

**Minutes of 1077th Meeting of the  
Town Planning Board held on 9.1.2015**

**Present**

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

Chairman

Mr Stanley Y.F. Wong

Vice-Chairman

Mr Roger K.H. Luk

Professor S.C. Wong

Professor P.P. Ho

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Julia M.K. Lau

Mr Clarence W.C. Leung

Mr Laurence L.J. Li

Ms Anita W.T. Ma

Dr W.K. Yau

Professor K.C. Chau

Dr Wilton W.T. Fok

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Ms Christina M. Lee

Mr Stephen H.B. Yau

Mr F.C. Chan

Mr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Principal Environmental Protection Officer

Mr Ken Y.K. Wong

Assistant Director (2), Home Affairs Department

Mr Eric K.S. Hui

Principal Assistant Secretary (Transport)

Transport and Housing Bureau

Miss Winnie M.W. Wong

Director of Lands

Ms Bernadette H.H. Linn

Director of Planning

Mr K.K. Ling

Deputy Director of Planning/District

Mr Raymond K.W. Lee

Secretary

**Absent with Apologies**

Ms Bonnie J.Y. Chan

Mr H.W. Cheung

Mr H. F. Leung

Dr Eugene K.K. Chan

Mr Francis T.K. Ip

Mr David Y.T. Lui

**In Attendance**

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

Chief Town Planner/Town Planning Board  
Mr Louis K.H. Kau

Senior Town Planner/Town Planning Board  
Ms Karen F.Y. Wong

**Agenda Item 1**

[Open meeting]

**Confirmation of Minutes of the 1076<sup>th</sup> Meeting held on 19.12.2014**

[The meeting was conducted in Cantonese.]

1. The minutes of the 1076<sup>th</sup> meeting held on 19.12.2014 were confirmed without amendments.

**Agenda Item 2**

[Open Meeting]

Matters Arising

[The meeting was conducted in Cantonese.]

(i) New Town Planning Appeal Received

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

Proposed House (New Territories Exempted House (NTEH) - Small House) in “Green Belt” Zone, Government Land in D.D. 27, Sha Lan, Tai Po

(Application No. A/NE-TK/507)

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[This item was conducted in Cantonese.]

2. The Secretary reported that a Notice of Appeal against the decision of the Town Planning Board (TPB) on 10.10.2014 to reject on review an application (No. A/NE-TK/507) for Small House development at a site zoned “Green Belt” (“GB”) on the approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/17 was received by the Appeal Board Panel (Town Planning) on 15.12.2014.

3. The application was rejected by the TPB for the reasons that:

- (a) the proposed development was not in line with the planning intention of the “GB” zoning for the area which was to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone;
- (b) the application did not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in New Territories and the Town Planning Board Guidelines for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ (TPB PG-No. 10) in that the proposed development would involve cutting of slopes and site formation works that would cause adverse

impacts on the surrounding natural landscape. The applicant failed to demonstrate that the proposed development would not cause adverse landscape impact on the surrounding areas; and

- (c) the approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the environment and landscape quality of the area.

4. The hearing date of the appeal was yet to be fixed. The Secretary would act on behalf of the TPB in dealing with the appeal in the usual manner.

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

(ii) Appeal Statistics

5. The Secretary reported that as at 9.1.2015, 16 cases were yet to be heard by the Appeal Board Panel (Town Planning). Details of the appeal statistics were as follows:

Allowed	32
Dismissed	135
Abandoned/Withdrawn/Invalid	185
Yet to be Heard	16
Decision Outstanding	0
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Total	368

Urban Design & Landscape Section

**Agenda Item 3**

[Open Meeting ]

Planning and Design Study on the Redevelopment of Queensway Plaza, Admiralty –  
Feasibility Study

Recommended Development Scheme

(TPB Paper No. 9820)

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[The item would be conducted in Cantonese and English.]

6. The Secretary reported that as the study consultant was Ove Arup & Partners Hong Kong Ltd (Arup), the following Members had declared interests on this item:

Mr Patrick H.T. Lau	]	
Mr Dominic K.K. Lam	]	having business dealings with Arup
Mr Ivan C.S. Fu	]	
Professor S.C. Wong	]	

7. As the item was only a briefing to Members on a study, the meeting agreed that the above Members who had declared their interests could stay in the meeting.

8. The following government representatives and the study consultants were invited to the meeting:

Ms Sally Fong	-	Chief Town Planner/Urban Design and Landscape (CTP/UD&L, PlanD)
Ms Helen Lau	-	Senior Town Planner/Urban Design (1) (STP/UD1, PlanD)
Mr Christoforos Romanos	]	Representatives of Arup
Ms Carmen Chu	]	
Ms Theresa Yeung	]	

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

9. The Chairman extended a welcome and invited CTP/UD&L to brief Members on the study.

10. Ms Sally Fong, CTP/UD&L, said that PlanD commissioned the ‘Planning and Design Study on the Redevelopment of Queensway Plaza, Admiralty – Feasibility Study’ (‘the study’) in January 2014. The main objective of the study was to investigate the planning, architectural and engineering feasibility in redeveloping the Study Site for commercial uses, including Grade A office and retail uses, and to make recommendations to upgrade the existing public realm with convenient pedestrian connections to Central and Wan Chai. The findings and recommendations of the study would serve as a basis for subsequent OZP amendment and land disposal. She then invited the Consultants to brief Members on the proposal.

11. With the aid of a Powerpoint presentation, Mr Christoforos Romanos (Arup) made the following points as detailed in the Paper:

- (a) the Study Site, with a site area of about 1.97 hectare, covered Queensway Plaza and its adjoining government land encompassing Drake Street, Tamar Street, Rodney Street and Admiralty Garden. The majority of the Study Site was designated as ‘Road’, with a small portion zoned “Open Space” on the Approved Central District OZP No. S/H4/14. Adjoining the Study Site were a few commercial developments which were zoned “Commercial” on the same OZP. A wider area within a distance of 400m in radius of the Study Site was delineated as the study area;

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

*Development Opportunities*

- (b) the Study Site was situated within the Central Business District (CBD) of Hong Kong. The timely redevelopment of the Study Site would not only offer a rare opportunity to meet the traditionally strong market demand for Grade A office floorspace in the area, but would also create synergies and reinforce the transportation hub function of Admiralty taking into account

the imminent completion of the South Island Line (East) (SIL(E)) and Shatin to Central Link (SCL) in the coming years. The projected increase in footfall from the two forthcoming railway lines also warranted the need to upgrade the quality and quantity of the pedestrian linkages and existing public realm to a level that befitted its central location. At a more local level, the proposed redevelopment could allow for the integration of the re-provisioned public open space ('POS') within the main pedestrian flow and with other nearby POS, thus enhancing their overall usability. Careful disposition of the future development could also help preserve existing view corridors to allow uninterrupted views to and from the harbourfront and the green hilly backdrop of Victoria Peak;

[Mr Lincoln L.H. Huang arrived to join the meeting at this point.]

#### *Development Constraints*

- (c) about 30% of the Study Site was occupied by the MTR station box and its associated facilities, which would impose constraints on the use of spaces directly above and adjoining them. To preserve the '20% Building Free Zone' of the ridgeline as viewed from Tsim Sha Tsui, the maximum building height (BH) of the proposed development should not exceed 203mPD. The presence of an Old and Valuable Tree (OVT) within the Study Site and the design considerations under the Sustainable Building Design (SBD) Guidelines would also impact on the built form of the future development. The need to cater for the voluminous pedestrian flow within the Study Site during and after the redevelopment, and the need to retain the existing Admiralty West Public Transport Interchange (PTI) and safeguard the function of the ground level space for vehicular traffic (including ingress/egress for Admiralty East PTI, loading/unloading (L/UL) spaces for adjoining commercial developments, bus and green minibus stops, and taxi stand etc.) would also impact upon the eventual design. In terms of the traffic impact, the critical junction at Harcourt Road/ Cotton Tree Drive was nearing capacity, and could impose constraints on the development intensity and/or land use mix for the proposed redevelopment;



*Developable Area*

- (d) in view of the aforementioned constraints and after thorough examination of the structural feasibility of development directly above the MTR station box in consultation with relevant bureaux/departments and the MTR Corporation Limited, it was proposed that the eastern portion of the Queensway Plaza (with a site area of 6,220m<sup>2</sup>) be delineated as the development site while the western portion, i.e. the existing walkway portion (with a gross floor area (GFA) of about 2,100m<sup>2</sup>) would be retained with enhancement to its exterior and rooftop;

*Guiding Planning and Design Principles*

- (e) taking into account the planning and site context, a set of guiding planning and design principles was proposed for formulating the initial options taking into account development needs, good urban design, sustainable building design, greening, landscaping and pedestrian connectivity considerations, etc;

[Miss Winnie M.W. Wong arrived to join the meeting at this point.]

*Formulation of Two Initial Options*

- (f) *option A* consisted of a composite Grade A office/ hotel (about 330 rooms) tower atop a four-storey retail/ dining podium with three levels of basement beneath with a BH of 203mPD. A generous landscaped entrance plaza would be created along Queensway to present the new development as well as to provide a suitable growing environment for the OVT which would be preserved in-situ together with some of the adjoining vegetation. A basement connection with the Admiralty Station passageway would be created to facilitate access between the development and Admiralty Station. The existing at-grade taxi stand would also be retained in-situ;
- (g) *option B* consisted of a pure Grade A office tower atop a four-storey retail/ dining podium with four levels of basement beneath with a BH of

185mPD. The OVT would be relocated to provide a larger podium and tower to maximise the saleable floorspace per floor and a sizeable landscaped elevated plaza on the main pedestrian walkway level connecting to the Admiralty Centre and the existing Queensway Plaza. The existing taxi stand would be re-provisioned at the basement of the commercial tower so as to enhance the at-grade pedestrian environment. Two basement connection points, with one directly linking to the Admiralty Station concourse and another connecting to the Admiralty Station passageway, would be created;

*Recommended Development Scheme (RDS)*

- (h) after evaluating the merits of the two initial options, a recommended development scheme (RDS) had been formulated. The RDS proposed the development of a commercial tower (suitable for both Grade A office and hotel uses cum dining facilities) atop a four-storey retail/dining podium with four levels of basement beneath, with a BH of 203mPD.
- (i) under the RDS, the OVT would be preserved in-situ. An elevated landscaped plaza would be provided at the main walkway level with a landscape garden on top of the podium level connecting with the roof-top open space of the Queensway Plaza walkway and of the elevated walkway along the eastern part of Drake Street. Two basement connections would be provided to connect with Admiralty Station, with one at the second basement level connecting directly to the station concourse while another connection at the first basement level would connect with the passageway near MTR Admiralty Station Exit C2;
- (j) car park and L/UL facilities for the development would be accommodated at the basement levels. The existing taxi stand would be retained at the ground level. All affected L/UL facilities and minibus stops would be re-provisioned accordingly. The existing PTI would be reconfigured at ground level by using Drake Street for bus circulation as recommended by the Admiralty Traffic Study. The existing Ocean Park ticket booth currently located at the Admiralty West PTI would be retained;

- (k) the newspaper stand currently located near MTR Admiralty Station Exit C1 would be re-provisioned at a nearby location within the Study Site. The refuse collection point currently located to the east of Admiralty Garden would be re-provisioned at the ground level within the redevelopment;

