

**Minutes of 1080th Meeting of the  
Town Planning Board held on 6.3.2015**

**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

Ms Julia M.K. Lau

Mr Laurence L.J. Li

Dr W.K. Yau

Professor K.C. Chau

Mr H.W. Cheung

Dr Wilton W.T. Fok

Mr Ivan C.S. Fu

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Mr H. F. Leung

Mr Stephen H.B. Yau

Mr Frankie W.C. Yeung

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Dr Lawrence W.C. Poon

Deputy Director of Environmental Protection  
Mr C.W. Tse

Chief Engineer (Works), Home Affairs Department  
Mr Martin W.C. Kwan

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

Assistant Director (Regional 1), Lands Department  
Ms Doris M.Y. Chow (a.m. session)

Deputy Director of Lands (General), Lands Department  
Mr Jeff W.T. Lam (p.m.session)

Director of Planning  
Mr K.K. Ling

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

Secretary

**Absent with Apologies**

Dr C.P. Lau

Mr Clarence W.C. Leung

Ms Anita W.T. Ma

Ms Bonnie J.Y. Chan

Mr Sunny L.K. Ho

Ms Christina M. Lee

Mr F.C. Chan

Mr Philip S.L. Kan

**In Attendance**

Assistant Director of Planning/Board

Miss Fiona S.Y. Lung

Chief Town Planner/Town Planning Board

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

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

Senior Town Planner/Town Planning Board

Ms Karen F.Y. Wong (a.m. session)

Mr Raymond H.F. Au (p.m. session)

**Note of Thanks and Welcome**

1. As Dr Eugene K.K. Chan and Mr Francis T.K. Ip had tendered their resignation from the Board, the Chairman proposed and Members gave a note of thanks to them for their past service and invaluable contribution to the Board.

2. The Chairman said that it was the first meeting of the new term for Dr Lawrence W.C. Poon and Mr Philip S.L. Kan, and on behalf of all Members, he extended a note of welcome to the two new members.

**Agenda Item 1**

[Open meeting]

(a) Confirmation of Minutes of the 1074<sup>th</sup> Meeting held on 13.2.2015

[The meeting was conducted in Cantonese.]

3. The minutes of the 1074<sup>th</sup> meeting held on 13.2.2015 were confirmed without amendments.

(b) Confirmation of Minutes of the 1079<sup>th</sup> Meeting held on 13.2.2015

[The meeting was conducted in Cantonese.]

4. The Secretary reported that ‘Mr Eric K.S. Hui (as Assistant Director of Home Affairs Department)’ on p.33 of the draft minutes should read ‘Mr Martin W.C. Kwan (as Chief Engineer (Works), Home Affairs Department)’. The meeting agreed that the minutes of the 1079<sup>th</sup> meeting held on 13.2.2015 were confirmed subject to the incorporation of the amendment.

**Agenda Item 2**

[Open Meeting]

Matters Arising

[The meeting was conducted in Cantonese.]

(i) Amendments to Confirmed Minutes of the 1074<sup>th</sup> Meeting held on 11.12.2014

5. The Secretary reported that the Deputy Director of Lands had proposed some editorial amendments to paragraphs 52 and 64 of the minutes of the 1074<sup>th</sup> Meeting for the session held on 11.12.2014 in relation to the consideration of representations and comments in respect of the draft Tai Po Outline Zoning Plan No. S/TP/25. The proposed amendments were tabled at the meeting.

6. The meeting agreed to amend the minutes as shown on the amendment pages tabled at the meeting.

(ii) New Town Planning Appeals Received

(1) Town Planning Appeal No. 5 of 2015

Temporary Open Storage of Containers for Storage for a Period of 3 Years in “Agriculture” zone, Lots 490 to 493 in D.D. 117, Tai Tong, Yuen Long, New Territories

(Application No. A/YL-TT/334)

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7. The Secretary reported that a Notice of Appeal against the decision of the Town Planning Board (the Board) on 21.11.2014 to reject on review an application (No. A/YL-TT/334) for temporary open storage of containers for storage for a period of 3 years in “Agriculture” (“AGR”) zone on the Tai Tong Outline Zoning Plan was received by the Appeal Board Panel (Town Planning) on 13.2.2015. The application was rejected by the Board for the following reasons:

- (a) the development was not in line with the planning intention of the “AGR” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development under application did not comply with Town Planning Board Guidelines No. 13E (TPB PG-No.13E) for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance in that there was no previous planning approval granted to the site and there were adverse departmental comments and local objections against the application;
- (c) the applicant failed to demonstrate that the development would not generate adverse environmental 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 similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

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

(2) Town Planning Appeal No. 6 of 2015

Proposed Columbarium in “Government, Institution or Community” and “Undetermined” Zones, Lots 879, 880 S.A ss1, 880 S.B ss1, 881 to 885, 889 RP (Part), 891 (Part), 1318, 1326, 1344 (Part) in D.D. 115 and adjoining Government Land, Au Tau, Nam Sang Wai, Yuen Long  
(Application No. A/YL-NSW/204)

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9. The Secretary reported that a Notice of Appeal against the decision of the Town Planning Board (the Board) on 5.12.2014 to reject on review an application (No. A/YL-NSW/204) for columbarium use at a site zoned partly “Government, Institution or Community” (“G/IC”) and partly “Undetermined” (“U”) on the approved Nam Sang Wai Outline Zoning Plan No. S/YL-NSW/8 was received by the Appeal Board Panel (Town Planning) on 13.2.2015. The application was rejected by the Board for the following reasons:

- (a) the proposed columbarium was located in an “U” zone which was being comprehensively reviewed. Approval of the columbarium would unduly constrain optimization of the future land use in the area;
- (b) the implementability of the proposed traffic management measures was doubtful. The application failed to demonstrate that the development would not cause adverse traffic impact on the area, in particular, that the emergency services of Pok Oi Hospital would not be affected; and
- (c) the approval of the proposed development would set an undesirable precedent for other similar applications.

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

(iii) Appeal Statistics

11. The Secretary reported that as at 2.3.2015, 21 cases were yet to be heard by the Appeal Board Panel (Town Planning). Details of the appeal statistics were as follows:

Allowed	32
Dismissed	136
Abandoned/Withdrawn/Invalid	186
Yet to be Heard	21
Decision Outstanding	0
<hr/> Total	<hr/> 375

(iv) The Judicial Review Application

12. The Secretary reported that on 18.2.2015, a judicial review (JR) application was lodged by Ms Chan Ka Lam against (i) the decisions of the Chief Executive in Council (CE in C) to approve the draft Hoi Ha Outline Zoning Plan (OZP), the draft Pak Lap OZP and the draft So Lo Pun OZP (“the three draft OZPs”); and (ii) the decisions of the Town Planning Board (the Board) to submit the three draft OZPs to the CE in C for approval.

13. The applicant was a presenter and commenter in respect of the three draft OZPs.

14. The main grounds of the JR application were summarized as follows:

- (a) The Board had not considered or assessed the available evidence including the representations and comments made by individuals, non-governmental organisations and scientific experts relating to the excessive size and wrong location of the “Village Type Development” zones; inadequate zoning for conservation; breach of the Country Park Enclave (CPE) policy; environmental, visual, traffic and drainage impacts; and cumulative impacts of development and carrying capacity of the CPs;
- (b) the CE in C could not reasonably come to the conclusion to approve the 3 draft

OZPs; and

- (c) the 3 draft OZPs were flawed on Wednesbury reasonableness grounds for :
  - (i) there was a failure to take into account relevant considerations including the statutory purpose and duties, the Convention on Biological Diversity, policy statements, ineffectiveness of planning control by OZPs, evident unauthorized development in Pak Lap, and special conservation, landscape and aesthetic value of the CPEs;
  - (ii) having taken into account irrelevant considerations including Small House demand, development potential and management difficulties;
  - (iii) having relied on erred fact of unverified Small House demand estimates;  
and
  - (iv) illogical reasoning.

15. The relief sought for JR application included, inter alia, an Order of Certiorari to bring up and quash the decisions of the CE in C and the Board; an Order of Mandamus to direct the CE in C to refuse to approve the three draft OZPs and/or refer them to the Board for further consideration and amendment or to replace them with new plans; and an Order of Mandamus to direct the Board to further consider and amend the 3 draft OZPs and/or to replace them with new plans. The Court had not yet granted leave to the JR application. Members noted the JR and agreed that the Secretary would represent the Board in all matters relating to the JRs in the usual manner.

[Ms Janice W.M. Lai and Mr Patrick H.T. Lau arrived to join the meeting at this point.]



**Agenda Item 12**

Application to the Chief Executive under Section 8(2) of the Town Planning Ordinance for Extension of Time Limit for Submission of the draft Tai Po Outline Zoning Plan No. S/TP/25 to the Chief Executive in Council for Approval

(TPB Paper No. 9864)

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[Open Meeting][The item was conducted in Cantonese.]

16. The Secretary proposed and Members agreed to advance Agenda Item 12 for consideration.

17. The Secretary reported that the Chairman had declared interests in the item as his relative who lived in the Tai Po District had submitted a representation in respect of the Tai Po Outline Zoning Plan (OZP). The following Members had also declared interests in the item for owning properties in Tai Po; and/or having affiliation/business dealings with the Hong Kong Housing Authority (HKHA), Sun Hung Kai Properties Limited (SHK) which was the mother company of Honour More Limited (R1274), MTR Corporation Limited (MTRCL) (R3), Henderson Land Development Co. Ltd. (Henderson) which was the mother company of the Hong Kong and China Gas Company Limited (R2), the Tai Po District Council (TPDC) (R1633), the Tai Po Rural Committee (TPRC) (R1326), or relating to the subject of representation(s):

- |                      |   |
|----------------------|---|
| Mr Stanley Y.F. Wong | - being a member of HKHA and Chairman of the Subsidised Housing Committee of HKHA; and co-owning a flat and two carparking spaces at Deerhill Bay with spouse   |
| Professor P.P. Ho    | - being a member of the Building Committee of HKHA; and being an employee of the Chinese University of Hong Kong (CUHK) which had received donation from a family member of the Chairman of Henderson |
| Mr H.F. Leung        | - being a member of the Tender Committee of HKHA and having business dealings with  |

HKHA; and being employee of the University of Hong Kong (HKU) which had received donation from a family member of the Chairman of Henderson

- Ms Julia M.K. Lau - being a member of the Commercial Properties Committee and Tender Committee of HKHA; and having business dealings with SHK
- Mr Peter K.T. Yuen - being a member of the Board of Governors of the Hong Kong Arts Centre which had received donation from member of the Chairman of Henderson
- Mr K.K. Ling  
*(as Director of Planning)* - being a member of the Strategic Planning Committee and the Building Committee of HKHA
- Ms Doris M.Y. Chow  
*(as Assistant Director of Lands)* - being an alternate member of the Director of Lands which was a member of HKHA
- Mr Martin Kwan  
*(as Chief Engineer (Works),  
Home Affairs Department)* - being an alternate member of the Director of Home Affairs who was a member of the Strategic Planning Committee and Subsidised Housing Committee of HKHA
- Mr Dominic K.K. Lam ] having business dealings with HKHA, SHK,  
Ms Janice W.M. Lai ] MTRCL and Henderson  
Mr Patrick H.T. Lau ]
- Mr Ivan C.S. Fu - having business dealings with SHK, MTRCL and Henderson

- Dr W.K. Yau
- being the executive member of the TPRC; being a Member of the TPDC; owning a flat and a shop at Kwong Fuk Road and a house and land at Cheung Shue Tan, Tai Po; being the director of a non-government organisation which had received donation from a family member of the Chairman of Henderson; and being the Chairman of the Management Committee of the Fung Yuen Butterfly Reserve/Fung Yuen Nature and Culture Education Centre which was the subject of representation for R16 to R19
- Mr H.W. Cheung
- owning a flat at Heung Sze Wui Street, Tai Po
- Mr Frankie W.C. Yeung
- owning a flat at On Chee Road, Tai Po
- Ms Christina M. Lee
- being Secretary General of the Hong Kong Metropolitan Sports Event Association which had received sponsorship from Henderson and SHK
- Mr Clarence W.C. Leung
- being director of a non-government organisation which had received donation from a family member of the Chairman of Henderson
- Professor S.C. Wong
- being the Chair Professor and Head of Department of Civil Engineering of HKU, and MTRCL had sponsored some activities of the department; and being employee of HKU which had received donation from a family

member of the Chairman of Henderson

- Dr Wilton W.T. Fok - being employee of HKU which had received donation from a family member of the Chairman of Henderson
- Mr Roger K.H. Luk ] being a Member of Council (Mr Luk) or an  
Professor K.C. Chau ] employee (Professor Chau) of CUHK which had received donation from a family member of the Chairman of Henderson

18. The meeting agreed that as the item was procedural in nature and no discussion was required, the Chairman and the above Members could stay in the meeting. The meeting noted that Mr Clarence W.C. Leung and Ms Christina M. Lee had tendered apologies for being unable to attend the meeting, while Professor P.P. Ho, Mr H.F. Leung, Ms Julia M.K. Lau, Mr Dominic K.K. Lam, Dr Wilton W.T. Fok and Mr Ivan C.S. Fu had not yet arrived to join the meeting.

