during this period;
- (e) the applicant had already found a potential site zoned "Industrial (Group D)"

in Shek Kong near Lam Kam Road for relocation. Negotiation on renting the site was in progress. The applicant would appreciate it if the Board could approve the application so as to allow time for the relocation which would take about nine months;

- (f) there was only one public comment opposing the application on grounds of potential environmental and traffic impact. According to EPD, there was no environmental complaint received in the past three years. Besides, C for T had no adverse comment on the application;
- (g) the applicant had submitted a revised FSIs proposal on 26.8.2014 and D of FS had accepted the proposal. The applicant had completed the provision of FSIs on the site with valid FS 251 certificates. Only a few minor items needed to be replaced; and
- (h) the applicant had no intention to use the site permanently. However, it was difficult for him to find an alternative site for relocation due to planned new development areas by the Government and competition of land with other uses e.g. small industrial uses. Besides, time was also required for him to negotiate with the land owner in Shek Kong for relocation which would take about nine months. In this regard, sympathetic consideration should be given to the applicant to allow time for relocation.

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

142. Ms Maggie Chin, DPO/FS&YLE, informed Members that in June 2014, PlanD had already received the building plans submission for the housing development under application No.A/KTS/499.

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

all left the meeting at this point.

Deliberation Session

144. Noting that the planning intention of the “OU(RU)” zone was to phase out industrial-related use such as open storage use and a proposed housing development was due to be developed close to the site, the Vice-chairman considered that there was no strong justification for the continuation of the temporary open storage use at the site which would jeopardise the materialisation of the planning intention of the zone. Other Members agreed. Members also noted that there was no major change in the planning circumstances since the previous consideration of the subject application by RNTPC and the applicant had not provided new justification and evidence to support the review application. Members agreed to maintain the RNTPC’s decision to reject the application.

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

- “(a) the planning intention of the “OU(RU)” zone is for the preservation of the character of the rural area. Non-conforming and undesirable industrial-related uses such as the open storage use at the site within the zone should be gradually phased out to help achieve the implementation of the planning intention to upgrade the environmental quality of the area. There has been material change in planning circumstances upon approval of a proposed residential development to the immediate northeast of the site which would act as a catalyst to realise the planning intention. The continuation of the temporary open storage use at the site would not be compatible with permanent uses and hence jeopardise the materialisation of the planning intention of the “OU(RU)” zone;
- (b) the development does not comply with the TPB PG-No. 13E in that there are adverse departmental comment and local objection against the application and that the development would generate adverse environmental impacts on the surrounding areas; and

- (c) the surrounding land uses in the vicinity are mainly existing or planned residential structures/dwellings/development, and agricultural land. The development is not compatible with the existing and future residential land uses in the vicinity.”

[The meeting adjourned for a five-minute break.]

[Ms Anita W.T. Ma left the meeting at this point.]

Procedural Matters

Agenda Item 8

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft Kam Tin North Outline Zoning Plan No. S/YL-KTN/8
(TPB Paper No. 9742)

[The meeting was conducted in Cantonese.]

146. The Secretary introduced the Paper. On 9.5.2014, the draft Kam Tin North Outline Zoning Plan No. S/YL-KTN/8 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The draft OZP mainly incorporated amendments to rezone areas under the “Undetermined” zone to various development zones; designation of non-building area under the “Commercial” zone; and imposition of building height restriction on “Government, Institution or Community” and “Other Specified Uses” annotated “Petrol Filling Station” zones.

147. During the two-month exhibition period which ended on 9.7.2014, 15 valid representations were received. On 25.7.2014, the representations were published for public comments for 3 weeks until 15.8.2014, and a total of 35 comments were received.

148. The valid representations could be categorised into the following two groups :

- (a) the first group (comprising 6 representations) (i.e. R1, R2 (Part), R3, R5, R14 and R15) supported Items A, B and D (R1), objected to all the amendment items in the OZP (R15), or objected / raised comments on Amendment Items A1, A2, A7, B2 and C1 (R2(Part), R3, R5 and R14); and
- (b) the second group (comprising 10 representations) (i.e. R2 (Part), R4, R6 to R13) objected to Amendment Item B1, i.e. the “Comprehensive Development Area (1)” zone at Cheung Chun San Tsuen.