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

### Discussion Session

12. Members had the following questions and comments:

- (a) some members considered the proposed BH of 203mPD too high. The ridgeline should only be one of the reference points. More visual illustrations from different vantage points in the area, in particular at pedestrian level, should be provided. A perspective illustration on the streetscape of the proposed development should be included in the next stage of the study;
- (b) a member commented that the Admiralty Garden and Harcourt Garden had low utilization rate and doubted the attractiveness of the re-provisioned POS fronting the heavily trafficked Queensway as well as the podium/terraced garden which would be surrounded by tower buildings while the more pleasant Tamar Park and Hong Kong Park were in proximity for better public enjoyment. Another member considered that the podium/terraced gardens should not be isolated, and should be easily accessible to the public and functionally connected with the interior activities of the development;
- (c) some members opined that in planning the Central Government Office (CGO) and Legislative Council Complex, its open space was carefully aligned with the Tamar Park for air ventilation and the proposed development might disrupt the air flow;

- (d) some members were concerned about the traffic associated with the proposed development, in particular, the L/UL activities for the hotel and impacts on Queensway where traffic tail-back from the existing PTI was observed, and asked whether the existing circulation at G/F could be improved;

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

- (e) some members expressed the view that the Queensway Plaza was handling voluminous pedestrian flow and accommodated a busy taxi stand and PTI. The pedestrian volume might be further increased with the possible future redevelopment of High Court. They considered that the Study should focus on enhancing its pedestrian connectivity with the surrounding areas, including, from Hong Kong Park to Tamar Park. Consideration should be given to including the footbridge between Lippo Centre and High Court in the Study, or adding another footbridge from High Court to Queensway Plaza. A member also considered that the pedestrian connections at the Study Site should not be closed during construction;

[The Chairman and Mr K.K. Ling left the meeting temporarily at this point, and Ms Bernadette H.H. Linn arrived to join the meeting at this point.]

- (f) a member considered that the Admiralty Garden with the OVT at present had poor natural lighting. As the size of the Admiralty Garden would be reduced, it was essential to have sufficient lighting for the OVT to be preserved in-situ;
- (g) a member considered that the OVT should not be considered as a constraint and the urban design should facilitate the usage at multi-level of the development. There should be a choice for the public to use the vibrant retail link for shopping or the green link for leisure walk;

- (h) a member considered that green building design features such as rainwater collection and waste separation should be incorporated in the development;

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

- (i) a member considered that the Study and the RDS gave too much emphasis on maximization of the development potential and the key consideration should be on the improvement of local environment with due consideration to penetration of sunlight and air ventilation. He suggested that the space below 30m should be reserved for public use and design competition might be considered;

13. In response to Members' questions and comments above, Ms Sally Fong, Ms Carmen Chu, Ms Theresa Yeung and Mr Christoforos Romanos made the following main points:

- (a) the disposition and layout of the building under the RDS had been carefully designed to preserve the view corridor when viewed from Tsim Sha Tsui towards the green hilly backdrop. As the annual prevailing wind of the area was from the northeast quadrant, and the summer prevailing wind was from southwest quadrant, the view corridor aligning in this direction could also serve as air ventilation corridor to facilitate wind penetration along the Tamar Park through CGO and Tamar Street. Based on the findings of the air ventilation assessment, Option A and the RDS, with a chamfered podium and tower setting back from the junction of Tamar Street and Queensway, would perform better than Option B in facilitating wind penetration;
- (b) at present, the utilization rate of Admiralty Garden was low due to its design and close proximity to the heavily trafficked Queensway. In the RDS, the footprint of the podium was smaller and the setback from Queensway would create a generous landscaped entrance plaza to the development. POS would be provided at different podium levels in the

form of terraced/podium gardens. An open-air elevated landscaped plaza was also proposed which, together with the podium gardens, would provide an environment away from the busy Queensway for better public enjoyment. The terraced/podium gardens were integrated with the main pedestrian flow with provision of escalators and elevators to enhance public accessibility from the ground floor. The landscaped POS would form a green link to connect Harcourt Garden and Chater Garden in an east-west direction, and Hong Kong Park and Tamar in an north-south direction;

- (c) with the adoption of smaller footprints for the podium and the tower, a BH of up to 203mPD/50 storeys was required to accommodate a plot ratio of 15. Being a possible land sale site and located in the CBD at a very prominent transport node, the Study Site had a great development potential. One of the key tasks of the Study was to derive an optimal scheme which could strike a balance between the provision of an enhanced public space and optimization of the Study Site's development potential. The scope for reducing the BH would be reviewed at the next stage when detailed design was considered alongside with the undertaking of technical assessments such as visual impact assessment and air ventilation assessment;
- (d) the traffic associated with the proposed development from Harcourt Road and Queensway would enter/exit at Tamar Street to avoid conflicting with the bus and taxi traffic routes. With the SCL and SIL(E) in place, the main pedestrian flow which currently came from Exit C of the Admiralty MTR Station near the centre part of the Study Site would shift to Exit E near the eastern part of the Study Site. A new footbridge system was planned to cater for increased pedestrian flow across the eastern part of the development to the waterfront area. The connections to the terraced garden and the podium of the proposed development would also take into account the possible increase in pedestrian flow upon redevelopment of the High Court;

- (e) the use of sustainable and green building design for the development would be considered in the detailed design stage and the requirements would be included in the planning and design brief to be prepared for the development in that study; and
- (f) in conclusion, the study team would take note of Members' views and explore the scope for further improving the pedestrian connectivity with Pacific Place, High Court and Queensway Government Offices, lowering the BH of the development and enhancing the ground level space for pedestrian and traffic movement. The findings of the Study would be reported back to the Board in due course.

14. The Vice-chairman concluded the discussion by requesting the Study Team to take note of Members' views in proceeding with the Study and brief the Board again at an appropriate juncture. He thanked the representatives of PlanD and the study consultants for attending the meeting. The representatives of PlanD and the study consultants left the meeting at this point.

[Mr Laurence L.J. Li left the meeting at this point and Ms Julia M.K. Lau arrived to join the meeting at this point.]

#### Kowloon District

#### **Agenda Item 4**

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comment in respect of the Draft Tsz Wan Shan,  
Diamond Hill and San Po Kong Outline Zoning Plan No. S/K11/26  
(TPB Paper No.9818)

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[The meeting was conducted in Cantonese.]

15. The Secretary reported that as the Amendment Item A was to facilitate an approved section 12A (s.12A) planning scheme submitted by Tung Wah Group of Hospitals (TWGHs) and the Comment C1 was also submitted by TWGHs, the following Members had declared direct interests on this item :

Ms Bonnie J.Y. Chan - her family member was a member of TWGHs Advisory Board

16. In addition, the following Members had declared indirect interests on the item :

Ms Christina M. Lee - being a Secretary General of the Hong Kong Metropolitan Sports Events Association which had obtained sponsorship from TWGHs

Dr Eugene K.K. Chan - being a Convenor of the Hong Kong Metropolitan Sports Events Association which had obtained sponsorship from TWGHs

Mr. Stephen H.B. Yau - the employer of his spouse was Mr. Yiu Tze Leung, Ivan, Commenter C1's representative

Dr C.P. Lau - being the cultural history consultant of TWGHs

17. Members noted that Ms Bonnie J.Y. Chan and Dr Eugene K.K. Chan had tendered apology for being unable to attend the meeting. As Ms Christina M Lee, Mr Stephen H.B. Yau and Dr C.P. Lau had no direct involvement in the TWGH's project related to Amendment Item A, the meeting agreed that they could stay in the meeting.

#### Presentation and Question Sessions

18. The Chairman said that sufficient notice had been given to all the representers and commenter inviting them to the hearing, but other than those who were present or indicated that they would attend the meeting, the rest had either indicated not to attend the hearing or made no reply. As reasonable notice had been given to the representers and commenter, Members agreed to proceed with the hearing in their absence.

19. The following government representative and commenter's representatives were invited to the meeting at this point:



Mr Tom C.K.Yip - District Planning  
Officer/Kowloon Planning  
Department (DPO/K, PlanD)

C1 - Tung Wah Group of Hospitals

Mr Yiu Tze Leung, Ivan ] commenter's representatives  
Ms Ngan Ching Ching, Dora ]  
Ms Lau Yuen Ping, Monika ]  
Ms Theresa Yeung ]  
Mr Feddy Leung ]  
Ms Natalie Leung ]

20. The Vice-chairman extended a welcome and explained the procedure of the hearing. He then invited DPO/K to brief Members on the background of the representations.

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

Background

- (a) on 30.5.2014, the draft Tsz Wan Shan, Diamond Hill and San Po Kong Outline Zoning Plan (OZP) No. S/K11/26 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The major amendments involved rezoning of a site at King Fuk Street from "Open Space" ("O") to "Government, Institutional or Community(2)" ("G/IC(2)") with stipulation of BH restriction (BHR) to facilitate the development of a holistic centre for youth development proposed by TWGHs under an approved section 12A application; and designation of a strip of land as non-building area (NBA) along the western boundary of a "G/IC" site at Sze Mei Street and amending the BHR for the remaining part of the site to facilitate the development of a Government, institutional or community (GIC) building. During the two-month exhibition period, a total of six representations were received.

On 8.8.2014, the representations were published for 3 weeks for public comments. One comment was received;

#### Public Consultation

- (b) regarding Amendment Item A, TWGHs presented their proposed youth holistic centre at the King Fuk Street site to Wong Tai Sin District Council (WTSDC) on 5.7.2011, and WTSDC rendered unanimous support to the proposal. Regarding Amendment Item B, the proposed development plan for the “Comprehensive Development Area” (“CDA”) site in Diamond Hill and the proposed GIC building at Sze Mei Street site were generally accepted by WTSDC at its meeting on 10.9.2013.
- (c) after the publication of the draft OZP No. S/K11/26 on 30.5.2014, the amendments were presented to WTSDC on 8.7.2014. WTSDC had no adverse comment on the amendments, and indicated that they attached great importance to the proposed holistic centre for youth development, urged for its early implementation, and hoped that the planning procedures for the project could be expedited.