19. The Secretary reported that on 11.4.2014, the draft Tai Po OZP No. S/TP/25 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the plan exhibition period, a total of 6,322 representations and 439 comments were received. After considering the representations and comments in respect of the draft OZP on 27.11.2014, 11.12.2014, 18.12.2014 and 14.1.2015, the Board on 13.2.2015 agreed to uphold and partially uphold some of the representations by proposing to rezone a site to the west of Nethersole Hospital from “Residential (Group A)10” to “Green Belt” (“GB”) and two sites near Fung Yuen from “Residential (Group C)10” to “Government, Institution or Community” and “GB” respectively.

20. According to the statutory time limit, the draft OZP should be submitted to the Chief Executive in Council (CE in C) for approval on or before 11.3.2015 (i.e. within 9 months after the expiration of the plan exhibition period).

21. Based on the Board’s decision on 13.2.2015, the proposed amendments to the OZP would need to be gazetted under section 6C(2) of the Ordinance (tentatively scheduled for

13.3.2015) for three weeks and additional time would be required for the consideration of further representation(s) received, if any. In such circumstances, the plan-making process could not be completed within the 9-month statutory time limit for submission of the draft OZP to the CE in C for approval.

22. There was a need to apply to the CE for an extension of the statutory time limit for six months to allow sufficient time to complete the plan-making process of the draft OZP prior to the submission to the CE in C for approval.

23. After deliberation, the Board agreed that application should be made to the CE for an extension of the statutory time limit for six months to allow sufficient time to complete the plan-making process of the draft Tai Po OZP prior to the submission to the CE in C for approval.

Tsuen Wan & West Kowloon District

**Agenda Item 3**

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comment in respect of the Draft Shek Kip Mei  
Outline Zoning Plan No. S/K4/28  
(TPB Papers No. 9854 and 9855)

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24. The Secretariat said that the Town Planning Board (the Board) had agreed that the representations and comments in respect of the Draft Shek Kip Mei Outline Zoning Plan (OZP) No. S/K4/28 would be heard in two groups. The meeting in the morning session would hear Group 1 representations and part of the Group 2 representations and the related comment, while the hearing of the remaining Group 2 representations was scheduled for 9, 10 and 16 March 2015. The deliberation session would be held thereafter.

**Group 1 Hearing (Representations No. R1 and R5111)** (TPB Paper No. 9854)

[The meeting was conducted in Cantonese.]

25. The Secretary reported that the following Members had declared interests in the item for owning properties in Shek Kip Mei, and/or having affiliation/business dealings with the Hong Kong Housing Authority (HKHA) or Henderson Land Development Co. Ltd. (Henderson) which was the mother company of the Hong Kong and China Gas Company Limited (R1):

- |  |   |
|--|---|
| Mr Stanley Y.F. Wong<br>(Vice-chairman)  | - 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; and being an employee of the Chinese University of Hong Kong (CUHK) which had received donation from a family member of the Chairman of Henderson                                   |
| Mr H.F. Leung  | - being a member of the Tender Committee of HKHA; having business dealings with HKHA; and being an employee of the Chinese University of Hong Kong (CUHK) which had received donation from a family member of the Chairman of Henderson |
| Ms Julia M.K. Lau  | - being a member of the Commercial Properties Committee and Tender Committee of HKHA  |
| Mr K.K. Ling<br>(as Director of Planning)                                      | - being a member of the Strategic Planning Committee and Building Committee of HKHA   |
| Ms Doris M.Y. Chow<br>(as Assistant Director of Lands)                         | - being an alternate member of the Director of Lands who was a member of HKHA   |
| Mr Martin W.C. Kwan<br>(as Chief Engineer (Works),<br>Home Affairs Department) | - being an alternate member of the Director of Home Affairs who was a member of the Strategic Planning Committee of HKHA and Subsidised Housing Committee of HKHA   |

- Mr Ivan C.S. Fu ]  
Ms Janice W.M. Lai ] having business dealings with HKHA and  
Mr Dominic K.K. Lam ] Henderson  
Mr Patrick H.T. Lau ]
- Ms Christina M. Lee - being Secretary General of the Hong Kong  
Metropolitan Sports Event Association  
which had received sponsorship from  
Henderson
- Professor S.C. Wong ] being employees of HKU which had received  
Dr Wilton W.T. Fok ] donation from a family member of the  
Chairman of Henderson
- Mr Roger K.H. Luk ] being a Member of Council (Mr Luk) or  
Professor K.C. Chau ] employee (Professor Chau) of CUHK which  
had received donation from a family member of  
the Chairman of Henderson
- Mr Clarence W.C. Leung ] being the directors of non-government  
Dr W.K. Yau ] organisations which had received donation  
from a family member of the Chairman of  
Henderson; Mr Leung's close relative (mother)  
owning a flat in Dynasty Heights
- Mr Peter K. T. Yuen - being a member of the Board of Governors of  
the Hong Kong Arts Centre which had  
received donation from member of the  
Chairman of Henderson; co-owning with  
spouse a property at Parc Oasis
- Mr Thomas Chow - owning a property at Parc Oasis  
(Chairman)

Mr H.W. Cheung

- owning a property at Parc Oasis

26. The meeting agreed that the Vice-chairman and Members who had affiliation/business dealing with the HKHA should be invited to withdraw from the meeting temporarily. As Members who had affiliation with Henderson had no direct involvement in the project, they could stay at the meeting. As the properties of the Chairman, Mr H.W. Cheung, Mr Peter K.T. Yuen and Mr Clarence W.C. Leung's close relative were far away from the sites in Group 1, their interests were remote and they could stay in the meeting. The meeting noted that Mr Clarence W.C. Leung and Ms Christina M. Lee had tendered apologies for being unable to attend the meeting, while Professor P.P. Ho, Mr H.F. Leung, Ms Julia M.K. Lau, Mr Dominic K.K. Lam, Dr Wilton Fok and Mr Ivan C.S. Fu had not yet arrived to join the meeting.

[Mr Stanley Y.F. Wong, Mr K.K. Ling, Ms Doris M.Y. Chow, Mr Martin W.C. Kwan, Ms Janice W.M. Lai and Mr Patrick H.T. Lau left the meeting temporarily at this point.]

#### Presentation and Question Sessions

27. The Chairman said that reasonable notice had been given to Group 1 representers to invite them to attend the hearing. However, other than the representer of representative R1 who was present, the remaining representer R5111 had not indicated not to attend the hearing. Members agreed to proceed with the hearing of the representations in the absence of R5111.

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

- |                       |   |   |
|-----------------------|---|---|
| Mr Lawrence Y.C. Chau | - | District Planning Officer/Tsuen Wan & West Kowloon, Planning Department (DPO/TWK, PlanD)      |
| Mr Philip Y.L. Chum   | - | Senior Town Planner/Sham Shui Po, PlanD   |
| Mr M.S. Ng            | - | Town Planner/Sham Shui Po 2, PlanD  |
| Mr Cary P.H. Ho       | - | Senior Nature Conservation Officer, Agriculture, Fisheries and Conservation Department (AFCD) |



- Mr Marco Y.W. Pang - Geotechnical Engineer, Civil Engineering and Development Department (CEDD)
- Mr Marco H.Y. Tai - Engineer/Sham Shui Po, Transport Department (TD)
- Mr S.M. Chau - Senior Engineer/Gas Standards, Electrical & Mechanical Services Department (EMSD)
- Ms Alice Y.W. Ng - Engineer/Gas Standards, EMSD

R1 - The Hong Kong and China Gas Co. Ltd. (HKCGC)

- Ms Hui Ting Yan - Representer's representative

29. The Chairman extended a welcome and explained the procedure of the hearing. The Chairman said that each representer or the representer's representative would be allotted 10 minutes for their oral presentation, and then invited Ms Hui Ting Yan to elaborate on her representation.

R1 - HKCGC

30. Ms Hui Ting Yan said that HKCGC had no objection to Amendment Items A and B but wished to point out that the existing intermediate pressure pipeline along Pak Tin Street was in close proximity to the amendment sites with the nearest distance of about 3m. HKCGC therefore requested that the future developer should conduct a risk assessment taking into account the population increase commensurate with the relaxation of the building height restrictions (BHRs) at the sites, and if necessary, incorporate measures in the design of the proposed development to mitigate the risk. During the construction stage, the future developer should also liaise closely with HKCGC to protect their gas pipeline along Pak Tin Street.

[Actual speaking time : 2 minutes]

31. The Chairman then invited DPO/TWK to brief Members on the background of the representations.

32. With the aid of a Powerpoint presentation, Mr Lawrence Y.C. Chau, DPO, made the following main points as detailed in the Paper :

Background

- (a) on 18.7.2014, the draft Shek Kip Mei Outline Zoning Plan (OZP) No. S/K4/28 (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 5,111 representations were submitted. On 14.11.2014, the Town Planning Board (the Board) published the representations for three weeks for public comments. Upon the expiry of the publication period on 5.12.2015, one comment was received. Among the 5,111 representations, two representations (R1 and R5111) were in respect of Amendment Items A and B, and the one comment was related to the representations in respect of Amendment Item C;
- (b) Amendment Items A and B under the Group 1 hearing were to amend the BHRs at two sites at Pak Tin Street from 30mPD to 55mPD and 60mPD respectively for Phases 3 (part) and 7 of the Shek Kip Mei Estate (SKME) Redevelopment. SKME Redevelopment Phases 3 and 7 formed part of the Comprehensive Redevelopment Programme of Housing Department (HD) and were currently under active planning for completion by 2018. The zoning of those two sites remained as “Residential (Group A)” (“R(A)”) with the maximum domestic and total plot ratio (PR) of 7.5 and 9 respectively;
- (c) in line with the Government’s policy to increase the public rental housing production to meet public housing demand, the BHRs were increased to optimise the development potential of the sites. With the relaxed BHRs, the proposed scheme (with about 480 flats) would provide 300 more flats than the scheme under the original BHR (180 flats);
- (d) the proposal had taken into account visual compatibility with Mei Ho House (about 31mPD) and the adjacent green knoll (about 82mPD), while allowing flexibility in design and achieving adequate building separation;

### Public Consultation

- (e) on 10.10.2013, HD consulted the Housing Affairs Committee of the Sham Shui Po District Council (SSPDC) on the SKME Redevelopment Phases 3, 6 and 7 with the proposed increase in BHRs. The SSPDC agreed with HD's proposal to seek for amendment / relaxation of the BHRs via appropriate statutory planning procedures in order to increase public housing supply;
- (f) after gazettal of the OZP, the SSPDC was consulted on 2.9.2014 and no adverse comments were raised on the Amendment Items A and B. Some SSPDC Members expressed support for the amendment of BHRs to increase flat production and requested the Government to expedite the redevelopment to meet the public housing need;

### Grounds and Proposals of Representations and Responses

- (g) the major grounds of the representations under Group 1 and the responses of PlanD as detailed in the Paper were summarised below:

#### *Representation Providing Views (R1)*

- (i) HKCGC had no objection to Amendment Items A and B but raised the concerns that the future developer should conduct a risk assessment and consult their company in the design stage and closely coordinate with the company during the construction stage and provide protective measures;
- (ii) the response to the above concerns was that HD would consult and closely liaise with HKCGC regarding the pressure pipeline and risk assessment in appropriate timing. As advised by EMSD, there was an intermediate pressure underground town gas transmission pipeline in the close vicinity (i.e. along Pak Tin Street) of the sites. The project proponent/consultant/works contractor should liaise with the HKCGC during the design and construction stages of development, and should refer to EMSD's 'Code of Practice on Avoiding Danger from Gas Pipes';

*Adverse Representations (R5111)*

- (iii) the amendment would distract the natural air ventilation for school and public housing estate behind the site under Amendment Item B;
- (iv) it was proposed that the site of Amendment Item B should be used for a single government building;
- (v) the response to the above grounds and proposal was that:
  - (i) HD had conducted an Air Ventilation Assessment (AVA) for SKME Phases 3 and 7 prior to rezoning and the AVA showed that in general, there were no significant air ventilation impacts on the area. The proposed scheme had also adopted several wind enhancement features, including combination of two blocks into one T-Block tower and permeable design at ground floor and podium level for Phase 3 for wind penetration as well as taller building heights for downwash, to minimize the air ventilation impacts on the surrounding areas;
  - (ii) land suitable for development in Hong Kong was scarce and there was a need for optimizing the use of land available to meet the pressing demand for housing land. The site under Amendment Item B was within an area zoned “R(A)” on the OZP which was intended for high-density residential development. The increase in BHR under Amendment Item B could contribute to meeting the pressing demand for public housing;
  - (iii) the maximum BHR of 60mPD at the site was in keeping with the character of the existing and planned developments in the vicinity. The increase in BHR from 30mPD to 60mPD under Amendment Item B would not generate unacceptable air ventilation and other impacts on the surrounding areas;

- (iv) there was no planning justification to use the existing “R(A)” site for a government building as the government departments consulted did not have any requirement for government use at the site. Changing the use of the “R(A)” site for government building would frustrate the planning intention of providing land to meet the pressing demand for public housing; and

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

#### PlanD’s Views

- (h) PlanD noted the views of R1; and did not support R5111 and considered that the draft OZP Plan should not be amended to meet the representation.