149. Since the amendments incorporated in the Plan had attracted much public interest, it was recommended that the representations and comments be considered by the full Board. As the concerned amendments and grounds of representation were different between these groups which needed individual consideration, it was suggested to consider the representations and comments in two groups (i.e. the first group in relation to all amendment items on the OZP and individual Amendment Items A1, A2, A7, B2 and C1, and the second group in relation to Amendment Item B1).

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

Agenda Items 9 and 10

[Closed Meeting]

151. These two items were recorded under confidential cover.

[Mr Stanley Y.F. Wong, Mr Dominic K.K. Lam, Mr H.F. Leung and Mr K.K. Ling left the meeting temporarily at this point.]

Sha Tin, Tai Po & North District

Agenda Item 3

[Closed Meeting (Deliberation Session only)]

Consideration of Representations and Comments in respect of the Draft Ma On Shan Outline Zoning Plan No. S/MOS/19
Group 1 Hearing (TPB Paper No. 9716)

[The meeting was conducted in Cantonese]

Deliberation Session

152. The Chairman asked Members to consider the representations taking into account the written representations and oral submissions made at the meeting.

153. A Member said that there was no real objection to rezoning the site near Yan On Estate for public rental housing. It appeared that the representers were not objecting to development on the site per se, but they requested that the existing problems related to traffic, public transport, environment and community facilities aspects should be properly addressed. Such concerns should be conveyed to the relevant government departments. The Secretary said that in the past, Members had also requested the Secretariat to convey their concerns to relevant government departments for follow-up, the same could be done for this case.

154. The Member continued to say that the site to the east of Ma On Shan Road for HOS development would create an elongated row of towers that would be visually intrusive against the green mountain backdrop and the site would be affected by traffic noise. However, given the current acute demand for more housing land, the rezoning of the site for residential use could be tolerated. HD should be requested to refine the façade treatment of the residential towers such that the HOS development would blend in better with the mountain backdrop.

155. A Member said that rezoning of both sites for PRH and HOS was supported. The concern about lack of facilities in the existing Yan On Estate might be improved with the proposed extension. However, HD should be requested to consider ways to improve the accessibility and connectivity of Yan On Estate with other housing estates in the area. This would facilitate residents of Yan On Estate to use facilities in the surrounding developments.

156. A Member said that transport and traffic issues were often raised during hearings of representations in respect of housing sites, but the representative of Transport and Housing Bureau often had to declare interest and leave the meeting and would not be available to answer Members' questions on transport and traffic related matters. The Secretary said that in future, the representatives of HD and TD could be invited to attend the meeting alongside those of PlanD on a need basis to answer Members' questions.

157. The Chairman requested the Secretariat to convey Members' comments to the relevant government departments for their follow-up, namely TD would be requested to address the traffic and transport matters; and HD would be requested to review how to improve pedestrian connectivity and accessibility for both Yan On Estate and the future HOS development, to give careful consideration to the façade treatment for the HOS development such that it would blend in better with the green mountain backdrop, as well as to consider improving the retail and community facilities serving Yan On Estate and the new developments.

158. After further deliberation, Members decided to note the supportive views of R4 (part) and R5 (part) and the comments of R3 (part) and R264. Members also decided that all the other representations should not be upheld. Members then went through the suggested reasons for not upholding the other representations No. R1 (part), R2 (part), R4 (part), R5 (part), R6, R7 (part), R8 (part), R9 (part), R10 (part), R11, R261 (part), R262 (part) and R263 (part) as detailed in paragraph 7.2 of the TPB Paper No. 9716 and considered that they were appropriate. The reasons were detailed in the below paragraphs.

R1 (part), R2 (part), R7 (part), R8 (part), R9 (part), R10 (part), R11, R261 (part), R262 (part) and R263 (part)

159. After deliberation, the Board decided not to uphold R1 (part), R2 (part), R7 (part), R8 (part), R9 (part), R10 (part), R11, R261 (part), R262 (part) and R263 (part) for the following reasons:

- “ (a) land suitable for development in Hong Kong is scarce and there is a pressing need for increasing housing supply. As the representation sites are suitable for high-density housing development, it is considered appropriate to rezone the sites for residential use to meet the housing needs of the community;
- (b) the proposed rezoning to residential use with appropriate development restrictions will not result in any adverse impacts on air ventilation, visual, traffic and environmental aspects to the surrounding areas; and
- (c) sufficient land has been reserved for the provision of Government, institution and community facilities in Ma On Shan to meet the needs of the population. Community and recreational facilities, as well as retail facilities are also planned in the proposed public rental housing and home ownership scheme developments.