#### The Representations

- (d) two supportive representations (R1 and R2) and two adverse representations (R3 and R4) were related to Amendment Item A. R2 and R3 also supported Amendment Item B while R4 opposed Amendment Item B. R3 was submitted by a local concern group (采頤花園居民權益關注組) and R1, R2 and R4 by members of general public. The remaining two representations R5 and R6, submitted respectively by a member of general public and a member of the WTSDC Ms Mandy Tam Heung-Man, provided comments on the Amendment Items;

Grounds and Proposals of Representations and Responses

- (e) the main grounds of the representations were summarized as follows:

*Supportive Representations (R1, R2 and R3 (Part))*

- (i) R1 and R2 supported Amendment Item A on the grounds that it catered for the need of the youth of the district and increased the community facilities in the district;
- (ii) R2 and R3 supported Amendment Item B. R2 supported the inclusion of creative industry uses in the Sze Mei Street “G/IC” site to serve as a positive community’s support to the local creative industries, while R3 did not specify the supporting reasons;

*Adverse Representations (R3 (Part) and R4)*

- (iii) R3(Part) and R4 opposed Amendment Item A on the following grounds:
  - (a) it was proposed that the “O” zoning of the site be retained and the site be developed as sports ground in accordance with the “Planning Consultancy Study for San Po Kong Flatted Factory”;
  - (b) the proposed holistic centre was a new concept without the support of successful case. A similar facility in Chai Wan, i.e. Youth Square, had been criticized for poor management and serious financial deficit;
  - (c) there was no MTR station near the site. It took at least 15 minutes to walk to the Diamond Hill or future Kai Tak MTR stations;
- (iv) R4 opposed Amendment Item B on the ground that the nature and proportion of social welfare facilities to be provided within the

GIC building at Sze Mei Street should be specified for public comment;

*Representations Providing Comments (R5 and R6)*

- (v) regarding Amendment Item A, R5 commented that, in view of the shortage of public car parking spaces in the San Po Kong (SPK) area, the existing open-air car park at the King Fuk Street site should be reprovided in-situ, and the best option was to provide them within the proposed holistic centre. ‘Public Vehicle Park’ should be included as column 1 use in the Notes for the “G/IC(2)” zone;
- (vi) R5 suggested that the NBA at the Sze Mei Street site (Amendment Item B) should be enlarged in order not to affect the air ventilation in the area;
- (vii) R6 offered general comments on the BHRs and air ventilation in the SPK area including the BHRs of 80mPD, 100mPD and 120mPD for the SPK area and the maximum building height (BH) of 136mPD for the Diamond Hill “CDA” site would seriously affect the daylighting of the Diamond Hill area; the Air Ventilation Assessment (AVA) conducted for the OZP had not compared the existing and future air flow and the current air path to Diamond Hill area was mainly through the low-rise industrial buildings in the SPK area; and the BHR for the SPK area should be reduced to 80mPD to allow better daylighting and air ventilation for the Diamond Hill and Wong Tai Sin areas;

Proposals from the Representers

- (f) the representers' proposals were summarized as follows:

*Amendment Item A*

- (i) R2 proposed to re-provision the existing open-air car park at the site in the basement of the proposed holistic centre, and that the service area of the proposed youth centre should be enlarged to the entire East Kowloon area;
- (ii) R3 proposed to retain the "O" zoning of the site and to develop it as a sports ground;
- (iii) R4 proposed to add footpaths connecting the site with the Diamond Hill and Kai Tak MTR stations;

*Amendment Item B*

- (iv) R2 proposed that the minimum floor space for creative industry use in the joint-user GIC building should be specified in the OZP;
- (v) R3 proposed that the BHR of the "G/IC" site should be the same as that of the adjacent multi-storey car park building of Rhythm Garden, and that the proposed MTR entrances for the Diamond Hill MTR station should be specified on the OZP;
- (vi) R3 hoped that the Board would accept the request of the residents of Rhythm Garden, as indicated in their previous section 12A application (No. Y/K11/2) rejected by the Board, to rezone the site to the east of Rhythm Garden from "Residential (Group A)" ("R(A)") to "O", or rezone the site to "G/IC" for school development to reflect the Government's latest intention;

Comments on Representations

- (g) C1 submitted by TWGHs supported R1 and Amendment Item A on the grounds that TWGHs was committed to providing quality education and welfare services to promote a healthy, knowledgeable, well-mannered and responsible new generation who were willing to contribute. Apart from facilities for fostering youth development, the proposed holistic centre would be equipped with a 800-seat performance venue for youth and social groups, a youth hostel for local and international exchange purpose, and restaurants and souvenirs shops operated by social enterprises for youth vocational training purpose. It would also provide more than 3,530m<sup>2</sup> open space and green space for public enjoyment;

Responses to the Grounds of Representations and Representers' Proposals

- (h) the responses to the grounds of adverse representations and representers' proposals were summarised as follows:

*Retention of "O" zoning*

- (i) according to the provision standard in the Hong Kong Planning Standards and Guidelines, after rezoning the site, there would still be a surplus of 18.95ha and 49.4ha of planned open space in the OZP area and Wong Tai Sin District respectively. As stipulated in the Notes for the "G/IC(2)" zone, not less than 3,530m<sup>2</sup> of public open space (POS), of which not less than 2,000 m<sup>2</sup> at grade, should be provided at the site. The Director of Leisure and Cultural Services (DLCS) had no objection to the proposed rezoning. The rezoning of the "O" site for the proposed holistic centre was also supported by the WTSDC. Apart from the provision of 3,530m<sup>2</sup> of POS, the proposed holistic centre would provide a range of uses, including youth centre, performance venue and hostel to serve the residents in the district as well as different sectors of the community;

*Financial viability*

- (ii) the proposed holistic centre would be developed by TWGHs which was a large non-government organization (NGO) with experience in various charitable and community projects. The Secretary for Home Affairs (SHA) had rendered policy support to the proposed holistic centre from the perspective of furthering youth development provided that TWGHs could secure sufficient resources for the development and ensure the sustainability of the proposed holistic centre. As advised by TWGHs, sufficient resources had been secured for the development and operation of the proposed holistic centre;

*Accessibility and pedestrian connection*

- (iii) the site was located at the southern part of the SPK area which was served by various public transport services running along Prince Edward Road East and within SPK business area. An underground road and a pedestrian subway connecting King Fuk Street with Kai Tak development to the south were under construction. Pedestrian connection to the Diamond Hill MTR station could be via Sze Mei Street and the proposed subway connecting the Diamond Hill “CDA” site and Sze Mei Street. The section of King Fuk Street between the “Residential (Group E)” zone and Kai Tak East Playground was also planned to be closed and converted into a landscaped avenue to integrate with the planned open space east of Sze Mei Street. This would further enhance the pedestrian walkways to link up the site with the planned open space and Diamond Hill MTR Station;

*Specifying the Social Welfare Uses of the GIC Building*

- (iv) the Administration was considering the appropriate social welfare and other facilities to be included in the building. It was not necessary nor appropriate to specify the detailed uses of the building

on the OZP. As an established practice, the concerned government department, e.g. Social Welfare Department, would consult local stakeholders on the details of the proposed development at the site when the development scheme was finalised;

*Representations Providing Comments*

- (v) the Commissioner for Transport (C for T) commented that the applicant of the proposed holistic centre could consider and review the suggestion of in-situ reprovisioning of the affected car park at the section 16 planning application stage. As to the suggested transfer of 'Public Vehicle Park' from Column 2 to Column 1 of the Notes for the "G/IC(2)" zone, as this use might not be entirely compatible with the other uses in the proposed holistic centre and be accommodated at the site, it was considered more appropriate to retain the use in Column 2. In order to ensure proper planning control on the design and content of the proposed holistic centre, any new development at the sites required permission from the Board;
- (vi) the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD advised that the low-rise GIC sites together with open spaces could serve as air paths in the vicinity. The 15m-wide NBA at the site served to facilitate the north-south air ventilation from Sze Mei Street through the site to one of the reserved air paths within the Diamond Hill "CDA" site. Its width was similar to that of the widened Sze Mei Street (15m) after road improvement work and the planned air path in the "CDA" site (a minimum width of 15m). Further widening of the NBA would reduce the developable area of the "G/IC" site to accommodate the required GIC uses. After striking a balance among these considerations, the width of the NBA was considered appropriate;
- (vii) the BHRs of 80mPD, 100mPD and 120mPD for the SPK area imposed on the OZP in 2008 were not the subject of the current OZP amendments. In formulating these BHRs, due consideration was



given to the local environment, existing BH profile, urban design principles, the findings of an AVA and other relevant factors. The BHRs would achieve a stepped BH profile for better visual permeability and wind circulation in the area. There was no justification to reduce the BHRs for the whole area to 80mPD;

- (viii) based on the findings of the AVA, various NBA, building setbacks and building gaps were stipulated on the OZP to facilitate air ventilation through the SPK area to the surrounding areas including the Diamond Hill area; and
- (ix) under the development proposal for the “CDA” zone at Diamond Hill, it was proposed that a stepped BH profile with a maximum BH of 140mPD and 120mPD be adopted for the northern and the southern portions respectively. Housing Department would carry out an AVA and environmental assessment for the site to address the possible impacts on the surrounding areas;

#### *Representers' Proposals*

- (x) regarding the proposal of public car park provision in the proposed holistic centre, the responses in paragraph (v) above were relevant. On the proposed enlargement of its service area, the appropriate service area should be considered and determined by the proponent, and fell outside ambit of the current OZP amendments. Nevertheless, as stated in the planning intention for the “G/IC(2)” zone, the proposed holistic centre was intended to provide youth centre, performance venue, hostel, and POS serving the needs of the local residents and/or a wider district, region or the territory;
- (xi) there would still be surplus in planned open space in the OZP area and Wong Tai Sin District and the rezoning of the “O” site was supported by the WTSDC. The pedestrian connection to the Diamond Hill MTR station could be via Sze Mei Street and the

proposed subway connecting the Diamond Hill “CDA” site and Sze Mei Street;

- (xii) the Administration was considering the appropriate social welfare and other facilities to be included in the proposed GIC building. It was premature to determine the minimum floor space for specific facilities at this juncture, nor appropriate to specify it on the OZP;
- (xiii) a BH of 8 storeys was considered appropriate for the site, and not expected to have adverse visual impact on the surrounding areas. Regarding the proposal to specify the proposed MTR entrances on the OZP, the object of the OZP was to indicate the broad land use zonings and major transport networks. The locations of individual MTR entrances were generally not indicated on OZPs; and
- (xiv) the suggestion of rezoning the site to the east of Rhythm Garden from “R(A)” to “O” or “G/IC” was not related to the current OZP amendments and should be pursued separately. Nevertheless, there was surplus of planned open space in the OZP area, and a large open space at Sze Mei Street of about 1.6 ha was reserved to the west of Rhythm Garden. On the possibility of school use, the Education Bureau and Architectural Services Department were studying the suitability of the site for school use;

#### Responses to the Grounds of Comments

- (i) the supportive views of C1 to Amendment Item A and R1 were noted;

#### PlanD’s Views

- (j) PlanD’s views on the representations as summarised in paragraph 7 of the Paper were:
  - (i) the supportive views of R1 to Amendment Item A, R2 to Amendment Items A and B, and R3 (Part) to Amendment Item B

were noted. The comments and suggestions of R5 and R6 were also noted; and

- (ii) R4 and the remaining part of R3 were not supported, and the Plan should not be amended to meet the representations.

22. The Vice-chairman then invited the commenter's representatives to elaborate on the comment.

### C1 - TWGHs

23. With the aid of a Powerpoint presentation, Mr Ivan Yiu (TWGHs) made the following main points:

- (a) TWGHs supported the rezoning at King Fuk Street from "O" to "G/IC(2)" to facilitate the holistic centre for youth development. The holistic centre would be developed as a hub for youth international exchange, a territory-wide youth development centre, a community-accessible art/cultural and green facility and a new identity in Wong Tai Sin/East Kowloon;
- (b) of a total gross floor area (GFA) of about 10,000 m<sup>2</sup>, 4,106 m<sup>2</sup> would be reserved for youth development centre including different activity rooms to meet the various training need with a café and souvenir shop to be operated by social enterprise to deliver training and exposure for youth to facilitate their life-planning;
- (c) a performance theatre (5,062m<sup>2</sup>) would be provided as affordable performance facilities. A hostel (832m<sup>2</sup>) would be planned to provide affordable accommodation for participants of local training camps, overseas/national exchange programmes and local/overseas junior performance troupes. There would be a sizable continuous green roof with open decks for public access for a range of leisure and recreational use with a dedicated POS of 3,530m<sup>2</sup>;
- (d) extensive public consultation with various sectors of community on the vision and facilities of the holistic centre had been conducted since 2011

with wide support obtained. The consultees included WTSDC, Wong Tai Sin District School Liaison Committee, Wong Tai Sin (Southwest) Area Committee, youth groups and Rhythm Garden Owners' Committee;

- (e) the proposed centre would be managed by Tung Wah staff with the support of youth members and volunteers. A management advisory committee comprising youth representatives, community leaders and government officials would be formed. To ensure full utilization of the facilities, the youth centre would organize a spectrum of programmes on its own or in collaboration with overseas and local organizations. The centre would be self-financed with the facilities to be rented to non-profit making user groups at affordable rates.