33. As the presentation from PlanD’s representative and the representer’s representative had been completed, the Chairman invited questions from Members.

34. In response to the Chairman’s enquiry, Ms Hui Ting Yan (HKCGC) confirmed that it was the general practice for departments concerned to consult HKCGC if their proposed developments might affect the gas supply facilities of HKCGC.

35. In response to a Member’s enquiry on the air ventilation impact on the nearby school at Tai Po Road, Mr Lawrence Chau (DPO) said that HD’s AVA study had assessed the air ventilation performance for winds from all directions, and concluded that with the incorporation of the non-building area (NBA) and other mitigation measures in the proposed development, there would be no significant air ventilation impacts on the surroundings.

36. Two Members enquired about the rationales for the original 30mPD stipulated on the previous OZP and the current increases in BHRs from 30mPD to 55mPD/60mPD which were more than 20% allowed for minor relaxation of BHR in general. Mr Lawrence Y.C. Chau (DPO) said that the original 30mPD was then imposed making reference to the building heights of Mei Ho House (30mPD) to the immediate southwest and the green knoll (80mPD) to the immediate west. Based on the redevelopment scheme proposed by HD, the increase in BHRs could better realize the development intensity allowed under the “R(A)” zoning of the sites. The AVA and visual impact assessment conducted by HD concluded that the proposed

BHRs of 55mPD/60mPD were appropriate. In particular, the other parts of SKME to the east of the sites would reach 120mPD upon redevelopment and Mei Ho House to the southwest was 30mPD. The proposed BHRs of 55mPD/60mPD at the sites were in keeping with the character of the surrounding developments as illustrated in the photomontages shown in the Paper.

37. The same Member enquired whether there was a change in the guiding principles in considering the magnitude in relaxing BHR. The Chairman said that in general, the section 16 planning application was applicable for a minor relaxation of BHR, while amendment to the OZP would be required if larger increase in the BHR was involved.

38. In response to a Member's enquiry, Ms Hui Ting Yan (HKCGC) reiterated that HKCGC was not objecting to the amendment items, but would like to draw the attention of the project proponent to the possible needs for conducting risk assessment and incorporating mitigation measures arising from the proposed redevelopment.

39. As Members had no further questions to raise, the Chairman said that the Board would deliberate on the representations in the absence of the representer's representative and government's representatives after completion of all the hearing of the representations including those in Group 2, and would inform them of the decision in due course. The Chairman thanked them for attending the hearing. The representer's representative and government's representatives all left the meeting at this point.

[Mr Stanley Y.F. Wong, Mr K.K. Ling, Ms Doris M.Y. Chow, Mr Martin W.C. Kwan, Ms Janice W.M. Lai and Mr Patrick H.T. Lau returned to join the meeting at this point. Mr Ivan C.S. Fu and Mr Dominic K.K. Lam arrived to join the meeting at this point.]

**Group 2 Hearing (Representations No. R2 to R405, R407 to R5110, R5112 and C1)**

(TPB Paper No. 9855)

[The meeting was conducted in Cantonese and English.]

40. The Secretary reported that the following Members had declared interests on the item:

- Mr Thomas Chow (Chairman) - owning a property at Parc Oasis
- Mr H.W. Cheung - owning a property at Parc Oasis
- Mr Peter K.T. Yuen - co-owning with spouse a property at Parc Oasis
- Mr Clarence W.C. Leung - his close relative (mother) owning a flat at Dynasty Heights, and the Owners' Committee of which was a representer (R318)

41. The meeting noted that as the properties of the Chairman, Mr H.W. Cheung and Mr Peter K.T. Yuen were far away from the sites, their interests were remote and they could stay in the meeting. Members also noted that Mr Clarence W.C. Leung had tendered apology for not being able to attend the meeting.

#### Presentation and Question Sessions

42. The Chairman said that reasonable notice had been given to the representers and commenter of Group 2 to invite them to attend the hearing. However, 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. Members agreed to proceed with the hearing of the representations and comment in the absence of the other representers who had indicated that they would not attend or had made no reply.

43. The following government representatives, the representers, the commenter and their representatives were invited to the meeting at this point:

- Mr Lawrence Y.C. Chau - District Planning Officer/Tsuen Wan & West Kowloon, Planning Department (DPO/TWK, PlanD)
- Mr Philip Y.L. Chum - Senior Town Planner/Sham Shui Po, PlanD
- Mr M.S. Ng - Town Planner/Sham Shui Po 2, PlanD
- Mr Cary P.H. Ho - Senior Nature Conservation Officer, Agriculture,

Fisheries and Conservation Department (AFCD)

- Mr Marco Y.W. Pang - Geotechnical Engineer, Civil Engineering and  
Development Department (CEDD)
- Mr Marco H.Y. Tai - Engineer/Sham Shui Po, Transport Department (TD)
- Mr S.M. Chau - Senior Engineer/Gas Standards, Electrical &  
Mechanical Services Department (EMSD)

R20 – Ng Mei, Carmen

- Ms Ng Mei, Carmen - Representor

R21 - Wai Woon Nam

- Mr Wai Woon Nam - Representor

R22 - Fung Kin Kee

- Hon Fung Kin Kee - Representor

R26/C1 - Green Sense

- Mr Tam Hoi Pong, Roy - Representor's Representative

R319 - The Conservancy Association (CA)

- Mr Ng Hei Man, Roy - Representor's Representative

R327 - Ecological Advisory Programme, Kadoorie Farm and Botanic Garden

(KFBC)

- Dr Chiu Sein Tuck - Representor's Representatives

Mr Tony Nip

Ms Woo Ming Chuan

R351 - World Wide Fund For Nature Hong Kong (WWF)

- Mr Tobi Lau - Representor's Representative

R353 - Designing Hong Kong Limited (DHK)



Mr Paul Zimmerman - Representer's Representatives

Ms Debby Chan Ka Lam

R451 - 鍾淑清

城市大學公共運輸研究組 - Representer's Representative

(Mr Siu Toi Lam)

R455 - 朱建邦

城大學生會 (Mr Benny Ng) - Representer's Representative

R5051- 蔡綺儀

城大學生會 (Mr Kwok Ka Ping) - Representer's Representative

R5055 - 朱健明

城市大學生會 (Mr Lau Tung Kin, - Representer's Representative

Macro)

R5071 - 凌漢明

Public Transport Research Team - Representer's Representative

(Mr Hon Ka Mo)

R5072 - 朱鳳梅

城市大學公共運輸研究組 - Representer's Representative

(Mr Cheng Hin Kei)

44. The Chairman extended a welcome, and briefly explained the procedure. As a large number of representers and commenter had indicated that they would attend the hearing, it was necessary to limit the time for making oral submissions. The Board agreed on 23.1.2015 that each representer/commenter or their representatives should be allotted 10 minutes for their oral presentation. The representers and commenter had been informed about the arrangement before the meeting. There was a timer device to alert the representers/commenters and their representatives 2 minutes before the allotted 10-minute time was to expire and when the allotted 10-minute time limit was up. Oral submission was to supplement, rather than

repeating, the contents of the written submission, and the contents of the oral submission should be relevant to the proposed amendment.

45. The Chairman said that the meeting in the morning session would hear part of the Group 2 representations and the related comment while the hearing of the remaining Group 2 representations was scheduled for 9, 10 and 16 March 2015. After the oral submissions, there would be a question and answer session. If needed, there would be a short break in the morning session. The Board would deliberate on the representations after completion of all the presentation and question sessions. He then invited the representatives of PlanD to brief Members on the representations.

46. With the aid of a Powerpoint presentation, Mr Lawrence Y.C. Chau, DPO/TWK, made the following main points as detailed in the Paper :

#### Background

- (a) on 18.7.2014, the draft Shek Kip Mei Outline Zoning Plan (OZP) No. S/K4/28 (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 5,111 representations were submitted. On 14.11.2014, the Town Planning Board (the Board) published the representations for three weeks for public comments. Upon the expiry of the publication period on 5.12.2015, one comment was received. Among the 5,111 representations, 5,109 (R2 to R405, R407 to R5110 and R5112) were in respect of Amendment Item C, and the one comment (C1) was related to the adverse representations in respect of Amendment Item C;
- (b) Amendment Item C under the Group 2 hearing was to rezone a site to the north of Yin Ping Road from “Green Belt” (“GB”) to “Residential (Group C)13” (“R(C)13”) which was identified as suitable for housing development based on the “GB” review;

### Representation Site

- (c) the site (about 2.04ha) was formally part of a squatter area with huts and squatter workshops on platforms with loosely dumped fill materials. After the clearance in 1987, the southern part of the area was developed as Dynasty Heights, while the site remained undeveloped and left vacant. It was located mainly on vegetated slopes with a stream running to its south. To the southeast of the site was Yin Ping Road and an open-air mini bus terminal and taxi stand while Eagle's Nest, Beacon Hill and Lion Rock Country Park (CP) were to the west, north and northeast of the site;

### Public Consultation

- (d) on 4.3.2014, PlanD consulted the Sham Shui Po District Council (SSPDC) on the proposed rezoning of the site from "GB" to "R(B)1" based on an originally larger site area of 2.84 ha (with a maximum Gross Floor Area (GFA) of 81,792m<sup>2</sup> and maximum building height (BH) of 210mPD). The SSPDC passed a motion that while it supported the Government proactively increasing land supply and understood the need to balance the housing needs among different social strata and the request for stabilizing property prices, the Government should provide more detailed information on the planning proposal and the views of the stakeholders to facilitate the SSPDC in considering the proposal comprehensively;
- (e) on 15.4.2014, the Development Bureau (DEVB), PlanD and relevant government departments had meetings with the Incorporated Owners of Beacon Heights, and Owner Committee of Dynasty Heights, Concern Group on Anti-Rezoning of Green Belt of Dynasty Heights and residents of Dynasty Heights. The residents' organizations/residents objected to the proposed rezoning on the grounds that the rezoning proposal was put forward to them in a rush without consultation with stakeholders and provision of impact assessments; and rezoning of "GB" site for residential development also deviated from the established planning principles and procedures. They were particularly concerned about the traffic impacts on the road network, the

environment in the surrounding areas, the slope safety and the loss of a natural environment nearby;

- (f) after collecting the views of the stakeholders and consolidating relevant information on technical assessments, DEVB, PlanD and relevant government departments consulted the SSPDC again on 29.4.2014 on the proposed rezoning with a reduced site area of 2.04 ha (to avoid encroaching upon natural streams and adjoining the artificial slopes north of Dynasty Heights) with a maximum GFA of 58,750m<sup>2</sup> and maximum BH of 210mPD. The SSPDC meeting on 29.4.2014 was adjourned due to disruption in the conference room. It continued on 19.5.2014 and passed two motions. The first motion stated that while supporting the Government proactively increasing land supply to meet the housing demand of the population, the SSPDC expressed regret against the insufficient information provided on the various aspects of the proposed development to address local concerns and requested the Government not to submit the rezoning proposal to the Board before the SSPDC had comprehensively considered the proposal with sufficient details and assessment reports provided and adequate consultation with the affected residents had been completed. The second motion also requested that the Government, without adequate information, should not submit the rezoning proposal on the site to the Board for consideration. The SSPDC's views and the motions passed were conveyed to the Metro Planning Committee (MPC) when the proposed amendment was submitted to the MPC for consideration on 27.6.2014;
- (g) after gazetting of the OZP, the SSPDC was further consulted at its meeting on 2.9.2014 on the amendment. The SSPDC passed two motions objecting to the rezoning of the "GB" site for residential use as the Government had not provided objective data and detailed report regarding the environment and traffic assessments of the rezoning to address the concerns of the SSPDC and the locals. The SSPDC indicated that while it supported the Government's initiative to increase land supply, they criticised the Government for not responding to SSPDC. They considered that PlanD and other relevant departments should earnestly consider members' views and respect the two motions passed;

[Professor P.P. Ho arrived to join the meeting at this point.]