R3

160. After deliberation, the Board decided to note the comment of R3 (part) and noted that R3 had been requested to divert the existing high pressure gas pipeline outside the site boundary of the proposed home ownership scheme.

R4

161. After deliberation, the Board decided to note the supportive views of R4 (part) on Amendment Items A1 and A2.

162. The Board also decided not to uphold the remaining part of R4 for the following reasons:

- “ (a) land suitable for development in Hong Kong is scarce and there is a pressing need for increasing housing supply. As the representation sites are suitable for high-density housing development, it is considered appropriate to rezone the sites for residential use to meet the housing needs of the community;
- (b) the proposed rezoning to residential use with appropriate development restrictions will not result in any adverse impacts on air ventilation, visual, traffic and environmental aspects to the surrounding areas; and
- (c) sufficient land has been reserved for the provision of Government, institution and community facilities in Ma On Shan to meet the needs of the population. Community and recreational facilities, as well as retail facilities are also planned in the proposed public rental housing and home ownership scheme developments.”

R5

163. After deliberation, the Board decided to note the supportive views of R5 (part) on Amendment Item B3.

164. The Board also decided not to uphold the remaining part of R5 for the following reasons:

- “ (a) land suitable for development in Hong Kong is scarce and there is a pressing need for increasing housing supply. As the representation sites are suitable for high-density housing development, it is considered appropriate to rezone the sites for residential use to meet the housing needs of the community;

- (b) the proposed rezoning to residential use with appropriate development restrictions will not result in any adverse impacts on air ventilation, visual, traffic and environmental aspects to the surrounding areas;
- (c) sufficient land has been reserved for the provision of Government, institution and community facilities in Ma On Shan to meet the needs of the population. Community and recreational facilities, as well as retail facilities are also planned in the proposed public rental housing (PRH) and home ownership scheme developments; and
- (d) the levels of individual and societal risks for the liquefied petroleum gas station on the proposed PRH development have been assessed and are considered acceptable.”

R6

165. After deliberation, the Board decided not to uphold R6 for the following reasons:

- “
- (a) land suitable for development in Hong Kong is scarce and there is a pressing need for increasing housing supply. As the representation sites are suitable for high-density housing development, it is considered appropriate to rezone the sites for residential use to meet the housing needs of the community;
 - (b) the proposed rezoning to residential use with appropriate development restrictions will not result in any adverse impacts on air ventilation, visual, traffic and environmental aspects to the surrounding areas;
 - (c) sufficient land has been reserved for the provision of Government, institution and community facilities in Ma On Shan to meet the needs of the population. Community and recreational facilities, as well as retail facilities are also planned in the proposed public rental housing (PRH) and home ownership scheme developments; and

- (d) the levels of individual and societal risks for the liquefied petroleum gas station on the proposed PRH development have been assessed and are considered acceptable.”

R264

166. After deliberation, the Board decided to note the comment of R264 and agreed to advise the representer that the proposed home ownership scheme development would not cause any insurmountable problems on the traffic/rail noise aspect.

[Mr Stanley Y.F. Wong, Mr Dominic K.K. Lam, Mr H.F. Leung and Mr K.K. Ling returned to join the meeting at this point.]

Agenda Item 3 (Continued)

[Closed Meeting (Deliberation Session only)]

Consideration of Representations and Comments in respect of the Draft Ma On Shan Outline Zoning Plan No. S/MOS/19

Group 2 Hearing (TPB Paper No. 9717)

[The meeting was conducted in Cantonese]

Deliberation Session

167. The Chairman asked Members to consider the representations taking into account the written representations and the oral submissions made at the meeting.

168. The Secretary reported that at the meeting this morning, a representer (R28 - Kai Shing Management Services Limited) passed some comments to the Secretariat. According to the cover letter, there were 245 comments from residents of Villa Concerto in Symphony Bay opposing rezoning of the site at Lok Wo Sha Lane to “R(B)5”.

169. The Secretary further reported that with regard to a complaint made by a representative of R28 at the meeting about late receipt of the Paper, the secretariat had checked with the courier company which provided confirmation showing that the Paper

was delivered to R28 on 29.8.2014 (i.e. 7 seven days before the hearing that was in accordance with the normal practice of the Board).