24. As the presentation from PlanD's representatives and the commenter's representatives had been completed, the Chairman invited questions from Members.

25. In response to a Member's enquiry, Mr Ivan Yiu said that the intention was to open the at-grade POS to the public at all times while the POS at rooftop might have different opening hours depending on the final design.

26. In response to another Member's enquiry, Ms Theresa Yeung said that the environmental-friendly building features to be incorporated into the development would be worked out at the detailed design stage, and the proposed scheme would be submitted to the Board for consideration through the section 16 planning application mechanism. Ms Monika Lau supplemented that TWGHs was a green corporation and would inject resources to all the new projects including the subject holistic centre to apply for BEAM plus recognition. The same Member suggested that TWGHs consider growing a variety of indigenous, rather than exotic, plant species at the proposed youth centre.

27. The Vice-chairman asked what the difference between the subject youth centre developed by TWGHs and the one in Chai Wan, which was considered not a successful case by a representer, would be. Mr Ivan Yiu responded that the Chai Wan youth centre was operated by commercial agents. The holistic or youth centre proposed by TWGHs would be self-financed and using their own social workers putting more emphasis on its mission to the community. With the inclusion of various youth organizations and local groups into the

management of the youth centre, the centre would not only be used by TWGHs but also other youth groups and local groups with the same mission as the proposed youth centre's. The proposed youth centre had a clear mission to widen the horizon of the youth, to serve the underprivileged community of Hong Kong, and to provide opportunity for the youth. TWGHs had confidence that its youth centre at the site would be highly utilized and welcomed by the community.

28. A member said that Chai Wan youth centre was not an unsuccessful case and the so-called low utilization rate by a representer was only based on a very subjective view.

29. As Members had no further questions to raise, the Chairman said that the Board would deliberate on the representations and the comment in the absence of the commenter's representative and Government's representative and would inform them of its decision in due course. The Chairman thanked them for attending the hearing. They all left the meeting at this point.

#### Deliberation

30. The Vice-chairman invited Members to consider the representations and comment taking into account the written and oral submissions. Members noted that the design of the proposed holistic centre for youth development could be further scrutinized at the section 16 planning application stage.

31. After deliberation, Members decided to note the supportive views of R1, R2 and R3(part) and the comments and suggestions of R5 and R6. Members agreed to advise R5 and R6 as follows:

- “ (a) the applicant of the proposed holistic centre will be advised to consider and review the suggestion of in-situ re-provisioning of the existing public car parking spaces in the proposed holistic centre at the section 16 planning application stage. As to the suggested transfer of ‘Public Vehicle Park’ from Column 2 to Column 1 of the Notes for the Government, Institutional or Community(2)” (“G/IC(2)”) zone, as this use might not be entirely compatible with the other uses in the proposed holistic

centre and could be accommodated at the site, it was considered more appropriate to retain the use in Column 2 (R5);

- (b) the 15m-wide non-building area (NBA) at the site serves to facilitate the north-south air ventilation from Sze Mei Street through the site to one of the reserved air paths within the Diamond Hill “Comprehensive Development Area” (“CDA”) site. Its width is similar to that of the widened Sze Mei Street (15m) after road improvement work and the planned air path in the “CDA” site (a minimum width of 15m). Further widening of the NBA will reduce the developable area of the “G/IC” site for accommodating the required GIC uses. After striking a balance among these considerations, the width of the NBA is considered appropriate (R5);
- (c) the building height restrictions (BRHs) for the San Po Kong area imposed on the Outline Zoning Plan (OZP) in 2008 were not the subject of the current OZP amendments. In formulating these BHRs, due consideration was given to the local environment, existing building height (BH) profile, urban design principles, the findings of an air ventilation assessment (AVA) and other relevant factors. The BHRs will achieve a stepped BH profile for better visual permeability and wind circulation in the area. There is no justification for reducing the BHRs for the whole area (R6);
- (d) based on the findings of the AVA, various NBA, building setbacks and building gaps were stipulated on the OZP to facilitate air ventilation through San Po Kong area to the surrounding areas including the Diamond Hill area (R6); and
- (e) under the development proposal for the “Comprehensive Development Area” (“CDA”) zone at Diamond Hill, it is proposed that a stepped BH profile with a maximum BH of 140mPD and 120mPD be adopted for the northern and the

southern portions respectively. An AVA and environmental assessment for the “CDA” site would be conducted to address the possible impacts on the surrounding areas (R6). ”

32. The Board also decided not to uphold R4 and the remaining part of R3 and that the Plan should not be amended to meet the representations on the following grounds:

- “ (a) there is surplus provision of planned open space in the Outline Zoning Plan area and Wong Tai Sin District to serve the residents in the district. Apart from provision of 3,530m<sup>2</sup> of public open space, the proposed holistic centre would provide a range of uses including youth centre, performance venue and hostel to serve the needs of the local residents and/or a wider district, region or the territory. The “Government, Institutional or Community(2)” zoning is considered appropriate to facilitate the intended uses (R3);
- (b) the site is considered suitable for the proposed holistic centre as it is served by various public transport services including buses and minibuses. With the implementation of various road and pedestrian connections, the accessibility of the site and its connectivity with the Kai Tak and Diamond Hill areas will be enhanced (R4); and
- (c) the Administration is considering the appropriate social welfare and other facilities to be included in the proposed Government, institutional or community building at the Sze Mei Street site. It is premature to determine the floor space for specific facilities at this juncture, nor appropriate to specify it on the OZP (R4). ”

Sha Tin, Tai Po and North District

**Agenda Item 5**

[Open Meeting ]

Request for Deferment of Review of Application No. A/NE-KLH/483

Proposed House (New Territories Exempted House – Small House ) in “Agriculture” and “ Village Type development” Zone, Lots 873 S.B and 875 S.C in D.D. 9, Yuen Leng Village, Tai Po

(TPB Paper No. 9821)

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[The item was conducted in Cantonese.]

33. The Secretary reported that the following Members had declared indirect interests on this item:

- |                        |  |
|------------------------|--|
| Mr Stanley Y.F. Wong   | - co-owning with spouse a flat in Tai Po district  |
| Mr H.W. Cheung         | - owning a flat in Tai Po district   |
| Mr Frankie W. C. Yeung | - owning a flat in Tai Po district   |
| Dr W.K. Yau            | - being a Tai Po District Council Member and owning properties and land in Tai Po district |

34. Members noted that the applicant had requested for deferment of consideration of the review and also agreed that the above Members’ interests were indirect and that they could be stay in the meeting.

35. The Secretary said that on 14.12.2014, the applicant’s representative wrote to the Secretary of the Board and requested the Board to defer making a decision on the review application for two months to allow time for the applicant to prepare further information in support of the review application. This was the first request from the applicant for deferment of the review hearing.



36. Members noted that the justifications for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No.33) in that the applicant needed more time to prepare further information which was essential for the consideration by the Board, the deferment period was not indefinite and the deferment would not affect the interests of other relevant parties.

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

[The meeting was adjourned for a short break of 10 minutes.]

[Dr Wilton W.T. Fok and Dr. C.P. Lau left the meeting at this point.]

### **Agenda Item 6**

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-TKL/479

Proposed House (New Territories Exempted House) in "Agriculture" Zone, Lot 1113 S.A in D.D. 82, Ping Che Road, Ta Kwu Ling, New Territories

(TPB Paper No.9822)

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[The meeting was conducted in Cantonese.]

38. The following representative from the Planning Department (PlanD) and the applicant's representative should be invited to the meeting :

Mr C.K. Soh

- District Planning Officer/Shu Tin, Tai Po  
and North (DPO/STN), PlanD

Mr K.K. Sit - Applicant's representative  
(Intellects Consultancy Ltd.)

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

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

- (a) on 17.7.2014, the applicant, Good Sense (China) Limited represented by Intellects Consultancy Limited, sought planning permission to build a house (NTEH) on the application site (the site). The site fell within an area zoned "Agriculture" ("AGR") on the approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP) No. S/NE-TKL/14;
- (b) on 12.9.2014, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the application and the reasons were:
  - (i) the proposed development was not in line with the planning intention of the "AGR" zone in the Ta Kwu Ling area. There was no strong justification in the submission for a departure from such planning intention; and
  - (ii) approval of the application would set an undesirable precedent for other similar applications within the "AGR" zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area;
- (c) the site was subject to planning enforcement action for unauthorized storage use (including deposit of containers). Reinstatement Notice (RN) was issued to the concerned landowner on 15.5.2014, requiring the landowner to remove debris, leftovers and hard paving on the land, and to grass the land on the site. As the requirement of the RN was not complied with upon expiry of the notice, the site was under close monitoring for further action as warranted;

- (d) on 14.10.2014, the applicant applied for a review of the RNTPC's decision to reject the application. The applicant reiterated the justifications put forth in support of the section 16 application with the following additional justifications in support of the review application:
- (i) in response to the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) on the subject section 16 application, the applicant's submission stated that the proposed NTEH development, including the erection of an elevated farm house with a roofed over area of about 37.16m<sup>2</sup>, was to enable commencing farming / agricultural rehabilitation on the whole site;
  - (ii) there were inconsistencies in the control of building height (BH) and number of storey among the Schedule to Cap. 121 Buildings Ordinance (BO) (Application to the New Territories) Ordinance, Building (Planning) Regulations, and the Board's Definition of Terms (DoT) regarding 'On-Farm Domestic Structure'. Approval of the review application would demonstrate that 'On-Farm Domestic Structure' which was a Column 1 use in the Notes for the "AGR" zone was implementable; and
  - (iii) the reduction from three to one NTEH on the site should have addressed the Board's concern regarding the cumulative effect of approving similar applications which hence would result in a general degradation of the environment of the area;
- (e) the site was flat, formed and fenced, and was currently vacant and partly covered with weeds. There was no major change in the situation of the site since consideration of the section 16 application;
- (f) previous application - the site, in part or in whole, was the subject of four previous applications No. A/NE-TKL/346, 347, 422 and 465. One application for temporary open storage of semi-products and two applications for proposed three NTEHs were rejected by the RNTPC while one application for a proposed single-storey farm house/eco-house development was considered by the RNTPC as neither an 'On-Farm

Structure' nor a 'NTEH' and therefore there was no provision for such application under section 16 of the Ordinance;