### The Representations

- (h) among the 5,109 representations submitted in respect of Amendment Item C, R2 to R405, R407 to R5110 opposed to it while R5112 did not indicate support for or objection to it;

### Grounds of Representations and Responses

- (i) the major grounds of the representations under Group 2 and the responses of PlanD as detailed in the Paper were summarised below:

#### *Green Belt Policy and Practice*

- (j) the rezoning was not in line with criteria of the “GB” review. The site was still vegetated and performed green belt functions;
- (k) the site was close to the Lion Rock CP and Eagle Nest’s Nature Trail, forming an integral part of the belt of green areas along the hill slopes of north Kowloon and acting as a buffer between the urban area and the CP. Rezoning of the site for housing development also contravened the Convention on Biological Diversity (the Convention) which stipulated the requirement to ‘promote environmentally sound and sustainable development in areas adjacent to protected areas with a view to further protection of these areas’;
- (l) the current rezoning would set an undesirable precedent for rezoning applications of “GB” sites for residential development and encourage major developers and private landowners to follow suit;
- (m) the development with a plot ratio (PR) of 2.88 was excessive. It was not in line with Town Planning Board Guidelines on application for development within “GB” zone;
- (n) being once a squatter area did not automatically mean that the subject green belt site could be rezoned for residential use;

- (o) no in-depth comprehensive consultation had been conducted. At present, the issue was dealt with on a piecemeal basis at the District Council (DC) level, which was contrary to procedural justice;
- (p) the response to the above grounds was that :
  - (i) planning was an on-going process and the Government would continue to review zonings of different sites from time to time so as to provide land to meet the economic and development needs of Hong Kong. The site was a former squatter area which was cleared by 1987 and the existing vegetation on-site was not of high value;
  - (ii) the site was accessible and well served by infrastructure and near an existing residential development. It only occupied 4.4% and 2.4% of the “GB” zone north of Lung Cheung Road/Tai Po Road in the previous version of OZP (before rezoning) and the Sham Shui Po (SSP) district respectively. It was about 70m to the south of the Lion Rock CP from the nearest point and not connected to any walking trails. The amendment would not have insurmountable impacts on the ecological and other aspects. Given that the developer of the site would be required to carry out appropriate mitigation measures, including preservation or transplanting of existing trees with conservation value, if any, or compensatory planting in accordance with the existing guidelines and tree preservation mechanism, the development proposal which complied with the relevant requirements would not be considered as contravening the objectives of the Convention. Significant impacts on biodiversity were not anticipated;
  - (iii) as the site was adjacent to developed areas at the urban fringe, and was suitable and technically feasible for housing development, it was considered appropriate to rezone the site for residential use to meet the pressing housing needs of the community;
  - (iv) in the rezoning exercise, the development intensity of the site had been formulated having regard to the need for optimizing the use of limited land

resources, local characteristics, possible impacts of the proposed development on the surrounding areas and technical feasibility;

- (v) the site was identified as suitable for rezoning for residential development during the second stage of “GB” review as it had a relatively lower buffer or conservation value and was adjacent to existing transport and infrastructure facilities; and
- (vi) PlanD had followed the established procedures in undertaking public consultation including departmental consultation, DC consultation, submission to the Board, and gazetting under the Ordinance. The statutory and administrative procedures in consulting the public on the zoning amendment had been duly followed;

#### *Ecological Impacts*

- (q) the site was well covered with vegetation regenerated through over 20 years of natural succession after squatter clearance in the 1980s. The development would result in loss of one of the few green belt areas that were well-vegetated in SSP and a natural habitat for birds and mammals;
- (r) the site was connected to the surrounding areas (which were close to the Lion Rock CP) as corridor and ecological network to allow terrestrial species to move across different parts of the area for food or refuge. The proposed development would disrupt or block movement of the wildlife in the area;
- (s) the rezoning had not considered other ecological attributes (i.e. natural streams, aquatic fauna, avifauna, mammals, and insects) aside from trees. A comprehensive ecological survey/assessment for the wildlife components and natural habitats within the site and its surroundings should be conducted;
- (t) there was a ‘seasonal stream’ across the site and a pool nearby with rare species (including Lesser Spiny Frog and Big-headed Frog, and Mountain Crab) as well as a wide variety of other species (including butterfly and dragonfly) found;

- (u) the response to the above grounds was that :
- (i) the site was adjacent to developed areas at the urban fringe, and was a disturbed area which had regenerated from the former squatter cleared in the 1980s. According to the tree survey conducted by Lands Department (LandsD), there were about 680 trees on site mainly of common species. No rare specimens or Registered Old and Valuable Tree and no trees of particular value for preservation were recorded. The rezoning of the site would not result in significant ecological impacts;
  - (ii) the site was close to the existing residential developments and adjoined Yin Ping Road. The surrounding woodland areas zoned “GB” and the nearby Lion Rock CP could still serve as suitable habitats for wildlife;
  - (iii) the site area had been reduced from 2.84 ha to 2.04 ha to address the concerns of the local residents on the potential impacts on the natural streams and the artificial slopes north of Dynasty Heights. The natural streams were excluded from the site to address the concern expressed over the impact on the environment. The ‘seasonal stream’ as reported by some representers was in fact a small ephemeral water course, and no water course was observed during the dry season. There was no evidence that the ‘seasonal stream’ was an important wildlife habitat. As such, a comprehensive ecological survey/assessment for the wildlife components and natural habitats would not be essential; and
  - (iv) the reported Lesser Spiny Frog was listed as “Vulnerable” under the International Union for Conservation of Nature (IUCN) Red List; while the Big-headed Frog and Mountain Crab were listed as “Least Concern”. The two frog species, which were commonly found in several protected areas, were recorded in the said ‘seasonal stream’ on site. Verification of the presence of species of conservation interest within the site and translocation of such species (if identified) under the supervision of AFCD would be arranged before the commencement of the site formation works;



*Environmental Impacts*

- (v) loss of green belt would bring negative impacts on the living environment, the quality of life and the health of local residents, and the population in SSP where the air quality was already poor;
- (w) as the site comprised steep slopes, additional areas outside the site would be affected for site formation and slope stabilization works. There would be further loss of trees and reduced distance of the proposed development from the nearby country park, resulting in greater environmental impacts;
- (x) broken pieces of asbestos shingles were found within the site and its surroundings; and hence there would be adverse environmental impacts and nuisances to the surrounding areas during the construction period;
- (y) the response to the above grounds was that :
  - (i) the site occupied 4.4% of the “GB” zones north of Lung Cheung Road on the OZP before rezoning. The Government would require the developer to preserve, transplant or replant trees according to established greening guidelines and tree preservation mechanisms to minimize the impact on the natural environment;
  - (ii) on a revised development scheme worked out by PlanD in consultation with relevant departments, the associated slope/site formation works could be contained within the site without further loss of trees; and
  - (iii) contamination assessment was required to be carried out later to identify any land contamination issues and any required decontamination works would be completed before commencement of any building works. The handling and removal of asbestos containing materials would be subject to control under the Air Pollution Control Ordinance. The short-term environmental impacts during the construction period of the development would be subject to control under various pollution control ordinances;

*Traffic Impacts*

- (z) the proposed development and concurrent housing developments in the surrounding areas (including two housing sites, i.e. “R(C)11” and “R(C)12”, north of Lung Cheung Road and Pak Tin Estate Redevelopment) would have cumulative adverse traffic impacts;
- (aa) the proposed development would defeat the purpose of providing infrastructure works for the two housing sites north of Lung Cheung Road to avoid additional traffic passing through the Beacon Heights neighbourhood;
- (bb) the traffic data provided by the Government were misleading and incomplete. The assumptions and methodology adopted in the assessment by the Government were unrealistic or incomprehensive ;
- (cc) the response to the above grounds was that :
  - (i) the trip generation and attraction would have insignificant impact on the existing road network, even taking into account the concurrent developments in the area such as the two aforementioned housing sites. Road improvement works/ traffic arrangement specifically to cater for the proposed private development would not be necessary;
  - (ii) the proposed road scheme would provide direct and convenient access to Lung Cheung Road for the two aforementioned housing sites, thereby saving travelling time in addition to minimizing the traffic and environmental impacts on the nearby residential areas (including Beacon Heights); and
  - (iii) traffic assessment carried out for the concerned junctions was adequate in reflecting the actual and future traffic situation in the concerned area;

*Slope Safety*

- (dd) slope instability and proximity of the site to the housing estates nearby posed possible risks to life and property of the existing residents there and technical

difficulties in construction. The safety of the residents was at stake by relying on the future developer instead of the Government to provide mitigation measures and address the technical problems associated with slope safety;

- (ee) the response to the above grounds was that the site did not adjoin the artificial slopes behind Dynasty Heights, and its slope works could be contained within the site. The proposed residential development would not affect Dynasty Heights or its artificial slopes maintained by them. The possible landslide mitigation measures and site formation works involved in the proposed development were technically feasible. The Buildings Ordinance and the related legislation stipulated that, before works commencement, the developer was required to submit the natural terrain hazard mitigation measures and the design of site formation works associated with the proposed development for the approval of the Building Authority and to comply with all statutory requirements, safety and other relevant standards, so that the adjoining slopes and structures would not be adversely affected;

*Loss of Landscape and Recreational Outlet*

- (ff) the proposed development would affect many trees and would lead to loss of greenery, which was contrary to the Government's policy to promote greening in Hong Kong. It would result in the loss of a recreational outlet for local residents and a hiking place for the public, and would not bring any benefits to the residents nearby;
- (gg) the response to the above grounds was that the site occupied 4.4% of the "GB" zones north of Lung Cheung Road before rezoning. The Government would require the developer to preserve, transplant or replant trees according to the established greening guidelines and tree preservation mechanisms to minimize the impact on the natural environment; or to adopt proper greening measures such as theme planting, vertical planting, rooftop planting to compensate for the original greening effect. As the existing hiking trails were outside the site, and the natural streams had been excluded from the site as far as possible, the proposed residential development would not result in the loss of a recreational

outlet for local residents or a hiking trail for the public;

*Housing Demand and Supply*

- (hh) the shortage of housing supply might not be a long-term phenomenon. There was no urgent need to rezone the green belt site for increasing housing supply. The proposed residential development would entail high development costs and was likely for luxurious housing instead of affordable housing and hence unable to ease the pressure on housing supply for the general public. The Government should use other means to increase housing land supply;
- (ii) the response to the above grounds was that with a target of providing 480,000 public and private housing units in the next decade, the Government had to continue to adopt a multi-pronged approach to increase land supply in the short, medium and long terms, through the continued and systematic implementation of a series of measures. In the 60:40 public-private split in new housing production, private residential sites with different density zones should be identified to meet the various demands. The identification of suitable “GB” site for housing development was one of the measures of the multi-pronged approach;

*Development and Infrastructural Capacity*

- (jj) SSP had approached its development limit, with inadequate facilities and infrastructure capacity. The Government should avoid further depriving SSP of its scarce green space. There was inadequate infrastructure to support the proposed housing development;
- (kk) the response to the above grounds was that :
  - (i) the proposed residential development would not result in any unacceptable impacts on infrastructural capacity and provision of open space and Government, institution and community (GIC) facilities in the area. There was sufficient existing and planned public open space provision in the area to meet the requirements as stipulated in the Hong

Kong Planning Standards and Guidelines (HKPSG). The total planned open space provision in Shek Kip Mei was about 38.87 ha; while 19.74 ha was required in accordance with the HKPSG; and

- (ii) except 19 primary school classrooms and 570 hospital beds, there was no other deficit in major community facilities in the Shek Kip Mei area. As the provision of hospital beds was on a regional basis, there was no need to provide those GIC facilities at the site. The shortfall in primary school classrooms was minor and the Education Bureau had no comment on the rezoning amendment;

*Insufficient Information/Assessment*

- (ll) the information released on various technical assessments (traffic, ecological, environmental, geotechnical, air ventilation, landscape, etc.) was incomprehensive and incomplete;
- (mm) the response to the above grounds was that the relevant government departments had examined and evaluated the possible impacts of the proposed residential development at the site and concluded that no significant and insurmountable impacts would be resulted. A summary of their evaluation on the impacts of the rezoning of the site was at Annex X of the Paper;

*Public Consultation Procedure*

- (nn) the Government put the site into Land Sale Programme 2014/15 without any public consultation. Subsequent consultations were carried out in haste without providing adequate information. The Government had not respected the opinion of the SSPDC that the Government should not submit the rezoning proposal for the Board's consideration without sufficient information provided to the SSPDC and the SSPDC had passed motions opposing the rezoning;
- (oo) the response to the above grounds was that PlanD had followed the established statutory and administrative procedures including departmental consultation, DC consultation, Board submission, and gazetting under the Ordinance. The

SSPDC was consulted on 4.3.2014, 29.4.2014 and 19.5.2014. The views collected had been incorporated into the MPC paper to facilitate MPC's consideration of the rezoning proposal on 27.6.2014. The SSPDC was further consulted at its meeting on 2.9.2014 on the amendment;

#### Proposals of Representations and Responses

- (pp) the former "GB" zone should be preserved and enhanced such as developing it into a large park, and improving it and the adjoining stream as a place for hiking/recreation for the public;
- (qq) the site should be rezoned to CP;
- (rr) the response to the above proposals was that :
  - (i) rezoning of the site for residential use was considered suitable to help meet the community's pressing need for increasing housing supply; relatively less buffering effect and lower conservation value of the site; proximity of the site to existing urbanized development and infrastructure; and no insurmountable adverse impacts of the housing development;
  - (ii) designation of CP was under the jurisdiction of the Country and Marine Parks authority governed by the Country Parks Ordinance (Cap. 208) which was outside the purview of the Board;

#### Comment on Representations

- (ss) the adverse representations were supported. The large number of representations objecting to the rezoning of the site to "GB" indicated that people did not agree to rezone "GB" sites for housing development. The SSPDC had expressed concern on the inadequacy of information and passed motions objecting to the zoning amendment. The grounds submitted by the different representers were sufficient, and the Board should reject the zoning amendment to force the Government to reflect on its planning policy;

- (tt) the response to the above grounds was that the aforementioned responses to the adverse representations were relevant; and

#### PlanD's Views

- (uu) the adverse representations No. R2 to R405, R407 to R5110, and R5112 were not supported and the OZP should not be amended to meet the representations.

47. The Chairman then invited the representers, commenter and their representatives to elaborate on their representations and comment.