170. The Vice-chairman said that he frequently visited the area and was quite familiar with the conditions of the site. Contrary to the claims made by some representers, the site was not heavily used by local residents nor visitors from other parts of Hong Kong for recreation purpose. There was a metered parking on the site but normally not many cars were parked there. As DPO/STN had advised at the meeting that the overall provision of open space in Ma On Shan was sufficient to meet the planned population in Ma On Shan and the site was not located in a wind corridor, he had no objection to zoning the site as “R(B)5” for housing use.

171. Another Member said there was no objection to rezoning the site for residential use. However, consideration might be given to swapping the “R(B)5” site with the “G/IC” site to its west such that the future development would be closer to the taller buildings near Wu Kai Sha Station. The Chairman noted that DPO/STN had advised at the meeting that if the “R(B)5” site was shifted to the west, the building mass near Wu Kai Sha Station might be too massive and they considered that the current overall layout of residential zones in the area would be more desirable.

172. One other Member said that there was no objection to rezoning the site for residential use. However, the site was very near highways and would be subject to heavy traffic noise impacts which needed to be properly addressed in accordance with environmental standards. The Secretary said that the requirement for submission of traffic noise impact assessment would be incorporated in the land sale conditions. Mr K.K. Ling (Director of Planning) said that the northern portion of the site, facing Li Po Chun United World College and Tolo Channel, would be less affected by traffic noise. As such, the future developer should have more design flexibility to mitigate traffic noise mainly affecting the southern portion of the site. Mr C.W. Tse (Deputy Director of Environmental Protection) said that according to the Environmental Protection Department’s initial assessment, it was technically feasible to develop housing on the site and the traffic noise impact could be mitigated by appropriate layout and building design.

173. After further deliberation, Members decided to note the comment of R3 and

decided not to uphold representations No. R1 (part), R2 (part), R7 (part), R8 (part), R9 (part), R10 (part), R12 to R260, R261 (part), R262 (part) and R263 (part). Members then went through the suggested reasons for not upholding the representations as detailed in paragraph 7.1 of the Paper No. 9717 and considered that they were appropriate.

R1 (part), R2 (part), R7 (part), R8 (part), R9 (part), R10 (part), R12 to R234, R236 to R260, R261 (part), R262 (part) and R263 (part)

174. After deliberation, the Board decided not to uphold R1 (part), R2 (part), R7 (part), R8 (part), R9 (part), R10 (part), R12 to R234, R236 to R260, R261 (part), R262 (part) and R263 (part) for the following reasons:

- “
- (a) the proposed rezoning to residential use with appropriate development restrictions will not result in any adverse impacts on air ventilation, visual, environmental, ecological, traffic, drainage and sewerage aspects to the surrounding areas;
 - (b) the proposed residential development with development restrictions of a maximum plot ratio of 3.6 and a maximum building height of 95mPD under the “Residential (Group B) 5” zone are considered appropriate to ensure that the future development at this site will be compatible with the surrounding areas;
 - (c) there is no need for the provision of open space and Government, institution and community (GIC) facilities at the subject site as advised by relevant departments. Sufficient land has been reserved for the provision of open space and GIC facilities in Ma On Shan to meet the needs of the population;
 - (d) land suitable for development in Hong Kong is scarce and there is a pressing need for increasing housing supply. As the subject site is suitable for medium-density housing development and is not required for open space development, it is considered appropriate to rezone the site

for residential use to meet the housing needs of the community;

- (e) the statutory and administrative procedures in consulting the public on the proposed zoning amendments have been duly followed. The exhibition of outline zoning plan for public inspection and the provisions for submission of representations/comments form part of the statutory consultation process under the Town Planning Ordinance; and
- (f) there is no plan to use the site for rail extension.”

R3 (part)

175. After deliberation, the Board decided to note the comment of R3 and that concerned departments would make necessary arrangements for the diversion of high pressure gas pipeline.