- (g) similar application – there was no similar application for proposed NTEH development in the same “AGR” zone in the vicinity of the site;
- (h) departmental comments – comments from the relevant government departments were detailed in paragraph 5 of the Paper and summarised below:
  - (i) DAFC did not support the application from agricultural development point of view as the site was of high potential for agricultural rehabilitation. From the cost and benefit point of view, the proposal was not a prevailing and common practice for commercial agricultural activity, but it might be viable despite the cost consideration;
  - (ii) the Commissioner for Transport had reservation on the application. He considered that such type of development should be confined within the “Village Type Development” (“V”) zone as far as possible. Although additional traffic generated by the proposed development was not expected to be significant, such type of development outside the “V” zone, if permitted, would set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. Notwithstanding that, the application only involved construction of one NTEH. It was considered that the application could be tolerated; and
  - (iii) other departments consulted had no adverse comment on or no objection to the review application;

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

- (i) public comments - four public comments were received on the review application. A public comment supported the application as it could provide convenience to the villager. The remaining three public

comments objected to the application mainly on the grounds that the proposed NTEH development was not in line with the planning intention of the “AGR” zone, reduction of farmland would affect food supply, NTEH should be built within the “V” zone, ‘destroy first, build later’ should not be encouraged and no technical assessments were submitted to ensure there would be no adverse impacts on the surrounding area;

(j) PlanD’s views - the planning consideration and assessment as in paragraph 7 of the Paper were summarised below:

- (i) DAFC did not support the review application and advised that the applicant had not provided further information in the s.17 review to respond to his previous comments on the technical feasibility of the proposal in the section 16 application stage. Besides, he considered that agricultural use, be it for growing mushrooms, greenhouse or aqua produce as mentioned in the applicant’s development proposal, was always permitted on the site zoned “AGR”, whilst the proposed NTEH, which was a Column 2 use under the “AGR” zone, required planning permission from the Board. The applicant had not given convincing planning justification in his review application to demonstrate that the proposed NTEH was in line with the planning intention of the “AGR” zone or warranted a departure from this planning intention;
- (ii) ‘On-Farm Domestic Structure’ which complied with the specific development parameters and, with the recommendation of DAFC, was always permitted on the site and did not require planning permission from the Board, whereas the proposed NTEH at the site was a Column 2 use under the Notes for “AGR” zone;
- (i) with regard to the applicant’s comment in relation to Cap.121, District Lands Officer/North advised that the applicant should be obliged to confirm whether the proposed development was NTEH under Part 1 of the Schedule to Cap. 121;
- (iii) there had been no material change in the planning circumstances for the site and the surrounding area since the rejection of the subject

application by the RNTPC on 12.9.2014. In view of the above, the planning assessment at the section 16 application stage was still valid; and

- (iv) regarding the adverse public comments on the review application, the planning assessment and comments of concerned government departments were relevant.

41. The Vice-chairman then invited the applicant's representative to elaborate on the review application. With the aid of the visualizer, Mr K.K. Sit made the following main points with reference to his justification submitted on 14.10.2014 which was attached to the Paper:

- (a) the paper submitted for the RNTPC in considering the section 16 planning application had not included or responded to the following justifications put forward by the applicant:
  - (i) the applicant had once practised farming at the site, but that was regarded as unauthorized development by PlanD. The sunlight was too strong for farming and, as revealed in an interview with a farmer in relation to the Government's rolling out the public consultation of the agricultural policy, farmers should live close to their farmland. As such, domestic dwelling at the farmland was necessary;
  - (ii) a building height of 8m was needed to meet 2.5m minimum headroom requirement for a domestic floor under the Building (Planning) Regulations;
  - (iii) landscape screening was not required as it would lead to the loss of agricultural land; and
  - (iv) on-farm accommodation for farmer would not generate job-related transport needs;
- (b) the applicant had provided responses to DAFC's comments, but DAFC had ignored the responses in the current TPB paper. Regarding DAFC's views that the site was of high potential for agricultural rehabilitation and therefore

did not support the NTEH use, the proposal would enable agricultural rehabilitation as well as providing accommodation to the farmer. DAFC also ignored the applicant's response to DAFC's comments on cost and benefit issue of the proposed development;

- (c) the reduction from three to one NTEH on the lot should have answered the previous query on development intensity and demonstrated the applicant's genuine intention to rehabilitate the agricultural activities at the site; and
- (d) over the past four years, the applicant had tried to implement this proposal which should be permitted under Column 1 of the "AGR" zone. If the application was rejected, it would imply that a use permitted under Column 1 of the Notes could not be taken forward.

42. As the presentation from PlanD's representatives and the applicant's representative had been completed, the Vice-chairman invited questions from Members.

43. In response to Members' enquiry, Mr C.K. Soh explained the different requirements for 'On-Farm Domestic Structure' and NTEH. He said that NTEH should be three storeys (8.25m<sup>2</sup>) with a roofed-over area not exceeding 65.03m<sup>2</sup>. 'On-Farm Domestic Structure' was related to agricultural purpose and DAFC's support should be obtained when applying to DLO for the licence for such structure in agricultural land. Its dimension should not exceed a maximum of two storeys, 5.18m in height and a roofed-over area not exceeding 37.2m<sup>2</sup>. The Secretary supplemented that the covering Notes of Ta Kwu Ling OZP had set out the definition of NTEH while under the Notes for the "AGR" zone, 'On-Farm Domestic Use' was always permitted (a Column 1 use) and NTEH use required planning permission (a Column 2 use).

44. The Vice-chairman asked Mr K.K. Sit about the rationale for applying NTEH if the applicant's intention was for 'On-Farm Domestic Structure'. With reference to the extracts of the BO shown on the visualizer, Mr K.K. Sit responded that he had approached DLO for obtaining a licence for the proposed use, but DLO replied that the 'Certificate of Exemption in respect of Agricultural Use' of the BO only allowed building of a single storey with height of not more than 4.57m, or if for replacement housing, the building of a height of not more than 5.18m with a roofed-over area of not more than 37.16m. The proposal

therefore could not be processed by DLO. With reference to a letter to the Secretary to the Board shown on the visualizer, Mr K.K. Sit said that the applicant submitted an application form for 'On-Farm Domestic Structure' use at the site to the Board in 2013, but was returned by the Secretariat to the Board. As such, the applicant had no choice but to apply for NTEH to take forward his proposed on-farm domestic development of the intended dimensions. The proposed domestic structure would be elevated by 2m to incorporate a void on the ground level for a green house or hydroponic farming. The conversion of the void with such height to domestic use under BO was prohibited.

[Miss Julia M.K. Lau arrived to join the meeting and Professor C.M. Hui left the meeting at this point.]

45. Mr K.K. Sit said that the building height of 5.18m for 'On-Farm Domestic Structure' specified under the DoT was not sufficient for a two-storey development as a 2.5m headroom was required for each domestic floor under the BO and the remaining 0.18m could not accommodate three concrete slabs for the two-storey building structure. As such, the building height of 5.18m specified for the 'On-Farm Domestic Structure' was adopted years ago and could not meet current standard under the BO. He emphasized that the applicant needed to apply for NTEH as the Secretariat to the Board would not accept an application for 'On-Farm Domestic Structure', despite that according to the advice from the Department of Justice in another case, the section 16 planning application mechanism could be applicable to both Column 1 and Column 2 uses.

46. A Member asked Mr K.K. Sit about the rationale of not following the dimensions specified for on-farm domestic structure under the DoT. Mr K.K. Sit responded that only a cockloft could be provided with low headroom and residents would fall ill living in that cockloft.

47. A Member enquired whether it was not ideal or not feasible to implement the applicant's proposal based on the specified dimensions for the 'On-Farm Domestic Structure'. Mr K.K. Sit responded that notwithstanding his proposal was not in line with the dimensions specified for on-farm domestic structure, if his proposal was approved by the Board, relevant departments including DLO would honour the approval and the applicant's proposal could be implemented.



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

48. As the applicant's representative had no further comments to make and Members had no further questions to raise, the Vice-chairman informed them that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application in his absence and inform the applicant of the Board's decision in due course. The Vice-chairman thanked DPO/STN and the applicant's representative for attending the meeting. They all left the meeting at this point.

#### Deliberation

49. The Vice-chairman invited Members to consider the review application taking into account the written and oral submissions. Members noted that there was no change in the planning circumstances since the previous consideration of the subject application by the RNTPC, and despite the emphasis of the applicant's representative that the intention for the proposal was for 'On-Farm Domestic Structure', the current application was for NTEH use. Members agreed to maintain the RNTPC's decision to reject the application.

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

- “ (a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR) zone in the Ta Kwu Ling area which is primarily to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes. It also intends to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong justification in the submission for a departure from such planning intention; and
- (b) approval of the application would set an undesirable precedent for other similar applications within the “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area. ”

[The Chairman and Mr K.K. Ling returned to the meeting at this point.]

[Miss Winnie M.W. Wong, Mr Laurence W.C. Leung and Mr Patrick H.T. Lau left the meeting at this point.]

Hong Kong District

**Agenda Item 7**

[Open Meeting]

Request for Deferment of Review of Application No. A/H12/28

House (Proposed Vehicular Access) in “Green Belt” zone, Government Land to the North of 17 Bowen Road, Mid-Levels East

(TPB Paper No. 9824)

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[The item was conducted in Cantonese.]

51. The Secretary reported that as Lanbase Surveyors Limited (Lanbase) was the consultant of the applicant, the following Members had declared interests on this item:

- |                     |   |   |
|---------------------|---|---|
| Mr Patrick H.T. Lau | - | having business dealing with Lanbase            |
| Mr Laurence L.J. Li | - | his spouse owning a flat in Mid Level East area |

52. Members also agreed that as the applicant had requested for deferment of consideration of the review application and the above Members’ interests were indirect, he could stay in the meeting. Members noted that Mr Laurence L.J. Li had already left the meeting.

53. The Secretary said that on 5.12.2014, the applicant’s representative wrote to the Secretary of the Board and requested the Board to defer making a decision on the review application for two months to allow time for the applicant to prepare further information in support of the review application. This was the first request from the applicant for deferment of the review hearing.

54. Members noted that the justifications for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations,

Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No.33) in that the applicant needed more time to prepare further information which was essential for the consideration by the Board, the deferment period was not indefinite and the deferment would not affect the interests of other relevant parties.

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

[Ms Christina M. Lee left the meeting at this point.]

Fanling, Sheung Shui & Yuen Long East

**Agenda Item 8**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. TPB/A/YL-PH/698

Temporary Open Storage of Construction Materials and Containers with Parking of Heavy Vehicles for a Period of 3 years in "Agriculture" and " Village Type Development" zones, Lots 1866, 1981, 3047 and 3048 in D.D. 111, Kam Tin, Yuen Long

(TPB Paper No. 9823)

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[The item was conducted in Cantonese.]