#### R1 – Ng Mei, Carmen

48. Ms Carmen Ng made the following main points:

- (a) she was a SSPDC member and considered that the Paper submitted to the Board was very different from the ones submitted to SSPDC on various occasions. The paper first submitted to SSPDC only had three pages with the figures/plans in black and white. Upon SSPDC's request, a few more pages were added to the paper each time in the subsequent submissions. As compared with the proposed residential developments near Beacon Heights previously submitted to the SSPDC which had detailed assessments and proposed mitigation measures, the SSPDC consultation papers on the housing development at the site were unacceptable as they were too flimsy without any detailed assessments.
- (b) Nam Cheong Street was an essential road connecting SKME, Pak Tin Estate, Beacon Heights and the whole SSP east. The impacts of the proposed developments, especially upon the redevelopment Pak Tin Estate and SKME, on Nam Cheong Street should not be under-estimated and severe traffic congestion might be resulted. The traffic problem in the district could be seen in the Government's plan to provide a new flyover to cater for the foreseeable traffic increase due to the two proposed new developments near Beacon Heights. The traffic generated by the proposed development at the site would

use Nam Cheong Street, Cornwall Street and Yin Ping Road, and might lead to significant traffic impacts on the area;

- (c) although there were a mini-bus terminal and a taxi stand adjacent to the site at the end of Yin Ping Road, buses were not allowed along Yin Ping Road. Future residents at the site would have to rely mainly on private cars for commuting. Currently, some residents of Dynasty Heights and Beacon Heights parked their cars in Chak On Estate as car parking spaces in those private developments were insufficient. Even if the Government intended to limit the number of car parking spaces in the proposed development on traffic grounds, the future residents would park their cars in Chak On Estate, Pak Tin Estate and SKME. There were already insufficient car parking spaces in SKME;
- (d) on whether the “GB” deserved protection, some residents in Chak On Estate used the walking trails within the subject “GB” zone for fresh air. Some hikers were shocked when they learnt about the Government’s plan for housing development at the site. As there were already many housing sites in SSP in the pipeline, the Government should not develop the site which was an air ventilation and green space to the local residents and located very close to the CP. The Board should note that there were very strong local objections to the rezoning; and
- (e) SSPDC objected to the rezoning proposal every time they were consulted by the government departments. The minutes of the SSPDC meeting attached to the Board paper only briefly stated the views of the SSPDC while the audio recording could fully reflect the strong objection of SSPDC. The SSPDC expressed clearly their objection to submitting the rezoning proposal to the Board before the SSPDC had comprehensively considered it and adequate consultation with the affected residents had been conducted.

[Actual speaking time : 7 minutes]

[Mr David Y.T. Lui arrived to join the meeting at this point.]



R21 - Wai Woon Nam

49. Mr Wai Woon Nam made the following main points:

- (a) he was a SSPDC member and objected to the in-filling approach in identifying housing sites. The concerned government departments consulted the SSPDC on the rezoning proposal three times but only with a three-page paper with plans/drawings in black and white. SSPDC was a body for the Government to consult, not to inform;
- (b) the housing supply in SSP in the pipeline included the redevelopment of Pak Tin Estate and SKME Phases 3 and 7; and the new housing sites next to Nam Cheong Estate, above Nam Cheong Station, at the existing SSP Golf Course site on Lai Chi Kok Road, the Cheung Sha Wan Wholesale Fish Market site and the Cheung Sha Wan Mail Centre site; and the projects undertaken by the Urban Renewal Authority. There was no reason for the Government to build up every piece of land or to provide luxurious private housing at the “GB” site;
- (c) similar to Dynasty Heights, extensive man-made slopes for the proposed development would be required outside the site to prevent landslide, and the loss of greenery area would be very significant. There were wall-type developments at the waterfront in the south of SSP blocking the inland old area. If wall-type developments were erected along Lung Ping Road in the north, the inland old area would be trapped in-between; and
- (d) he requested the Board to reject the rezoning proposal.

[Actual speaking time : 5 minutes]

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

R22 – Hon. Fung Kin Kee

50. Hon. Fung Kin Kee enquired on the speaking time allotted to each speaker. In response, the Chairman said that each representer/commenter would be given 10 minutes but shorter time would be allotted based on the return from the speakers to the Board’s Secretariat.

Hon. Fung Kin Kee considered that allowing only 5 minutes speaking time to R20 and R21 was not fair as they needed to rush to finish their oral submissions. The Chairman said that R20 and R21 had indicated to the Secretariat before the meeting that they would each require only 5 minutes for their oral submissions. They could use the remaining speaking time if they wanted to supplement. He reiterated that the oral submission was to supplement, rather than repeating, the contents of the written submission, and 10 minutes speaking time in general was sufficient. R20 and R21 did not indicate that they wanted more time.

51. Hon. Fung Kin Kee made the following main points:

- (a) he was concerned about the consultation process in the subject rezoning exercise. SSPDC was an official local consultation body, and the Government should take into account SSPDC's views in taking forward development proposals. The SSPDC had discussed the rezoning proposal several times, which demonstrated that SSPDC members were very concerned about it;
- (b) SSP was an old district developed in the 1950s and undergoing a redevelopment cycle, both in public and private housing developments. With the various redevelopment proposals actively in progress, the population in SSP was increasing tremendously. Due to population increase in the past years, the Government announced recently that for the Legislative Council election in 2016, a seat representing Hong Kong Island would be transferred to that for Kowloon West. In the coming years, various redevelopment projects would provide about 15,000 public housing units and 5,000 private housing units, and the increase in the total population in SSP would be in the range of 45,000 to 60,000. In particular, those new developments were usually 40 to 60 storeys tall, and green area was hence important in dense districts like SSP;
- (c) when PlanD's consultation paper was first submitted to SSPDC on 4.3.2014, he could not believe that the three-page paper, with largely black-and-white drawings/figures, was prepared by a professional department, and SSPDC was requested to support the rezoning proposal. The same paper was provided at the consultation meeting with the local residents, and the residents pointed out the inadequacy of information in the consultation paper. Without the

provision of sufficient information, the consultation process had not been properly undertaken, and it showed that the departments concerned did not respect the consultation process nor SSPDC as an official local consultation body;

- (a) upon request, the rezoning proposal was reverted to SSPDC twice. However, on important issues such as the impacts on air ventilation, environment and infrastructure, the responses in the consultation paper and from the departments concerned were that the issues would be left to the future developer to conduct the technical assessments. However, it should be noted that the Government and the developer should have different stances. While the Government should aim at effective and efficient planning that could benefit society, the developers would make use of all resources to maximize their profits. The responsibility to ascertain the impacts of the proposed development should not be transferred from the Government to the developers. It was not a genuine and effective public consultation and it was impossible for SSPDC to support the rezoning proposal on that basis; and
  
- (b) the paper submitted to the Board contained more information than the papers submitted to SSPDC, but yet the information was still insufficient. For a proper consultation with the stakeholders, the departments concerned should consult SSPDC, Dynasty Heights and local residents again on the rezoning proposal with the new information before submitting the rezoning proposal to the Board for consideration.

[Actual speaking time : 10 minutes]

#### R319 – CA

52. In response to Mr Roy Ng's request for a speaking time of 15 minutes, the Chairman said that the request would be allowed if the contents of the oral submission were considered relevant.

53. With the aid of Powerpoint presentation, Mr Roy Ng, made the following main points:

- (a) CA objected to the rezoning of the “GB” site for residential use;

*Undesirable Ecological Impacts*

- (b) as illustrated in the photograph taken at Crow’s Nest hill in the Powerpoint, the site was a vast well-vegetated area. The assessment conducted by the government departments had underestimated the ecological value of the site;
- (c) the consultation papers prepared by PlanD previously did not mention the 110m seasonal stream in the centre of the site and Big-headed Frogs (*Rana fujianensis*) and Lesser Spiny Frogs (*Rana exilspinosa*) residing in the seasonal stream. The seasonal stream, partly falling within the proposed NBA and partly outside, ran continuously and fed into the main stream to the south. The site formation and the other construction works would affect the seasonal stream in the site and the main stream outside the site eventually;
- (d) there was a small water pool to the immediate north of the centre of the site (with less than 10m away) which was the breeding ground of Lesser Spiny Frogs and Big-headed Frogs with abundant tadpoles found in the further downstream. A stream crab species unique to Hong Kong (*Nanhaipotamon hongkonggense*) was also found in the pool;
- (e) according to the articles on ‘Terrestrial and Freshwater Fauna of Conservation Concern in Hong Kong’(2003)<sup>1</sup>, Big-headed Frog was of local concern, and Lesser Spiny Frog and the special stream crab were of potential global concern. According to ‘A Field Guide to the Amphibian of Hong Kong’, Big-headed Frog was an uncommon species, and recorded only in a few places in the New Territories, and resided in vegetated slow and shallow streams. Lesser Spiny Frog (*Rana exilspinosa*), which resided in streams in the hill at different altitudes, was on the Red List of International Union for Conservation of Nature (IUCN). The special stream crab resided in clean hill streams;

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<sup>1</sup> Fellowes et al. (2003) Wild Animals to Watch : Terrestrial and freshwater fauna of conservation concern in Hong Kong, Memoirs of the Hong Kong Natural History Society Volume 25 pages 123-158

*Loss of Green Belt*

- (f) the site was very close to the Lion Rock CP with the nearest distance of less than 70m which was not very far away. With the proposed residential development, the function of the “GB” as a buffer would be undermined. If a proper buffer distance could not be provided, there would be increased conflicts between the wild animals and residents; and

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

*Insufficient Assessment on the Ecology of the Woodland*

- (g) the assessments conducted on the ecology of the woodland and the compensation need were too crude. The tree survey conducted by the Government did not include young trees, i.e. those trees with the diameter of the trunk less than 95 mm. The site also had some local trees species which indicated that the area was undergoing natural succession. The Government’s established practice was only to compensate the number of trees, rather than the woodland habitat. The secondary woodland immediate to the site had indigenous trees with some of them up to 12m to 15m high, the ecological value of which was similar to the CP but would be affected by the slope stabilization works for the proposed development. Overall, the ecological value of the site was not as insignificant as the departments had presented to the Board.

[Actual speaking time : 15 minutes]

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

R353 – DHK

54. With the aid of Powerpoint presentation, Mr Paul Zimmerman made the following main points:

- (a) DHK objected to the rezoning amendment and proposed to protect green belt;

*Green Belt Policy*

- (b) The “GB” zone was intended to conserve the existing landscape features, areas of scenic value and areas of recognized ‘fung shui’ importance; to define the outer limits of urbanized districts and to serve as a buffer between and within urban areas; and to provide additional outlets for passive recreational uses. Despite that the Government was keen to provide more housing sites, there was no overall policy on how to identify the residential sites within the “GB” zone. He objected to the current haphazard rezoning of “GB” sites including the subject site at Yin Ping Road;
- (c) the site did not meet the criteria for housing development as set out in the Government’s policy which stated that the Stage 1 review mainly focused on the “GB” sites which had been devegetated, deserted or formed and did not require extensive tree felling or slope cutting, and the Stage 2 review covered the “GB” sites which were located on the fringe of urban or new development areas with a relatively lower buffer or conservation value, including those sites which were close to existing developed areas or public roads;

*Housing Need*

- (d) the existence of a genuine housing need was doubtful. Quoting Long Beach residential development as an example, the development was completed in 2005 providing 1,829 flats. 600 flats were sold in 2007, and the developer stopped selling till 2012. The development currently was still largely vacant;

*The Convention on Biological Diversity (the Convention)*

- (e) on 7.11.2014, the Board heard representations against the rezoning of the “GB” site in Tuen Mun for residential use. PlanD had recommended the rezoning as the site ‘had no ecological value’. However, ecological and tree surveys conducted by representers/commenters had proved the ecological value of the site and its linkage with other vegetated areas. The policy directive was for rezoning “GB” sites and the obligation of Hong Kong in the Convention had been ignored in the rezoning exercise. In the next round of the rezoning

exercise, areas with greater coverage of vegetation, at more remote locations etc. would be affected. He doubted how Hong Kong would fulfill her commitments to the Convention;

- (f) he also doubted whether appropriate surveys had been done by AFCD and PlanD, and whether the Board had obtained adequate information in its consideration of the rezoning proposal. When the Board was provided with information from the community on various aspects concerning the site, the Board should seriously consider the information. Although there was sentiment against 'Not in My Back Yard' (NIMBY) syndrome, it was good to have NIMBY as it motivated the people concerned to provide the Board with the right information;

#### *Protect Rural Area*

- (g) as demonstrated in the statements from the campaign to protect the rural land in the United Kingdom (UK), "GB" and land with high landscape and ecological values were important to define the identity of the town and the wider environment. "GB" was important to the health of the city and should deserve protection. There was no doubt that most people of the community would prefer more greenery area like people in the UK;

#### *Representation Site*

- (h) he claimed that the Explanatory Statement (ES) of the previous versions of the OZP (No. S/K4/26 and earlier versions) stated that the site was designated as "GB" after the squatter clearance for landscape restoration and rehabilitation so that it could become an integral part with the adjacent CP. Such information was deleted from the ES of the current OZP;
- (i) given that the site was only 70m away from the CP, he queried the Government's standard for a buffer zone with CP. The site had abundant vegetation and a main rock stream was in close proximity to its south. AFCD's suggestion of translocating important species and plants was not the right solution for protecting the habitats there;

- (j) with a shortage of 1,455 hospital beds and 86 primary school classrooms in the district, it was not appropriate to increase the population;
- (k) the Paper with new data and technical assessments was provided to the representers/commenter 7 days before the meeting, without allowing them sufficient time to study the new information. He believed that Members might also have insufficient time to consider the information and he doubted whether it was a fair procedure; and

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

- (l) by quoting from the paragraph 'Never Far from Nature' on pages 108 and 109 in the book 'The Making of Hong Kong : From Vertical to Volumetric' which emphasized the importance of the relationship between the Hong Kong residents and the nature, he doubted how the rezoning proposal could be a nice interplay among the rock stream in close proximity, the surrounding abundant vegetated areas and the CP. Restriction of the site formation works within the site could not address the residents' concerns as construction trucks might still run over the rock stream and the hiking trails. There was no information in the rezoning proposal to ensure that (i) the rock stream and the hiking trails could be retained, (ii) the proposal was acceptable in urban design perspective; and (iii) mitigation measures would be provided to address the concerns of SSPDC and the local residents.