R235

176. After deliberation, the Board decided not to uphold R235 for the following reasons:

- “ (a) the proposed rezoning to residential use with appropriate development restrictions will not result in any adverse impacts on air ventilation, visual, environmental, ecological, traffic, drainage and sewerage aspects to the surrounding areas;
- (b) the proposed residential development with development restrictions of a maximum plot ratio of 3.6 and a maximum building height of 95mPD under the “Residential (Group B) 5” zone are considered appropriate to ensure that the future development at this site will be compatible with the surrounding areas;
- (c) there is no need for the provision of open space and Government, institution and community (GIC) facilities at the subject site as advised

by relevant departments. Sufficient land has been reserved for the provision of open space and GIC facilities in Ma On Shan to meet the needs of the population;

- (d) land suitable for development in Hong Kong is scarce and there is a pressing need for increasing housing supply. As the subject site is suitable for medium-density housing development and is not required for open space development, it is considered appropriate to rezone the site for residential use to meet the housing needs of the community;
- (e) the statutory and administrative procedures in consulting the public on the proposed zoning amendments have been duly followed. The exhibition of outline zoning plan for public inspection and the provisions for submission of representations/comments form part of the statutory consultation process under the Town Planning Ordinance; and
- (f) there is no plan to use the site for rail extension.”

177. The Board also agreed to advise R235 of the following responses regarding his proposals which were not related to the subject Amendment Items as detailed in paragraph 7.2 of the Paper No. 9717:

- “ (a) regarding the proposal of developing the site abutting Hang Fai Street and Hang Yiu Street (i.e. the ‘Government, Institution or Community’ (“G/IC”) site to the east of Yan On Estate), the response is that part of the site has been proposed to be rezoned for Yan On Estate Phase 2 development and re-alignment of Hang Tai Road (i.e. Amendment Items A1 and A2);
- (b) regarding the proposal of developing the existing bus termini at Yiu On Estate and Kam Ying Court, the response is that the existing bus termini have formed part of those estate developments; and
- (c) regarding the proposal of developing the two sites abutting Hang Fai

Street and Hang Kin Street (i.e. the “Open Space” (“O”) sites to the north of Oceanaire) for residential development, the response is that the Government will continue reviewing various land uses and rezoning sites as appropriate to meet the pressing housing demand.”

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

Agenda Item 4

[Closed Meeting (Deliberation Session)]

Consideration of Representations and Comments in respect of the Draft Pak Shek Kok (East) Outline Zoning Plan No. S/PSK/12
(TPB Paper No. 9718)

[The meeting was conducted in Cantonese.]

Deliberation Session

178. The Chairman asked Members to consider the representations taking into account the written representations and the oral submissions made at the meeting.

179. Professor K.C. Chau declared interests for being a professor in CUHK as some representers/commenters had mentioned the benefits to CUHK if the site was retained for use by science park; Mr Dominic K.K. Lam declared interests that his company had undertaken the HKSP Phase 2 project some 10 years ago; and Mr Peter K.T. Yuen declared interests as the HKSP project was under his purview when he worked in the civil service some 14 years ago. Members considered that the interests of these Members were indirect and they were allowed to stay in the meeting and participate in the discussion.

180. The Chairman said that HKSP and the industrial estates were policy driven developments, meaning the Government was the party to decide on when and where those facilities would be developed based on demand forecast and policy recommendations of ITC. In the current case, ITC had advised that the site was not needed for expansion of HKSP Phase 4 and there was no plan to undertake development of HKSP Phase 4 in the

foreseeable future. Members had to consider whether rezoning the site for housing use thus putting the site to immediate use would be a more effective and efficient use of land resources taking into account the imminent needs of the society, as continuing the reservation of the site for future HKSP development would imply leaving the site idle for a very long time based on ITC's advice.

181. A Member said that despite there was a demand for more housing land, it was doubtful whether the site should be rezoned for residential use. The site was unique in that it was adjacent to the existing HKSP Phases 1 to 3, very close to CUHK and had good accessibility. Although the Government indicated that there would be land reserve in the NDAs to serve the long term needs, there was a lot of uncertainties about whether such land would become available in time to satisfy the demand when the HKSP Phases 1 to 3 became fully occupied. Hence, the site should be retained for HKSP Phase 4 use which would benefit the future development of Hong Kong. Globally, the growth of the financial sector might slow down in future while the I&T sector was becoming the rapid growing sector. The concerns raised by residents of Providence Bay might not be given overriding consideration as there would in any case be development at the site, be it for HKSP or for housing, in future. The traffic matters raised also had to be separately dealt with. It might be necessary to wait for the findings of the HKSTPC Review before deciding on the land use for the site.