56. The following representative from the Planning Department (PlanD) and the applicant's representative should be invited to the meeting :

Ms Maggie Chin

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

Ms Aneka, Cheng Shuk Ping ] Applicant's representative

Mr Yeung Chun Cheong ]

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

58. With the aid of a Powerpoint presentation, Ms Maggie Chin presented the review application and covered the following main points as detailed in the Paper:

- (a) on 22.7.2014, the applicant sought planning permission to use the application site (the site) for temporary open storage of construction materials and containers with parking of heavy vehicles for a period of 3 years. The site was partly zoned "Agriculture" ("AGR") and partly "Village Type Development" ("V") on the approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11;
- (b) the site was currently used for open storage of construction machineries, converted containers, vehicles and vehicle parts. Part of the site was subject to enforcement action as the storage use (including deposit of containers) currently found on-site was not covered by a valid planning permission and constituted an unauthorised development under the Town Planning Ordinance (the Ordinance). Enforcement action was in progress;
- (c) on 12.9.2014, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the application and the reasons were:
  - (i) the development was not in line with the planning intentions of the "V" and "AGR" zones. No strong planning justification had been given in the submission for a departure from the planning intentions, even on a temporary basis;
  - (ii) the application did not comply with the Town Planning Board Guidelines No. 13E in that the development was not compatible with the

surrounding land uses which were predominated by residential structures/dwellings and vacant/unused land. There was also no previous approval granted at the site and there were adverse departmental comments and public objections against the application;

- (iii) the applicant failed to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
  - (iv) the approval of the application, even on a temporary basis, would set an undesirable precedent for other similar uses to proliferate into this part of the “V” and “AGR” zones. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area;
- (d) on 13.10.2014, the applicant applied, under section 17(1) of the Ordinance, for a review of the RNTPC’s decision to reject the application. The applicant had not submitted any written representation or technical document in support of the review;
- (e) the site was paved, currently used for open storage and partly fenced off. It was accessible via a local track branching off Kam Tin Road to the northeast. Open storage/storage yards were found immediately next to the site to its north, south and southwest. Most of the open storage/ storage yards were suspected unauthorised developments subject to enforcement action to be taken by the Planning Authority. Residential dwellings were located to the northwest (about 30m), to the north (about 20m) and to the east (about 40m);
- (f) about 57.7% of the site under “AGR” zone fell within Category 3 areas and about 42.3% of the site under “V” zone fell within Category 4 areas under Town Planning Board Planning Guidelines No. 13E for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13E);
- (g) previous application - the southern portion of the site together with the adjoining land, which fell within Category 3 area according to TPB PG-No. 13E, was involved in three previous applications (No. A/YL-PH/235, 575 and

659). Application No. A/YL-PH/235 for nine temporary open storage yards of construction materials was rejected by the Committee on 30.10.1998. Application No. A/YL-PH/575 for temporary composting use and Application No. A/YL-PH/659 for proposed temporary open storage for construction materials and containers with parking of heavy vehicles were approved with conditions by the Committee on 27.2.2009 and 8.2.2013 respectively mainly on the consideration that previous approvals had been granted for the same use at the site. There was no previous planning application approved for the northern part of the site falling within Category 4 areas;

- (h) similar application – there were 14 similar applications for temporary open storage at the time of the consideration of the section 16 application and now 15 similar applications. Among the 15 similar applications, ten were approved as they were either with previous approvals or close to the proposed Shek Kong Stabling Sidings (SKSS) where the landscape character would be changed dramatically;
- (i) departmental comments – comments from the relevant government departments were detailed in paragraph 4 of the Paper and summarised below:
  - (i) the Director of Environmental Protection (DEP) did not support the application as the applicant would make use of an access road connecting Kam Tin Road to the site, where residential dwellings were found within 40m of the access road, and noise nuisance was expected;
  - (ii) the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) advised that two Small Houses were approved in the area;
  - (iii) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site fell partly within “AGR” zone and the applied use was not related to agriculture;
  - (iv) the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD had reservation on the application from the landscape planning perspective as there was inadequate information on the proposed layout and the application might involve felling of mature trees. The applicant was requested to submit and implement tree preservation proposal;

- (v) the Chief Engineer/Mainland North, Drainage Services Department requested the applicant to submit and implement drainage proposal;
  - (vi) the Director of Fire Services requested the applicant to provide fire extinguisher(s), submit and implement fire services installations proposal; and
  - (vii) other departments consulted had no adverse comment on or no objection to the review application;
- (j) public comments - no public comment was received on the review application. Two public comments objecting to the application were received at the section 16 stage mainly on the grounds that the local access road was too narrow; frequent traffic flow of heavy vehicles would pose danger to the residents in the area; the development was not in line with the planning intention of “AGR” zone; there was no traffic and sewerage impact assessments and supply of open storage space were sufficient; and the proposed use was unsightly and led to degradation of the land and environment;
- (k) PlanD’s views – the applicant had not submitted any written representation to support the review application. As there had been no material change in the planning circumstances since the consideration of the application by the RNTPC on 8.8.2014, the planning considerations and assessments remained valid and PlanD did not support the application. The planning consideration and assessment as in paragraph 7 of the Paper were summarised below:
- (i) no strong planning justification were given for a departure from the planning intentions of the “V” and “AGR” zones, even on a temporary basis;
  - (ii) there were adverse departmental comments, including comments from DAFC, DEP and CTP/UD&L on the application. The applicant failed to demonstrate that the proposed development would not generate adverse environmental, landscape and drainage impacts; and
  - (iii) the development was not in line with the TPB PG-No. 13E in that applications for open storage and port back-up use in Category 4 areas

would normally be rejected except under exceptional circumstances. Although previous approval for the same temporary use had been granted for the southern portion of the site which fell within Category 3, there was no previous approval granted for the substantial portion of the site. Existing and approved open storage use should be contained within the Category 3 areas and further proliferation of such use was not acceptable.

59. The Chairman then invited the applicant's representatives to elaborate on the review application. Ms Aneka Cheng made the following main points:

- (a) they had completed the works on widening of local track to the site, site clearance and drainage improvement before submitting the application. Since they improved the drainage system, no flooding occurred at the site on 30.3.2014 even with the heaviest rainfall recorded in two hundred years on that day;
- (b) as they did not employ consultants for making the application, they did not know that the assessments should be submitted to the Board;
- (c) they had tried to contact the District Council (DC) member who had raised objection to the application and request him to visit the site to show him that the access road could allow two-lane traffic and should not be considered as narrow. However, the DC member did not respond to their request. In fact, local residents would not use their access road to Kam Tin Road as it would take 25 minutes while an alternative road to the north of the site would only take 5 minutes;
- (d) she doubted whether departments concerned had visited the site which could not be rehabilitated for farming. The site was surrounded by car repairing workshops and any agricultural produce there could not be fit for consumption. The location of the site was also very remote and not ideal for residential use. It was not appropriate to leave so many pieces of land idle in Hong Kong.

[Actual speaking time : 5 minutes]



60. As the applicant's representatives had completed their presentation, the Chairman invited questions from Members.

61. In response to the Chairman's enquiry, Ms Maggie Chin advised that the site was subject to enforcement action undertaken by the Planning Authority.

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

### Deliberation

63. The Chairman invited Members to consider the review application taking into account the oral submission. Members noted that there was no change in the planning circumstances since the previous consideration of the subject application by the RNTPC and the applicant had not provided new justifications to support the review application. Members agreed to maintain the RNTPC's decision to reject the application.

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

- “ (a) the development is not in line with the planning intentions of the “Village Type Development” and “Agriculture” zones. No strong planning justification has been given in the submission for a departure from the planning intentions, even on a temporary basis;
- (b) the application does not comply with the Town Planning Board Planning Guidelines No. 13E “Application for Open Storage and Port Back-up Uses” in that the development is not compatible with the surrounding land uses which are predominated by residential structures/dwellings and vacant/unused land. There is also no

previous approval granted at the site and there are adverse departmental comments and public objections against the application;

- (c) the applicant fails to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for other similar uses to proliferate into this part of the “V” and “AGR” zones. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area. ”

[Mr Eric K.S. Hui and Ms Anita W.T. Ma left the meeting at this point.]

### **Agenda Item 9**

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations in respect of the

Draft Fanling/Sheung Shui Outline Zoning Plan No. S/FSS/19,

Draft Fu Tei Au and Sha Ling Outline Zoning Plan No. S/NE-FTA/13,

Draft Hung Lung Hang Outline Zoning Plan No. S/NE-HLH/8 and

Draft Ma Tso Lung and Hoo Hok Wai Outline Zoning Plan No. S/NE-MTL/2

(TPB Paper No.9819)

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[The meeting was conducted in Cantonese]

65. The Secretary reported that as the amendments to the subject four Outline Zoning Plans (OZPs) were to excise the areas for incorporation into the Fanling North (FLN) OZP and the Kwu Tung North (KTN) OZP, the Secretary reported that the following Members had declared interests on this item:

Ms Julia M.K. Lau - being a representer and a commenter in respect of  
FLN OZP (FLN-R13 and FLN-C6009)

Mr Patrick H.T. Lau - his company was involved in the submission of proposals for a consultancy study on the Development of KTN and FLN New Development Areas (NDAs), Phase 1 – Design and Construction

66. Members noted that Ms Julia M.K. Lau and Mr Patrick H.T. Lau had not been invited to attend the hearing meeting of the FLN and KTN OZPs in the capacity as a Member, and Mr Patrick H.T. Lau had already left the meeting. The meeting agreed that Ms Julia Lau should be invited to leave the meeting temporarily.

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

#### Presentation and Question Sessions

67. The Chairman said that sufficient notice had been given to all the representers inviting them to the hearing, but other than those who were present or indicated that they would attend the meeting, the rest had either indicated not to attend the hearing or made no reply. As reasonable notice had been given to the representers, Members agreed to proceed with the hearing in their absence.

68. The following government representatives and representer were invited to the meeting at this point:

Ms Maggie M.Y. Chin	- District Planning Officer/ Fanling, Sheung Shui & Yuen Long East (DPO/FS&YLE), PlanD
Mr Kevin C.P. Ng	- Senior Town Planner/Fanling Sheung Shui (STP/FS(2) )
Mr Otto K.C. Chan	- Senior Town Planner/Fanling Sheung Shui (STP/FS(1) )
Mr Mak Yui Kan, Raphael	- Representer (R4)

69. The Chairman extended a welcome and explained the procedure of the hearing and invited DPO/FS&YLE to brief Members on the background of the representations.