[Actual speaking time : 16 minutes]

[The meeting was adjourned for a 10-minute break.]

[Mr Martin W.C. Kwan left the meeting at this point. Ms Julia M.K. Lau arrived to join the meeting at this point.]

#### R26 – Green Sense

55. In response to Mr Roy Tam's request for a speaking time of one hour, the Chairman said that a large number of representers or their representatives had registered for making oral



submissions, and there were other agenda items for the meeting. His request could therefore not be acceded to, but he would review Mr Tam's submission before deciding on extension of his speaking. Meanwhile, he proposed to invite other representers or their representatives to make their oral submissions first. Mr Roy Tam agreed with the arrangement.

R327 – KFBG

56. In response to Ms Woo Ming Chuan's request for a speaking time of 15 to 20 minutes, the Chairman said that the request would be allowed if the contents of the oral submission were considered relevant and elaborations of the written submission.

57. With the aid of a Powerpoint Presentation, Ms Woo Ming Chuan made the following main points:

- (a) similar to other representers, KFBG considered that the site was well vegetated. Apart from Lesser Spiny Frog, Big-headed Frog and the stream crab, biotic indicator of good water quality such as fishfly and dragonfly larvae were recorded in the seasonal stream. The remnants of suspected turtle traps, assorted larvae of dragonflies, signs of wild boar activity (mud wallow and tracks) were also found in the area;
- (b) asbestos shingles were found in the area and the attention of the government departments should note the health and environmental issues of the asbestos shingles and the need to follow EPD guideline for removing asbestos materials. Land contamination impact assessment should also be carried out for the whole site;
- (c) the subject rezoning proposal did not meet the criteria set out in the 2013 Policy Address which stated that only "GB" areas which were devegetated, deserted or formed would be rezoned for residential use. It was also not in line with the planning intention of the "GB" zone and the agreement to the rezoning proposal would set an undesirable precedent;

- (d) she had reservation on section 6.3.10 of the Paper which set out that as the seasonal stream was a small ephemeral water course, and no water course was observed during the dry season. She said that the seasonal stream, found in the upper areas, was an integral part of the stream system. Its stream water would be seen in wet season, and with the progress of the dry season, isolated water pools were found and then no water at all. It was the interplay of the wet and dry conditions that provided temporally and fluctuating spatial habitats to a wide range of fauna and flora with rich biodiversity;
- (e) the dietary/nutrient resources of the seasonal stream were largely tapped. The seasonal stream was well shielded and therefore subject to relatively low resources competition and predation pressure which could act as the temporal breeding, nursery and foraging grounds for various animals and the seed bank for plants. Being hydrologically and ecologically connected with other water bodies, the seasonal stream contributed water, carbon and nutrients to perennial streams and provided connectivity corridors for both animal and plant species;
- (f) Lesser Spiny Frog was on the Red List of IUCN while the Fellows et al. (2003) considered it was of potential global concern. 'A Field Guide to the Amphibian of Hong Kong' stated that Big-headed Frog was an uncommon species recorded only in a few places in the New Territories. According to the 'Proposed Action Plan for the Conservation of Amphibians in Hong Kong', prepared by AFCD in June 2009 for the Nature Conservation Subcommittee of the Advisory Council on the Environment, the two special Frogs were of potential conservation concern. The seasonal stream was the breeding ground for the two special Frogs and should not be considered as ecologically not important;
- (g) seasonal streams were marked on the survey map prepared by Lands Department (LandsD) which disappeared abruptly at the site. She wondered whether the concerned departments had comprehensively surveyed the water flow of these seasonal streams and the flora and fauna in these streams;

- (h) despite that the NBA was marked on Plan H-8 and Plan 1 of Annex X of the Paper, it was neither marked on the OZP and its Notes, nor described in the main Paper. She doubted whether it was a statutory requirement for the provision of NBA;
- (i) the ES of the OZP stated that the NBA was primarily for air ventilation, rather than for conservation of habitats. The Notes of the OZP had no restriction clause on land filling, land excavation, and land formation within the area. She doubted whether the habitats and landscapes within the NBA could be protected. If the NBA did not restrict underground developments, it would likely affect the water table in the locality and the hydrology in the area (including the streams);
- (j) ‘Environmental Impact’ in the Annex X of the Paper stated that ‘Any future dredging works for the housing development shall not disturb the small section of the reported “seasonal stream” within 500m from the said SSSI, unless an Environmental Permit (EP) is obtained.’ However, if the development was less than 1 ha in size, it would not constitute a Designated Project nor require an EP under the Environmental Impact Assessment Ordinance (EIAO). The area of the NBA and the whole site was about 0.125 ha and 2.04 ha respectively, and it was possible for the developer to cut the works area into pieces to circumvent the EIAO requirements. As such, the proposed NBA under the current OZP and the EIAO could not protect the seasonal streams and their associated habitats in the locality; and
- (k) in conclusion, seasonal stream was a unique temporal and fluctuating spatial habitat that played an important role in the ecosystem. The ecological importance of the rezoning site had not been thoroughly assessed, and thus the Board might be misled. The relevant authorities were urged to conduct a thorough and comprehensive ecological survey to properly record and document the wildlife components and natural habitats within the rezoning site as well as its immediate surroundings. Without a thorough study, KFBBG strongly objected to rezoning the site for residential use.

[Actual speaking time : 17 minutes]

R351 –WWF

58. With the aid of Powerpoint presentation, Mr Tobi Lau, representer's representative, made the following main points:

- (a) the site was currently performing the “GB” function as well as a buffer to prevent urban sprawl. It was not only a breathing space for local residents, but also a habitat and breeding ground for some special species. As such, WWF objected to the rezoning proposal;
- (b) he considered that ‘proximity to existing urbanized development and infrastructure’, and ‘relatively less buffering effect and lower conservation value’ stated in section 6.4.1 of the Paper should not be the reasons for supporting the rezoning proposal. Due to the presence of the CP in close proximity to the site, the “GB” was required as a buffer to separate the CP from the residential development. Among all the existing residential developments, the proposed rezoning site was closest to the CP which should have greater, rather than less, buffering effect;
- (c) he objected to employ translocation of the identified special species as an ecological mitigation measure. A paper recently published by a group of ecologists in Australia, New Zealand and UK stated that translocation was a mitigation which attempted to offset or balance out the unavoidable negative effects or a project by performing positive actions elsewhere. Mitigation-driven translocations aimed to reduce animal mortality caused by human activities (e.g. development) by relocating individuals away from project sites. However, it could not ensure that the numbers removed represented a substantial proportion of the animals actually present at the development site, nor could the translocated individuals survive to establish or augment a viable population at the receiving site. Another concern was the compatibility of translocated and resident populations and the unknown consequence. All those issues required a comprehensive ecological impact assessment;

- (d) the special Frogs and Crab resided in slow flowing water, especially under the leaf debris while other streams in the surrounding areas were fast flowing. It hence might not be feasible to identify suitable habitats for translocating the species in nearby areas, as envisaged by AFCD in the Paper; and
- (e) the primary purpose of conservation was to conserve the natural habitats of the animals/plants and translocation should be the last resort. He requested the Board to consider whether the site was the last and only place to build the 980 dwelling units.

[Actual speaking time : 10 minutes]

59. The Chairman thanked Mr Toby Lau for not repeating the points already made by other representers or their representatives and encouraged the remaining speakers to follow suit.

R455 –朱建邦

60. Mr Benny Ng made the following main points:

- (a) he had been living in Shek Kip Mei for 5 years and objected to the proposed rezoning. He considered it not a fair procedure for including the site into the Land Sale Programme 2014/15 before completion of the rezoning process;
- (b) the sale of the site for private housing development was in fact collusion between the Government and developers. The site required a high development cost, and the housing prices of the flats would be much higher than the existing ones in the district which would not be affordable to the general public. The purpose of the rezoning proposal was to test the water, and if the community did not object to the proposal, more “GB” land would be put up for sale;
- (c) a CP could not function properly if developments were very close to it. The “GB” zone was a buffer between residential developments and the rural recreational areas; and no development should be allowed in the “GB”;

- (d) there was only one access road leading to both Dynasty Heights and the rezoning site. During the construction period, heavy vehicles to the site would bring inconvenience to the residents of Dynasty Heights. Although TD had advised the Board that the residential development would generate about 98 passenger car units/hour (pcu/h), those trips would be concentrated in the morning peak of 7am to 9am. Besides, with 980 flats accommodating 4 persons per flat (PPF), there would have an addition of over 3,000 persons using the narrow Yin Ping Road;
- (e) the main stream located between the site and Yin Ping Road would inevitably be affected by the development. If the site was paved, water of the seasonal stream could not flow into the main stream which would dry up; and
- (f) each flat of the proposed residential development was estimated to worth more than \$10 million. Some reports in 2014 stated that flats worth more than \$7 million and \$12 million each had a vacancy rate of 8.9% and 11.2 % respectively. With such a high vacancy rate, he considered that the provision of 980 flats at the site could not address housing shortage problem.

[Actual speaking time : 6 minutes]

R5051-蔡綺儀

61. Mr Kwok Ka Ping made the following main points:

- (a) he was a representative of the Student Union of the City University (CityU). The Student Union objected to the rezoning proposal. Of the some 5,000 representations, about 2,000 adverse representations to the rezoning proposal were submitted by CityU students on the ground of procedural unfairness issue, in particular, the site was included into the Land Sale Programme prior to completion of the public consultation of the rezoning proposal. Even though there was a need to provide land to address the housing need, the procedural fairness principle should be adhered to;

- (b) housing development at the “GB” site would cause irreversible loss of the green area, and hence the rezoning proposal deserved careful deliberation. The population increase arising from the proposed development would affect the road capacities, infrastructural networks and quality of the environment;
- (c) the students considered that public housing rather than private housing should be developed at the site. Private housing development at the site was collusion of the Government and developers. It was also not healthy for the Hong Kong economy to heavily rely on the property market;
- (d) the CityU students were disappointed with the Government’s housing policy and their future as they could not buy a flat even after long years of work. Housing was a basic need other than clothes, food and transport. He urged the Government to build more public housing; and
- (e) in conclusion, they objected to the private housing development at the site.

[Actual speaking time : 6 minutes]

[Mr H.F. Leung arrived to join the meeting at this point.]

R5055 -朱健明

62. Mr Lau Tung Kin, Macro made the following main points:

- (a) he objected to the rezoning proposal. He would not repeat the procedural fairness issue as it had been covered by other representers. The Paper emphasized that the impacts of the rezoning proposal were not significant, but in fact, it would lead to irreversible damage to the ecological environment and other environmental quality. Also, the development of luxurious housing at the site could not resolve the housing problem in Hong Kong; and
- (b) while rezoning of the “GB” site for residential use was very controversial, there was very limited information on the impacts of the proposal and consultation with the stakeholders was inadequate. It appeared that the Government was testing the water, in that if the rezoning of the site was successful, there was no

need to provide detailed information and conduct public consultation in the subsequent rezoning of other “GB” sites. It would then result in an incremental loss of a vast area of “GB” zone which would have cumulative impacts on the ecological environment.

[Actual speaking time : 3 minutes]

R5071 - 凌漢明

63. Mr Hon Ka Mo clarified that he represented Public Transport Research Team which was not associated with the CityU. He then made the following main points :

- (a) his Team was not used to commenting on land use proposals, but had submitted representations in recent years as they observed that there were recurrent public transport issues in the planning of Kowloon Bay, Jordan Valley and Kai Tak, etc;
- (b) TD had assured the Board that the proposed development with 980 flats would generate 98 pcu/hr which would be insignificant as compared with the current 3,000 pcu/hr at Yin Ping Road and 11,000 pcu/hr at Nam Cheong Street. While the junction of Nam Cheong Street/Cornwall Street still had a reserve capacity of 11% in the morning peak, it was common to have a traffic queue of 100m along the northbound lane of Nam Cheong Street near the junction. With the additional 98 trips, the length of the traffic queue was expected to be increased by 20m or more. During the construction phase, there would be even more traffic which would not be limited to private cars. The heavy vehicles could only use Nam Cheong Street to access the site, and their traffic impact, lasting for two to three years during the construction period, could be very significant; and
- (c) assuming a PPF of 2.25 for the additional 980 flats, the increase in population was estimated to be about 2,000. Even if one third of those residents would use private cars, about 1,000 residents would still rely on public transport services. One of the main concerns of his Team was whether the existing



public transport services could cope with the increase in population, which had not been addressed in the Paper or in the SSPDC consultation papers.