182. The Chairman recapped ITC's advice that HKSP Phases 1 and 2 had been built and was quite fully occupied; Phase 3 that was under construction would provide an additional GFA of about 50% of that in Phases 1 and 2. ITC considered that the Phase 3 development should be able to meet the demand for laboratory and office floor space of the R&D sector at least up to 2018. The HKSTPC Review being conducted would study how to provide additional floor space by further optimizing the utilization of the existing 22 ha of land in Phases 1 to 3 to satisfy the medium term demand. That HKSTPC Review would be completed by end 2014. For the NDAs, DPO/STN had advised that land for business, technology park and R&D in Kwu Tung North would be available in phases and earliest in 2023. Based on the above, ITC advised that the site was not needed for expansion of the HKSP in the short to medium term and they confirmed that there was currently no plan to develop HKSP Phase 4 on the site.

183. Another Member said that ITC's opinion that the site was not needed for future expansion of HKSP should be respected. It might be considered whether the I&T companies could only be located within HKSP. It was understood that some companies only chose to establish in HKSP due to the rent incentives during the incubation period and they would leave HKSP after that. Hence, it was not entirely correct to say that the I&T sector would be stifled if the site was no longer reserved for HKSP's expansion. On the other hand, provision of quality living space was also important to attract human capital to Hong Kong. There was an imminent housing need in Hong Kong and many of the larger scale housing sites had been held up leading to the need for more in-fill type developments being proposed. The 8 ha site would provide good quality housing and might provide residences for people working in HKSP.

184. A Member said that the site should be retained for technological development, and its value for HKSP's future expansion would be much higher than using it for housing. If the site was sold off for housing, it could not be reversed. It was very obvious that HKSP would continue to grow and it would be difficult to provide a lot of extra floor space from in-filling within Phases 1 to 3 without affecting the spacious park-like setting of the existing HKSP. In the past decade, HKSP had developed very successfully and was a showcase for Hong Kong. Given that the HKSTPC Review was not yet completed, the site should be reverted for science park use at this juncture. Any rezoning for housing or other uses might be considered at a later date if there was concrete evidence to show that the site was definitely not needed for HKSP's expansion. It was also pointed out that the site was very close to Tolo Highway and might not be most suitable for residential use due to traffic noise.

185. The Chairman said that as advised by ITC, there was currently no plan to develop Phase 4, hence, the site might be left idle for a very long time if it was retained for HKSP expansion. However, if the site was rezoned and used for housing while the HKSTPC proceeded in parallel with better utilisation of land in HKSP Phases 1 to 3, then both objectives could be achieved.

186. A Member said that for the benefits of Hong Kong's future development, the site that was large in size and abutting HKSP and close to CUHK, should be retained for HKSP's expansion. The Board should not only rezone land for housing, it also had a

responsibility to plan for land for economic development. Retaining the site for HKSP's expansion would increase its contribution to GDP and employment, help diversify the economic sectors in Hong Kong, as well as provide different types of employment opportunities for the younger generation to enter the I&T field. The site was close to CUHK and retaining it for science park use might create synergy effect with the researches being carried out in CUHK. The land reserves in the NDAs were very uncertain and they would not be available in 2018 when HKSP Phase 3 was projected to be fully occupied. Whereas any housing to be built on the site would be luxury housing which could not meet the most imminent housing need in Hong Kong and luxury housing might exacerbate the traffic problem mentioned by some representers/commenters. If the site was to be retained for use by HKSP, traffic might be less of a problem compared to residential use of the site. There was no convincing reason to rezone the site for housing. If the site was sold off for housing, it would only generate a one-off and limited revenue from the land sale. However, if the site was retained for HKSP's expansion to further the growth of the I&T sector, the long term economic benefits would be higher.

187. The Chairman said that according to ITC, floor space in Phase 3 of HKSP would likely be able to meet demand at least up to 2018. After 2018, it was projected that the demand in the medium-term could be satisfied through better utilisation of land in Phases 1 to 3 including using existing vacant sites. Future development of HKSP need not be confined to the present location. It might be worth noting that there were a few industrial estates in Hong Kong, by the same token, there could also be a few science and technology parks in future.