70. With the aid of a Powerpoint presentation, Mr Kevin C.P. Ng, STP/FS(2), made the following main points as detailed in the Paper:

Background

- (a) on 20.12.2013, the draft Fanling/Sheung Shui (FSS) OZP No. S/FSS/19, draft Fu Tei Au and Sha Ling (FTA) OZP No. S/NE-FTA/13 and draft Hung Lung Hang (HLH) OZP No. S/NE-HLH/8 were exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). On the same day, the draft Ma Tso Lung and Hoo Hok Wai (MTL) OZP No. S/NE-MTL/2 was exhibited for public inspection under section 7 of the Ordinance;
- (b) the amendments to these four draft OZPs, apart from Amendment Items C and D of FSS OZP, were mainly to excise part of their planning scheme areas for incorporation into the OZP No. S/KTN/1 and/or FLN OZP No. S/FLN/1. Amendment Items C and D were site-specific involving rezoning some small areas at Sheung Yue River/Shek Sheung River and Chuk Wan Street to reflect the existing land uses as road and river channel;
- (c) a total of 13 representations and one comment were received, but the comment was not related to the subject amendments and the representations. On 4.7.2014, the Town Planning Board (the Board) agreed that the comment was invalid and should be treated as not having been made;
- (d) on 4.7.2014, the Board decided to consider the representations of these four draft OZPs collectively in one group. On 25.9.2014, the Chief Executive, under the section 8(2) of the Ordinance, agreed to extend the statutory time limit for the Board to submit these four draft OZPs together with the draft KTN OZP No. S/KTN/1 and draft FLN OZP No. S/FLN/1 to the Chief Executive in Council for approval for six months from 20.11.2014 to 20.5.2015 as more time was required for the Board to complete the hearing

of representations and comments due to the large number of representations and comments received on the KTN and FLN OZPs;

#### Public Consultation

- (e) on 12.12.2013, the amendments incorporated into these four draft OZPs were presented to the North District Council (NDC), and the NDC had no comments on the proposed amendments. The four draft OZPs together with their Notes and Explanatory Statements were also circulated to relevant Rural Committees, i.e. Sheung Shui District Rural Committee and Fanling District Rural Committee on 10.1.2014;

#### The Representations

- (f) a total of 13 representations were received for four draft OZPs. Six valid representations (R1 to R6 of FSS OZP) were received for the draft FSS OZP No. S/FSS/19; two valid representations (R1 and R2 of FTA OZP) were received for the draft FTA OZP No. S/NE-FTA/13; two valid representations (R1 and R2 of HLH OZP) were received for the draft HLH OZP No. S/NE-HLH/8 and three valid representations (R1 to R3 of MTL OZP) were received for the draft MTL OZP No. S/NE-MTL/2. R1 of MTL OZP was submitted by the Conservancy Association and the rest of representations were submitted by general public;

#### Grounds of Representation and Representer's Proposals

- (g) the major grounds of representations were summarised below:

##### *Supportive Representation (R1 of FSS OZP)*

- (i) R1 of FSS OZP generally supported all the amendment items for the draft FSS OZP;

*Adverse Representations (R2 to R6 of FSS OZP, R1 and R2 of FTA OZP, R1 to R3 of MTL OZP and R1 and R2 of HLH OZP)*

- (ii) the development was only for building a place for parallel imports (R2 of FSS OZP);
- (iii) opposed the North East New Territories (NENT) development plan as it would spoil the rural environment and destroy the homes of villagers and agriculture land. The development would only benefit property developers. NENT was a natural buffer between Hong Kong and the Mainland, and should be preserved (R3 of FSS OZP);
- (iv) the NENT New Development Areas (NDAs) development plan had not respected the existing socio-economic fabric. The NDAs development plan should be withdrawn and the planning and consultation of the NDAs development should be restarted (R4 of FSS OZP);
- (v) 447 ha of agricultural land within the KTN planning scheme area should be retained instead of being resumed for NDAs development (R5 of FSS OZP, R1 of FTA OZP, R2 of MTL OZP and R1 of HLH OZP);
- (vi) there was a large amount of vacant land in other areas to cater for the housing needs. The Government should reconfirm the economic value of agriculture to society and should not destroy agricultural land and the existing rural areas. Agricultural land and village should be retained with a view to designating the planning scheme area as a base for 'urban-rural interactive organic farm'. In designing the public transport interchange, the Government had overestimated the traffic demand, in particular the traffic demand between the Mainland and Hong Kong (R6 of FSS OZP, R2 of FTA OZP, R3 of MTL OZP and R2 of HLH OZP); and

- (vii) the NDAs had failed to consider the ecological and agricultural concerns in full (R1 of MTL OZP);
- (h) the representer's proposals (R1 of MTL OZP) were summarised as follow:
  - (i) to take away the section of road linking Lok Ma Chau (LMC) Eastern Connection Road (ECR) in order to preserve the Ma Tso Lung Stream and the wetland in Hoo Hok Wai; and
  - (ii) to zone the entire Ma Tso Lung stream and its riparian zone as conservation zonings such as "Conservation Area" and "Green Belt", and relocate various land use in adjacent, such as brownfield sites in the KTN NDA;

#### Responses to the Grounds of Representations and Representer's Proposals

- (i) the responses to the grounds of representations and representer's proposals were summarised as follow:
  - (i) the supportive representation (R1 of FSS OZP) was noted;
  - (ii) R2 of FSS OZP had not provided any justification on the claim that the purpose of the OZP was to provide a place for parallel imports. The representation was also not related to any of the amendment items of the draft FSS OZP which mainly involved adjustments of the planning scheme boundary of the draft FSS OZP and rezoning of two small areas to reflect the existing land uses;
  - (iii) objection grounds of R3 and R4 of FSS OZP were not related to the amendment items of the draft FSS OZP;
  - (iv) objection grounds of R5 of FSS OZP, R1 of FTA OZP, R2 of MTL OZP and R1 of HLH OZP were not related to the amendment items of FSS, FTA, HLH and MTL OZPs;

- (v) objection grounds of R6 of FSS OZP, R2 of FTA OZP, R3 of MTL OZP and R2 of HLH OZP were not related to the amendment items of FSS, FTA, HLH and MTL OZPs; and
- (vi) for R1 of MTL OZP, the upper/middle sections of Ma Tso Lung stream fell within the KTN OZP which would be considered by the Board under the KTN OZP separately. As for the lower section of Ma Tso Lung stream, it fell within the “AGR” zone under the draft MTL OZP No. S/NE-MTL/2, i.e. its zoning had remained unchanged as the previous draft MTL OZP No. S/NE-MTL/1. The concern of the representation was not related to any of the amendment items of the draft MTL OZP;

#### PlanD's Views

- (j) PlanD's views on the representations as summarised in paragraph 7 of the Paper were:
  - (i) the supportive representation (R1 of FSS OZP) for the draft FSS OZP No. S/FSS/19 were noted; and
  - (ii) PlanD did not support the adverse representations (R2 to R6 of FSS OZP, R1 and R2 of FTA OZP, R1 and R2 of HLH OZP and R1 to R3 of MTL OZP) and considered that the concerned OZPs (Nos. S/FSS/19, S/NE-FTA/13, S/NE-HLH/8 and S/NE-MTL/2) should not be amended to meet the representations.

71. The Chairman then invited the representer to elaborate on the representation.

#### R4 - Mr Mak Yui Kan, Raphael

72. Mr Mak made the following main points:

- (a) his objection was not in respect of the detailed land use planning of the OZPs but the *tabula rasa* ('clean slate') approach in developing the NENT NDAs. Under the 'clean slate' planning approach, the existing



community and developments were totally removed and replaced by new buildings. That approach had been adopted by the Government from post-war period to 80's for developing new towns by reclamation and removal of agricultural land.

[Mr Stephen H.B. Yau left the meeting at this point.]

- (b) the *tabula rasa* was advocated by a Swiss Architect, Le Corbusier, who promulgated the redevelopment of central Paris into an orderly arrayed town similar to Tin Shui Wai. Le Corbusier considered that the new city formed under that approach was an improvement and in the public interest while the existing developments fell behind society's needs. The governments and urban planners worldwide had once followed the 'clean slate' approach which was however considered as a failure some ten years ago. That approach failed to understand the operation of the existing community, and the intended land uses by the government and the urban planners might not meet the community's needs. He considered that if the planning of NENT NDAs followed the 'clean slate' approach, another failure as that in Tin Shui Wai case would be the result;
- (c) the fundamental problem of the 'clean slate' approach was its inherent violence to remove homes of the people in the names of society improvement and public interest. The public interest from the government's perspective was in fact the interest of the developers; and
- (d) he suggested that the Government revisit the planning of NENT NDAs and work out a plan to build on the existing developments and agricultural uses, and the objective should be to align the resources to facilitate the existing community to grow. Planning should be for the people, not to realize the vision of government officials.

73. As the representer had completed his presentation, the Chairman invited questions from Members. As Members had no questions to raise, the Chairman said that the hearing procedures had been completed and the Board would deliberate on the representations in their absence and would inform the representers of the Board's decision in due course.

The Chairman thanked the representer and the government's representatives for attending the meeting. They all left the meeting at this point.

### Deliberation

74. The Chairman invited Members to consider the representations taking into account the written and oral submissions. Members noted that the amendments to the four OZPs were mainly to excise the areas for NENT NDAs for incorporation into two new OZPs, i.e. KTN and FLN OZPs, that were under consideration by the Board.

75. As the Board was still considering the representations and comments in respect of the FLN and KTN OZPs, some Members opined that notwithstanding that the hearing of the representations to the four OZPs had been completed, it might be more prudent to defer the decisions on these representations until the hearing of the representations and comments in respect of the FLN and KTN OZPs were also completed such that the decisions on all the representations and comments in respect to these six related OZPs could be made together. After deliberation, Members agreed to defer the decisions on the representations to the subject four OZPs such that the decisions on all the representations and comments in respect to the four OZPs and the related FLN and KTN OZPs could be made together.

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

### **Agenda Item 10**

[Open Meeting ]

Information Note and Hearing Arrangement for Consideration of Representations and Comment of the Draft Kwun Tong (South) Outline Zoning Plan No. S/K14S/19  
(TPB Paper No. 9825)

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[The item would be conducted in Cantonese.]

76. The Secretary reported that the following Members had declared interests on the item for affiliation with the Hong Kong Housing Authority (HKHA) since the amendment item was to facilitate a public rental housing development by the HKHA:

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   |
| Mr H.F. Leung  | - | being a member of the Tender Committee of HKHA and having business dealings with HKHA  |
| Mr K.K. Ling<br>(as Director of Planning)  | - | being a member of the Strategic Planning Committee and Building Committee of HKHA  |
| Ms Bernadette H.H. Linn<br>(as Director of Lands)  | - | being a member of HKHA   |
| Mr Eric K.S. Hui<br>as Assistant Director, Home<br>Affairs Department  | - | being a representative of the Director of Home Affairs who was a member of the Strategic Planning Committee of HKHA              |
| Miss Winnie M.W. Wong<br>(as Principal Assistant<br>Secretary (Transport),<br>Transport and Housing<br>Bureau) | - | being the representative of the Secretary for Transport and Housing who was a member of the Strategic Planning Committee of HKHA |
| Ms Julia M.K. Lau  | - | being a member of the Commercial Properties Committee and Tender Committee of HKHA   |
| Ms Janice W.M. Lai   | ] | having business dealings with HKHA   |
| Mr Dominic K.K. Lam  | ] |  |
| Mr Patrick H.T. Lau  | ] |  |

77. The meeting agreed that as the item was procedural in nature and no discussion was required, the above Members could stay in the meeting. Members noted that Mr H.F.

Leung had tendered apology for being unable to attend the meeting, and that Mr Eric K.S. Hui, Miss Winnie M.W. Wong, Ms Julia M.K. Lau and Mr Patrick H.T. Lau had already left the meeting.

78. The Secretary reported that on 18.7.2014, the draft Kwun Tong (South) Outline Zoning Plan No. S/K14S/19 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of 1,474 representations were received, but one representation was subsequently withdrawn by the representer (R818). On 28.10.2014, the representations were published for 3 weeks for public comments. One comment was received.

79. All the 1,473 representations received were related to under Item A, i.e. the rezoning of the site abutting Hiu Ming Street and Hiu Kwong Street for public housing development. Except for one supportive representation (R1), the remaining 1,472 representations objected to the rezoning.

80. The comment (C1) was related to R2. C1 considered the traffic condition of the area should be well thought-out in view of the existing traffic congestion in the area.