[Actual speaking time : 5 minutes]

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

R26/C1 - Green Sense

64. In response to Mr Roy Tam's earlier request for a speaking time of one hour, the Chairman said that after reviewing his written representation of one page, and as the Board had other agenda items to discuss, he could allow a maximum presentation time of 25 minutes initially. Mr Roy Tam reiterated his disagreement with the speaking time limit, and said that the limit did not respect the right of the representers to give their views. He said that while the majority of Members had heard what he would present in previous occasions, he needed to repeat those points which would be new to the new Board Members.

65. With the aid of Powerpoint presentation, Mr Roy Tam made the following main points:

- (a) Green Sense objected to the large-scale rezoning of "GB" sites for development of luxury housing including the in-fill development under the subject rezoning proposal;

*Planning Policy on Rezoning "GB"*

- (b) the Government was proposing large-scale rezoning of "GB" sites in Hong Kong involving 70 sites with a total area of 150 ha. It was a major policy change in town planning, but neither comprehensive public consultation with the general public nor specific consultation with the environmental groups was conducted. PlanD only consulted individual District Councils on the rezoning proposals within each district so as to dilute the territorial impact of the policy change. This was against the principle of procedural fairness;

- (c) on other planning projects of territorial significance, e.g. Tung Chung New Town Extension and Reclamation outside the Victoria Harbour, the Government had followed proper procedures to consult the general public and made refinements to the proposals in response to the public views. In the current large-scale “GB” rezoning exercise under the directive of the Chief Executive (CE), the Government had not consulted the public on the policy itself;
- (d) the original intention of the “GB” zone was to avoid urban sprawl. The OZP should also provide a robust planning framework and the public had legitimate expectation that it would not be amended readily. The “GB” rezoning exercise was not supported by the public. The 70 “GB” sites identified for rezoning were only based on internal studies and technical assessments by the Government. The rationales for selecting those 70 sites were not made known to the public. The Government said that those “GB” sites proposed for rezoning were devegetated, deserted or formed. However, the “GB” sites recently submitted to the Board for rezoning were woodland, such as the ones in Tsing Yi OZP, Tai Po OZP and the current site in Tai Wo Ping. On some previous occasions, the Government changed its views after Green Sense pointed out that those “GB” sites were woodland in good condition. As the detailed technical assessments were not available, he doubted if there were scientific bases to select those sites;
- (e) the local stakeholders were only consulted at a late stage when the proposals had been decided. It was already too late for any public views to be incorporated in the proposals in a meaningful way and, as such, the local residents felt aggrieved by the rezoning proposals. The proposals were then submitted to the Board. The whole process deviated from the established public consultation procedures. He requested the Government to release the detailed technical assessments to convince the public that these sites were properly selected;
- (f) the rezoning of the subject site and the ones in other OZPs were submitted individually to the Board for consideration. A comprehensive picture of

their cumulative impacts of the rezoning on a territorial or district basis was not provided to the Board;

*Shortcoming of Practice Notes (PN) 7/2007 of Lands Department*

- (g) in rezoning the “GB” sites, PlanD relied on PN 7/2007 on ‘Tree Preservation and Tree Removal Application for Private Projects’ to address the issue on tree preservation. However, PN 7/2007 was originally formulated to cater for those sites with a few trees with the aim of providing guidelines for both government departments and developers on tree preservation. It encouraged developers to retain the trees in-situ. However, it was not applicable to the current “GB” rezoning exercise as the sites were densely covered with vegetation which rendered it not possible to retain all the trees in-situ. A major revision to the PN was required to cater for the current circumstances;
- (h) PN 7/2007 was ineffective in protecting trees within private housing sites as revealed from his case study of a housing development at Sheung Shing Street, Ho Man Tin. There were originally about 400 trees within the Sheung Shing Street site but eventually all trees were felled with only three trees transplanted after negotiations between the Tree Unit of LandsD and the team of tree experts employed by the developer. The developer’s tree experts were always able to justify the felling of trees within the site, claiming that trees growing on slopes and at the centre of the site, and the exotic or the common native species would be felled;
- (i) as revealed by a staff of the Tree Unit of LandsD, whether any trees could be preserved was determined at the planning stage, and once the site was sold to the developer, the developer had the development right which could override any public aspiration for preserving trees. Developers were usually unwilling to cater for tree preservation through the design of the development layout. Due to the limited staff resources, the Tree Unit of LandsD always found it hard to negotiate for tree preservation with the tree experts of the developers. The case study demonstrated that the PN could not protect the trees within the site;

*Representation Site*

- (j) the site was located within a long stretch of greenery area which acted as a buffer between the Lion Rock CP to the north and the SSP urban area to the south. Although the residential developments to the north of Lung Cheung Road had already intruded into the said belt of greenery, the proposed development at the site would intrude even deeper inside and the closest distance was only about 70m. Development at the subject “GB” site should only be allowed if there were very strong justifications, not for luxurious housing development. The buffering function of the “GB” site would be nullified and the good planning intention in the past was not respected;
- (k) a site of about 2.18 ha in the area near Beacon Heights had already been included into the Land Sale Programme for low-density development and he doubted about the need for so many luxurious housing sites in the area;

*Housing Need and Supply*

- (l) on the point that the rezoning was to address the need for low-density housing, he said that according to the report from Rating and Valuation Department in 2014, Class C housing (for large-sized flat) had a high vacancy rate of about 10%. Such information was not included into the Paper;
- (m) some scholars had already pointed out that flats with low housing price were mostly needed in the community. Green Sense had made some assessment for the sites in the Land Sale Programme by making reference to the housing prices of the nearby developments to find out whether these sites could meet the housing need. Among the 29 sale sites, only 7 sites would have flats with estimated housing prices between \$7,000 and \$8,000/square foot which could possibly be affordable to the public, while the flats from other sites would be above \$9,000/square foot and those at the subject site would be some \$17,000/square foot which could not meet the housing need of the general public. Green Sense objected to using “GB” sites for luxurious housing, and considered that there were still a lot of sites suitable for housing developments such as brownfield and military sites. Any flats above \$12,000/square foot were not housing supply;

- (n) the Government should not deploy resources to rezoning sites for luxurious flats nor sacrifice CP, “GB”, woodland and public space for luxurious housing which was not affordable to the general public. Such rezoning also did not meet the purpose of the Town Planning Ordinance which was to promote the health, safety, convenience and general welfare of the community; and
- (o) the policy directive of rezoning “GB” sites had long term irreversible effects once the sites were developed. It might eventually lead to massive tree felling in the territory. The SSPDC had already raised their strong objection. Land use planning should be the outcome of dialogue and compromise. Green Sense had already made compromises and would have no objection if the rezoning sites were for public housing development.

66. The Chairman reminded Mr Tam that the 25-minute speaking time had already lapsed for some time. Mr Roy Tam expressed his disagreement with the allotted speaking time and said that he had a few more slides to present. The Chairman agreed to allow three more minutes for him to wrap up his oral submission.

67. Mr Roy Tam continued to make the following main points:

- (a) the Government should not identify the sites in closed door, and should suspend the Stage 2 “GB” zone review. The Government should conduct a large-scale public consultation on the policy of rezoning the “GB” zone and the criteria for rezoning, and build up community consensus on the principles on site selection. It should also set up a platform drawing together a wide range of expertise such as environmental groups, academics and government officials, and study in detail the feasibility of the selected sites;
- (b) the Board was requested to reject the subject rezoning proposal to provide opportunity for the Government to reflect on the future direction; and to reduce the number of single entry permits as well as formulate the population policy; and
- (c) in response to the Vice-chairman’s enquiry raised at another meeting on the mechanism to prevent future housing at these “GB” sites from being developed

into luxurious housing, he said that the only solution was to develop the sites into subsidized housing. However, subsidized housing might not be appropriate to the subject site due to the traffic concern. He hoped that the Government would focus on the issue of affordability when identifying housing sites in the territory.

[Actual speaking time : 29 minutes]

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

#### Question and Answer Session

69. In response to the Chairman's question, Mr Lawrence Y.C. Chau (DPO) said that the Stage 1 "GB" review was mainly to review the suitability for housing use of those "GB" sites were devegetated, deserted or formed, whilst the Stage 2 "GB" review involved mainly those vegetated "GB" sites which had been disturbed or were located near the existing roads or at the fringe of built-up areas. For the subject site, it was identified in Stage 2 and was located at the fringe of the urban area, in proximity to road access, and the area was overgrown with vegetation after the clearance of the squatter area in 1987.

70. Mr K.K. Ling (D of Plan) noted that it was alleged in Mr Roy Tam's Powerpoint slide that PlanD had changed its views when the representers presented to the Board that the rezoning sites were well vegetated. Mr Ling clarified that for every rezoning proposal, aerial and site photographs illustrating the site conditions including the vegetation cover would be submitted to the Board for consideration.

71. Mr K.K. Ling also enquired whether seasonal streams were commonly found in the territory given that Hong Kong had many upland areas and distinct dry and wet seasons. In response, Mr Tony Nip (KFBG) said that seasonal streams in Hong Kong were not rare, but it could not presume that they had no or low ecological value. The ecological value of the seasonal streams should be assessed case-by-case based on the function of their habitats and the rarity of the species found. The seasonal stream in the site was the breeding, nursery

and foraging grounds of the Lesser Spiny Frog and Big-headed Frog, and these Frogs were assessed to have potential conservation concern by AFCDC.

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

72. In response to the Vice-chairman's enquiry on the process and the details of the local consultation, Mr Lawrence Y.C. Chau (DPO) said that the paper submitted to SSPDC on 4.3.2014, though only had three pages, clearly set out that after consulting concerned government departments, the proposed development was considered to have no insurmountable impacts on the surroundings in terms of traffic, environmental, air ventilation and visual aspects. Also, no problem with infrastructure network or community/open space provision was identified. DEVB, PlanD and relevant departments also held a meeting with the Incorporated Owners/Owners' Committee of the nearby housing developments, local residents and the concern groups on 15.4.2014. In view of the concerns from SSPDC and the local residents, SSPDC was consulted again on 29.4.2015 (but the meeting was disrupted due to the opposition on the subject rezoning proposal) and on 19.5.2014, with a reduced site area and a 10-page consultation paper including more detailed information on the traffic, environmental and drainage impacts and slope stability.

[Mr K.K. Ling left the meeting at this point.]

73. Mr Lawrence Y.C. Chau continued to explain that most of the impact assessments and information contained in the TPB Paper and the consultation papers were the same except the tree survey report and supplementary information on the ecological conditions of the site, which were included in the former to address concerns raised in the representers' submissions.

74. Ms Carmen Ng (SSPDC member) supplemented that despite the number of pages of the consultation paper had increased from three to 10, more SSPDC members objected to the rezoning proposal. The 10-page consultation paper did not attach any technical assessment reports for the proposed development. The Board should note that the information contained in the consultation paper could not alleviate the concerns of the SSPDC and the local residents, and hence resulting in the strong objections to the rezoning proposal.

75. A Member noted that a section of the access road from Yin Ping Road to the “GB” zone was already built and enquired about the function of that section. Mr Lawrence Y.C. Chau said that he had no such information at hand but the site was zoned as “GB” before the current rezoning.

76. A Member enquired about the purpose of designating an NBA within the site which covered only part of the seasonal stream, and whether works/development such as paving and swimming pool would be allowed within the NBA. Mr Lawrence Y.C. Chau said that the NBA was included to address the concern over the seasonal stream, and was delineated based on an indicative block layout prepared by PlanD in consultation with concerned departments. It was intended to stipulate in the lease that any development/works would be prohibited in the NBA. A section of the seasonal stream was not covered by NBA as the illustrative block layout had demonstrated that the future development could be designed in such a way that this part would have no above-ground development.

77. Mr Paul Zimmerman (DHK) pointed out that the illustrative block layout was misleading in that the light green colour area would likely be paved platforms for the development rather than greening area, and cutting into the slopes outside the site would likely be required. Mr Tony Nip (KFBG) noted out that a large portion of the NBA fell outside the 8m buffer area for the retaining wall and queried if site formation works could be allowed within the NBA. In addition, the block layout was for illustration only, and the detailed landslide hazard assessment could only be conducted when the future block layout was confirmed by the developer. Judging from the man-made slopes of the adjacent Dynastic Heights, there would likely be extensive man-made slopes outside the site and the impacts arising from the development would not be restricted to the site itself.

78. In response to the Chairman’s enquiry on the retaining wall within the NBA, Mr Lawrence Y.C. Chau clarified that the retaining wall would be built along the boundary of the NBA; and with retaining wall erected within the site, man-made slopes outside the site would not be required. Mr Macro Pang (CEDD) confirmed that the retaining wall would not cut across the NBA but run along its edge.