188. At the request of the Chairman, Mr K.K. Ling (Director of Planning) said that HKSTPC's had no plan to develop HKSP Phase 4 but they would try to increase floor space within Phases 1 to 3. In addition, there were plans by HKSTPC say in Tseung Kwan O Industrial Estate to provide higher density and higher quality floor space that would also be suitable for I&T uses. Given HKSTPC's current plan, it would be a huge investment for the HKSTPC to take up and service the 8 ha site. There was a possibility that the site might be left idle for a long time. In fact, I&T business could be carried out outside HKSP in office-like premises. Land had been reserved in Kwu Tung North NDA for business, technology park and R&D uses, these areas would also be planned in a park-like setting. The land reserve in various NDAs would help to provide a more

balanced spatial distribution for such R&D and technology development uses. Given the uncertain timing in which the HKSTPC might decide to proceed with HKSP Phase 4, Members had to decide whether the site should be allowed to be left idle instead of being used for satisfying the imminent housing need. With regard to a Member's earlier comment, he said that other than land for housing, land uses for economic development of Hong Kong had been appropriately planned for.

189. A Member said that when the Government planned for HKSP, it was intended to be designed in a park-like setting. The plan to intensify development within Phases 1 to 3 would adversely affect the ambience and contradict the original design intentions.

190. A Member said that companies in HKSP had mainly been engaged in product research rather than primary research and not all companies were engaged in R&D. As compared to technology parks in other countries, the companies in HKSP were not wholly engaged in technological development. To further develop the I&T sector required strong policy support, such as through the proposed establishment of the Innovation and Technology Bureau to provide the policy drive. Given that HKSTPC had no plan to develop HKSP Phase 4, it should be considered how the site should be used to achieve a better utilisation of land resources. The Chairman said that views of ITC, being the relevant policy bureau for the development of R&D and I&T sectors, should be given due consideration when Members made a decision.

191. A Member said that the site should be retained for science park use. According to ITC, Phase 3 would likely be fully occupied in 2018 whereas land reserve in Kwu Tung North would only be available earliest in 2023. There would likely be a gap of four to five years when there might be a shortfall of premises for the I&T sector in HKSP, the site could be the best reserve to satisfy the demand during this time gap. It was not possible to find additional floor space within Phases 1 to 3 that would be equivalent to the floor space originally intended to be provided on the 8ha site. Furthermore, the Government must have projected that there would be continuous growth of the I&T sector before it reserved land in the NDAs. Based on the above, there was no convincing reason to rezone the land for residential use.

192. A Member said that it did appear that there was a genuine need for more land

for technological development. The Board needed more information and data to assist it to make a decision in this case, these might include the demand forecast for say the next 5, 10 or 15 years as well as the measures that would be adopted to mitigate any shortfall of floor space during the period between 2018 and the time when land became available in the NDAs.

193. The Chairman said that ITC might be requested to provide clarifications on the forecast on demand and supply of floor space in HKSP as well as information on the intensification proposals in Phases 1 to 3 being studied. If Members considered that such information was required before a decision could be made, decision on the representations could be deferred at this meeting. Another Member agreed that more information on demand and supply forecast of the I&T sector should be obtained before the Board made a decision. Another Member asked whether the Board could wait until the completion of the HKSTPC Review by end of the year. In this regard, the Secretary advised that the statutory deadline for submission of the OZP to Chief Executive in Council for approval was in February 2015. The Chairman said that ITC might be requested to provide information about the preliminary findings of its consultancy, if considered necessary. In response to a Member's question, Mr K.K. Ling said that HKSTPC was solely owned by the Government and its policy bureau was the ITC. Hence, ITC's views would be representing that of HKSTPC.

194. Members agreed to defer a decision on the representations and requested PlanD to liaise with ITC to obtain relevant information, including the demand and supply forecast and/or preliminary findings of the HKSTPC Review. A Member said that it might be more appropriate to revert the zoning to science park use and to decide on whether the site should be rezoned to other uses after the establishment of the proposed Innovation and Technology Bureau. The Chairman said that the setting up of a Innovation and Technology Bureau was still a proposal subject to approval by the Legislative Council. In any case, ITC would form part of the new bureau and likely still be representative of that new bureau. The Secretary said that subject to the information that would be received from ITC, the representers/commenters might be invited back to the meeting, if necessary, for the presentation of the information requested by the Board.

Agenda Item 11

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

195. There being no other business, the meeting was closed at 7:10 p.m.