81. Since the amendments incorporated in the Plan had attracted general local concerns with a substantial number of representations received, it was recommended that the representations and comment should be considered by the full Board without resorting to the appointment of a Representation Hearing Committee. Based on the similar nature of representations, the hearing of the representations was suggested to be considered collectively in one group. Because of the large number of representations and comment received and to ensure efficiency of the hearing, it was recommended that a maximum of 10 minutes presentation time be allotted to each representer/commenter in the hearing session. The hearing was tentatively scheduled for 13.2.2015.

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

**Agenda Item 11**

[Open Meeting]

Submission of the Draft Ping Chau Development Permission Area Plan No. DPA/NE-PC/1A to the Chief Executive in Council for Approval under section 8 of the Town Planning Ordinance (TPB Paper No. 9826)

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[The item was conducted in Cantonese.]

83. The Secretary reported that on 17.2.2014, under the power delegated by the Chief Executive, the Secretary for Development directed the Town Planning Board (the Board), under section 3(1)(b) of the Ordinance to prepare a draft plan designating the Ping Chau area as a development permission area (DPA). On 28.3.2014, the draft Ping Chau DPA Plan No. DPA/NE-PC/1 (the DPA Plan) was exhibited for public inspection under section 5 of the Ordinance. A total of 338 representations were received. No comment was received.

84. After giving consideration to the representations on 19.12.2014, the Board decided not to propose any amendment to the draft DPA Plan to meet the representations.

85. Since the representation consideration process had been completed, the draft Ping Chau DPA Plan was now ready for submission to the Chief Executive in Council (CE in C) for approval.

86. After deliberation, the Board :

- (a) agreed that the draft Ping Chau DPA Plan No. DPA/NE-PC/1A and its Notes at Annexes I and II of the Paper respectively were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) endorsed the updated Explanatory Statement (ES) for the draft Ping Chau DPA Plan No. DPA/NE-PC/1A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the draft Ping Chau DPA Plan and issued under the name of the Board; and
- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft DPA Plan.

**Agenda Item 12**

[Open Meeting]

Submission of the Draft Tai Po Kau Development Permission Area Plan No. DPA/NE-TPK/1A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance

(TPB Paper No. 9827)

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[The item was conducted in Cantonese.]

87. The Secretary reported that on 17.2.2014, under the power delegated by the Chief Executive, the Secretary for Development directed the Town Planning Board (the Board), under section 3(1)(b) of the Ordinance to prepare a draft plan designating the sites near Ngau Wu Tok and Tai Po Mei area as a development permission area (DPA). On 21.3.2014, the draft Tai Po Kau DPA Plan No. DPA/NE-TPK/1 was (the DPA Plan) exhibited for public inspection under section 5 of the Ordinance. A total of 49 representations were received. No comment on the representations was received.

88. After giving consideration to all the representations on 5.12.2014, the Board noted the supportive views of Representations No. R17 to R46 on the DPA Plan, and decided not to uphold Representations No. R1 to R16, the remaining parts of Representations No. R17 to R46, and R47 to R49 and agreed that no amendment should be made to the DPA Plan to meet the representations.

89. Since the representation consideration process had been completed, the draft Tai Po Kau DPA Plan was now ready for submission to the Chief Executive in Council (CE in C) for approval.

90. After deliberation, the Board :

- (a) agreed that the draft Tai Po Kau DPA Plan No. DPA/NE-TPK/1A and its Notes at Annexes I and II of the Paper respectively were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) endorsed the updated Explanatory Statement (ES) for the draft Tai Po Kau DPA Plan No. DPA/NE-TPK/1A at Annex III of the Paper as an expression

of the planning intention and objectives of the Board for the draft Tai Po Kau DPA Plan and issued under the name of the Board; and

- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft DPA Plan.

### **Agenda Item 13**

[Open Meeting]

Submission of the Draft Cheung Sheung Development Permission Area Plan No. DPA/NE-CS/1A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance

(TPB Paper No. 9828)

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[The item was conducted in Cantonese.]

91. The Secretary reported that on 17.2.2014, under the power delegated by the Chief Executive, the Secretary for Development directed the Town Planning Board (the Board), under section 3(1)(b) of the Ordinance to prepare a draft plan designating the Cheung Sheung area as a development permission area (DPA). On 21.3.2014, the draft Cheung Sheung DPA Plan No. DPA/NE-CS/1 (the DPA Plan) was exhibited for public inspection under section 5 of the Ordinance. A total of eight representations and one comment were received.

92. After giving consideration to all the representations and comment on 5.12.2014, the Board noted the supportive views of Representations No. R4 to R6 on the DPA Plan, and decided not to uphold Representations No. R1 to R3, the remaining parts of Representations No. R4 to R6, as well as R7 and R8 and agreed that no amendment should be made to the DPA Plan to meet the representations.

93. Since the representation consideration process had been completed, the draft Cheung Sheung DPA Plan was now ready for submission to the Chief Executive in Council (CE in C) for approval.

94. After deliberation, the Board :

- (a) agreed that the draft Cheung Sheung DPA Plan No.DPA/NE-CS/1A and its Notes at Annexes I and II of the Paper respectively were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) endorsed the updated Explanatory Statement (ES) for the draft Cheung Sheung DPA Plan No.DPA/NE-CS/1A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the draft Cheung Sheung DPA Plan and issued under the name of the Board; and
- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft DPA Plan.

[Professor P.P. Ho left the meeting at this point.]

#### **Agenda Item 14**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comment to the Draft Kwai Chung Outline Zoning Plan No. S/KC/28

(TPB Paper No. 9829)

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[The item was conducted in Cantonese.]

95. The Secretary reported that the following Members had declared interests on the item since one of the proposed amendments was to facilitate a public housing development by the Hong Kong Housing Authority (HKHA) and two representations (R14 and R15) were submitted by the MTR Corporation Limited (MTRCL):

- |                      |   |
|----------------------|---|
| 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                                    |



- |   |  |
|---|--|
| Mr H.F. Leung   | - being a member of the Tender Committee of HKHA and having business dealings with HKHA  |
| Mr K.K. Ling<br>(as Director of Planning)   | - being a member of the Strategic Planning Committee and Building Committee of HKHA  |
| Ms Bernadette H.H. Linn<br>(as Director of Lands)   | - being a member of HKHA   |
| Mr Eric K.S. Hui<br>(as Assistant Director, Home Affairs Department)                                  | - being a representative of the Director of Home Affairs who was a member of the Strategic Planning Committee of HKHA              |
| Miss Winnie M.W. Wong<br>(as Principal Assistant Secretary (Transport), Transport and Housing Bureau) | - being the representative of the Secretary for Transport and Housing who was a member of the Strategic Planning Committee of HKHA |
| Ms Julia M.K. Lau   | - being a member of the Commercial Properties Committee and Tender Committee of HKHA   |
| Mr Ivan C.S. Fu   | ] having business dealings with HKHA and MTRCL   |
| Ms Janice W.M. Lai  |  |
| Mr Dominic K.K. Lam   |  |
| Mr Patrick H.T. Lau   |  |

96. The meeting agreed that as the item was procedural in nature and no discussion was required, the above Members should be allowed to stay in the meeting. Members noted that Mr H.F. Leung had tendered apology for being unable to attend the meeting, and that Professor P.P. Ho, Mr Eric K.S. Hui, Miss Winnie M.W. Wong, Ms Julia M.K. Lau and Mr Patrick H.T. Lau had already left the meeting.

97. The Secretary reported that on 13.6.2014, the draft Kwai Chung Outline Zoning Plan No. S/KC/28 (the Plan) was exhibited for public inspection under section 7 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of 1,601 representations were received. On 14.10.2014, the representations were published for three weeks for public comments and one comment was received.

98. Amongst 1,601 representations received, ten were related to the proposed public housing sites under Amendment Items A1, A2, B1 and B2, and 1,597 were related to the proposed private housing site under Amendment Item C, of which, three objected to the Notes of the “Residential (Group A)” zone as well.

99. The only comment (C1) supported Amendment Items A1, A2, B1 and B2 but opposed Amendment Item C.

100. Since the amendments incorporated in the Plan had attracted general local concerns with a substantial number of representations received, it was recommended that the representations and comment should be considered by the full Board without resorting to the appointment of a Representation Hearing Committee. Since the majority of the representations related to the proposed public housing sites under Amendment Items A1, A2, B1, B2 (six out of ten) were also concerned about Amendment Item C, and the only comment received was also related to all the Amendment Items, the hearing of the representations and the comment was recommended to be considered collectively in one group. Because of the large number of representations and comment received and to ensure efficiency of the hearing, it was recommended that a maximum of 10 minutes presentation time be allotted to each representer/commenter in the hearing session. The hearing was tentatively scheduled for April 2015.

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

102. A Member raised the concern that a large number of the written representations were submitted by individuals with unclear unknown or without names and it would be difficult to ascertain the identity of the representers. It could not preclude that these submissions were submitted by a few individuals who intended to inflate the number of supporting/opposing representations. Another Member opined that if the identity of the

representers could not be ascertained, they should not be allowed to authorize representatives to make oral submission. The Secretary said that the concerns of the Member were noted and the procedures of handling the representations and comments were being reviewed. The Secretariat would report to the Board on the review in due course.

### **Agenda Item 15**

[Open Meeting]

Submission of the Draft Tai Ho Development Permission Area Plan No. DPA/I-TH/1A under Section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval  
(TPB Paper No. 9830)

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[The item was conducted in Cantonese.]

103. The Secretary reported that on 17.2.2014, under the power delegated by the Chief Executive, the Secretary for Development directed the Town Planning Board (the Board), under section 3(1)(b) of the Ordinance, to prepare a draft plan designating Tai Ho as a development permission area (DPA). On 28.3.2014, the draft Tai Ho DPA Plan No. DPA/I-TH/1 (the DPA Plan) was exhibited for public inspection under section 5 of the Ordinance. A total of 642 representations and a total of 206 comments were received.

104. After giving consideration to the 642 representations and 206 comments on 19.12.2014, the Board decided not to propose any amendment to the DPA Plan to meet the representations.

105. Since the representation consideration process had been completed, the draft Tai Ho DPA Plan was now ready for submission to the Chief Executive in Council (CE in C) for approval.

106. After deliberation, the Board :

- (a) agreed that the draft Tai Ho DPA Plan No. DPA/I-TH/1A and its Notes at Annexes I and II of the Paper respectively were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) endorsed the updated Explanatory Statement (ES) for the draft Tai Ho DPA Plan No. DPA/I-TH/1A at Annex III of the Paper as an expression of the

planning intention and objectives of the Board for the Tai Ho DPA Plan and issued under the name of the Board; and

- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft DPA Plan.

**Agenda Item 16**

Any Other Business

[Closed Meeting]

[The item was conducted in Cantonese.]

107. The Secretary briefed Members that in respect of the letter from 東北城規組 to the Board dated 6.1.2015, a draft reply was prepared and was distributed to Members for consideration at the meeting. Members noted that the draft reply was prepared based on the previous discussion of the Board. Members went through the draft reply letter and made some comments on its wording. Members agreed that the secretariat should issue the reply to 東北城規組 upon incorporation of Members' comments at the meeting.

[Post-meeting Notes : The reply was issued to 東北城規組 on 9.1.2015.]

108. There being no business, the meeting was adjourned at 1:35pm.