79. A Member enquired whether the ecological habitats within the NBA would be affected, whether the site could be divided into two by excluding the NBA and its downstream area, whether the site boundary could be set back from the CP, and whether the building height restriction of the site could be increased to compensate the loss in GFA if the site boundary was revised. Mr Lawrence Y.C. Chau said that based on the assessment of the concerned departments, the ecological value of the site was not significant. As shown in the illustrative block layout, the site could not be divided into two as the northern portion of the development would not have an access road linking with Yin Ping Road. The boundary of the site was delineated with reference to the ex-squatter area where the natural vegetation was already disturbed. Further assessments would be required if the development parameters including building height and site area were amended to accommodate the same GFA as proposed.

80. In response to the Chairman's enquiry, Mr Lawrence Y.C. Chau (DPO) confirmed that the block layout shown in the Powerpoint was for illustrative purpose only, and various concerns on the impacts of the proposed development could be addressed at the land lease preparation stage with the inputs of relevant departments.

81. Two Members enquired whether the NBA designation could ensure that water in the seasonal stream could flow into the main stream, whether the traffic impact assessment was conducted for rush hours, and the implementability of the tree preservation and compensation proposal. Mr Lawrence Y.C. Chau said that the water of the seasonal stream only appeared in the area occasionally, and there was no evidence that it had a fixed distributary flowing into the main stream could not be ascertained. The requirement for tree preservation and compensation would be included in the lease conditions. However, not all the trees would be preserved as tree preservation would depend on the value of the trees. Mr Macro Tai (TD) supplemented that the impact on the traffic flow was assessed at rush hours. With the proposed development in place, the junction at Yin Ping Road/Lung Ping Road still had reserve capacity while the junction at Nam Cheong Street/Cornwall Street, with the completion of road improvement works, could cope with the future traffic flow assessed as at 2029.

82. A Member enquired whether it was possible to require the future developer to maintain the ecological habitats of the seasonal stream, or to ensure the natural flow of the

stream water across the site would not be interrupted. Mr Lawrence Y.C. Chau responded that the alignment of the stream course could not be ascertained, and as the ecological value of the seasonal stream was considered low, designation of the area as NBA to minimize the possible disturbance was considered sufficient. There would be translocation arrangement for special species if identified.

83. Noting that some representers were concerned that luxurious housing development at the subject "GB" site could not provide affordable housing units, a Member enquired whether increased supply of different housing types could assist in stabilizing the overall housing price and help to address the housing problem. The Chairman said that the prices of Dynasty Heights flats were high. He asked for Mr Roy Tam's opinion on whether the flats were housing supply. Mr Roy Tam (Green Sense) said that he had no objection to luxurious housing development if it was not at the expense of the natural environment. For the subject site, the environment would be adversely affected while the flats produced there would be at a price of \$17,000/square foot which was not affordable to the general public. The area was not in lack of supply for luxurious housing as a site of 2 ha was located in the vicinity of the site for such development. Mr Kwok Ka Ping (City U) agreed that it was not worthwhile for rezoning the "GB" site for luxurious housing, in particular, when alternative sites, such as the Fanling Golf Course, could be considered for residential use.

84. In response to a Member's enquiry on the possible receiving sites identified for translocating the special species found and the tree compensation arrangement, Mr Lawrence Y.C. Chau confirmed that the trees would be compensated off-site. Mr Cary P.H. Ho (AFCD) supplemented that the developer would be required to provide ecological impact assessment with mitigation measures to the Government including the species requiring translocation, receiving sites identified and timing to carry out the translocation. As the site occupied only about 4% in the vast stretch of green belt between Lung Cheung Road and the Lion Rock CP and was surrounded by mature woodland, suitable habitats could be readily identified in the surroundings for translocation.

85. Ms Woo Ming Chuan (KFBG) said that if the NBA only prohibited above-ground developments, there might be a carpark or other underground developments within the NBA. In addition, there would be no restriction on above-ground development for the downstream

area outside the NBA. All those would affect the hydrology of the area, and the seasonal stream might be dried up eventually without any water flowing into the main stream. Moreover, as no comprehensive ecological survey had been conducted for the site, it could not be concluded that only the seasonal stream in the NBA deserved protection. Mr Tony Nip (KFBG) supplemented that the stream courses as shown in the survey map prepared by LandsD were truncated at the site which indicated that there might be other stream courses of ecological importance but KFBG had only surveyed the stream course in the area marked NBA. He also emphasized that the NBA was under the “R(C)13” zoning and there were no restrictions on site formation and land excavation imposed in the Notes of the zone. He doubted whether the protection to the stream course could be realized.

86. Referring to Plan H-7 of the Paper, a Member enquired about the development history in the site and the surrounding area. Mr Lawrence Y.C. Chau said that “R(C)11” and “R(C)12” sites were included into the Land Sale Programme and their future developments were taken into account in evaluating the traffic impact arising from the proposed residential development at the site. Both the subject site and the Dynasty Heights site were previously squatter areas. Before 1976, the Dynasty Heights site and part of the site fell within the same residential zone, but that part of the site was rezoned from residential use to “GB” in 1980. Ms Carmen Ng (SSPDC member) supplemented that for the “R(C)11” and “R(C)12” sites, the Government had to allocate \$70 million to improve the road network in the area to address the traffic impacts arising from the developments, which reflected that the traffic problem in the area was of a great concern. Mr Paul Zimmerman (DHK) and Mr Tony Nip (KFBG) supplemented that as demonstrated by the need for man-made slopes for the adjacent developments such as Dynasty Height as shown on Plan H-7 of the Paper. They anticipated that massive slope works outside the site boundary would be required for the proposed development in the rezoning site.

87. As Members had no further question to raise, the Chairman said that the hearing procedures on the first day had been completed. The Board would deliberate on the representations in their absence after completion of all the Group 2 hearing and would inform them of its decision in due course. The Chairman thanked them and the government representatives for attending the hearing. They all left the meeting at this point.

88. The meeting was adjourned at 2 pm for lunch break.

89. The meeting was resumed at 3:00 p.m.

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

Mr Thomas T.M. Chow                      Chairman

Mr Stanley Y.F. Wong                      Vice-Chairman

Mr Roger K.H. Luk

Professor P.P. Ho

Professor K.C. Chau

Mr H.W. Cheung

Mr Ivan C.S. Fu

Ms Janice W.M. Lai

Mr H.F. Leung

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Dr Lawrence W.C. Poon

Deputy Director of Lands (General)

Mr Jeff Y.T. Lam

Hong Kong District

**Agenda Item 5**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/H3/415

Proposed Minor Relaxation of Building Height Restriction for permitted flat use in “Residential (Group A)” zone and area shown as “Road”, 73-73E Caine Road, Mid-Levels, Hong Kong

(TPB Paper No. 9860)

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[The meeting was conducted in Cantonese.]

91. The Secretary reported that the applicant was a subsidiary company of Henderson Land Development Company Limited (Henderson). The following Members had declared interests in the item:

- |                        |   |   |
|------------------------|---|---|
| Ms Janice W.M. Lai     | ] | having current business dealings with   |
| Mr Dominic K.K. Lam    | ] | and Henderson   |
| Mr Patrick H.T. Lau    | ] |   |
| Mr Ivan C.S. Fu        | ] |   |
| Mr Lincoln L.H. Huang  | - | owning a flat on Robinson Road and co-owning with spouse a flat on Conduit Road |
| Mr Frankie W.C. Yeung  | - | co-owning with spouse a flat on Conduit Road                                    |
| Mr Laurence L.J. Li    | - | his company owning a flat on Seymour Road                                       |
| Mr Clarence W.T. Leung | - | his mother owning a flat in Sai Ying Pun, and being director of a               |

non-government organisation which had received donation from a family member of the Chairman of Henderson

- Professor P.P. Ho - his spouse owning two flats on Kui Yan Lane and 20A Third Street respectively, and being an employee of the Chinese University of Hong Kong (CUHK) which had received donation from a family member of the Chairman of Henderson
- Mr Roger K.H. Luk - being Council Member of St. Paul's College, and being a Member of Council of CUHK which had received donation from a family member of the Chairman of Henderson
- Dr W.K. Yau - being the director of a non-government organisation which had received donation from a family member of the Chairman of Henderson
- Ms Christina M. Lee - being Secretary-General of the Hong Kong Metropolitan Sports Event Association which had obtained sponsorship from Henderson
- Mr Peter K.T. Yuen - being a member of the Board of Governors of the Hong Kong Arts Centre which had received donation

from a family member of the  
Chairman of Henderson

Professor S.C. Wong ] being employees of the University of  
Dr Wilton W.T. Fok ] Hong Kong (HKU) which had  
Mr H.F. Leung ] received donation from a family  
member of the Chairman of  
Henderson

Professor K.C. Chau - being employee of CUHK which had  
received donation from a family  
member of the Chairman of  
Henderson

92. As the interests of Ms Janice W.M. Lai, Mr Dominic K.K. Lam, Mr Patrick H.T. Lau and Mr Ivan C.S. Fu were direct, Members agreed that they should be invited to leave the meeting for the item. Members noted that Mr Patrick H.T. Lau and Mr Dominic K.K. Lam had already left the meeting.

[Mr Ivan C.S. Fu and Ms Janice W.M. Lai left the meeting temporarily at this point.]

93. As the interests of Mr Roger K.H. Luk, Professor S.C. Wong, Professor P.P. Ho, Dr Wilton W.T. Fok, Dr W.K. Yau, Ms Christina M. Lee, Mr Peter K.T. Yuen and Professor K.C. Chau were considered remote, Members agreed that they should be allowed to stay at the meeting. Members noted that Professor S.C. Wong, Dr Wilton W.T. Fok, Dr W.K. Yau, Mr Lincoln L.H. Huang, Mr Frankie W.C. Yeung and Mr Laurence L.J. Li had already left the meeting, and Mr Clarence W.T. Leung and Ms Christina M. Lee had tendered apologies for being unable to attend the meeting.

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

Ms Ginger K.Y. Kiang - District Planning Officer/Hong

Kong (DPO/HK), PlanD

Ms W.H. Ho - Senior Town Planner/Hong Kong  
(STP/HK), PlanD

Dr Owen L.F. Yue ] Applicants' representatives  
Mr Kim Chan ]  
Mr Kelvin Chan ]

95. The Chairman extended a welcome and explained the procedure of the review hearing. He then invited the representatives of PlanD to brief Members on the application.

96. With the aid of a PowerPoint presentation, Ms W.H. Ho, STP/HK, presented the application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for minor relaxation of building height (BH) restriction from 160mPD to 164.35mPD for a proposed composite commercial/residential development at the site which fell within an area mainly zoned "Residential (Group A)" ("R(A)") (about 93%) and with a small portion shown as 'Road' (about 7%) on the approved Sai Ying Pun & Sheung Wan Outline Zoning Plan (OZP) No. S/H3/29. The site was currently occupied by a 7-storey high commercial/residential building with shops on G/F completed in 1950s;
- (b) on 14.11.2014, the Metro Planning Committee (MPC) of the Town Planning Board (the Board) rejected the application for the following reasons:
  - (i) there was no strong planning justification in the submission for the proposed minor relaxation of the BH restriction; and



- (ii) approval of the application would set an undesirable precedent for similar applications in the “R(A)” zone, the cumulative effect of which would jeopardize the planning intention for imposing the BH restrictions on the area;
- (c) on 16.12.2014, the applicant applied for a review of the MPC’s decision to reject the application. The applicant had not submitted any written representation in support of the review;
- (d) departmental comments – comments from the relevant government departments were detailed in paragraph 4 of the Paper and summarised below:
- (i) the Commissioner for Transport (C for T) had no in-principle objection to the application and supported the surrender of land for road widening;
  - (ii) the Chief Building Surveyor/Hong Kong West, Buildings Department (CBS/HKW, BD), had no in-principle objection to the application and the surrender of land in return for bonus plot ratio (PR);
  - (iii) the Chief Town Planner/Urban Design & Landscape (CTP/UD&L), PlanD, considered that, in respect of urban design/visual aspect, the proposed minor relaxation of the BH restriction of 4.35m was not visually incompatible with the surrounding built environment. However, while the applicant argued that the minor relaxation in BH restriction would facilitate improvements to the streetscape and promote visual permeability in the area, it was technically feasible for the applicant to accommodate the bonus gross floor area (GFA) within the BH restriction while offering the proposed benefits. In terms of air ventilation, the submitted Air Ventilation Assessment (AVA) Expert

Evaluation (EE) report was not adequate to demonstrate air ventilation improvements to the surrounding area;

- (iv) the Central & Western District Office, Home Affairs Department, advised that members of the Central & Western District Council (C&WDC) had all along raised concern about the increase in PR/BH in the district; and
  - (v) other relevant government departments had no objection to or no adverse comment on the application;
- (e) no previous application within the “R(A)” zone;
- (f) similar application – no similar application within the “R(A)” zone in the Sai Ying Pun & Sheung Wan OZP. There was one similar application No. A/H11/94 for minor relaxation of BH restriction from 170mPD to 180mPD within the “R(A)” zone at Caine Road on the Mid-levels West OZP, which was rejected by the MPC on 9.4.2010 for reasons that there were no strong planning justifications for the proposed minor relaxation and setting an undesirable precedent;
- (g) public comments – during the statutory publication period at the section 17 review stage, 16 public comments were received from two members of the C&WDC, Incorporated Owners of the nearby buildings and local residents objecting to the application mainly on the grounds that the applicant had not provided justifications in support of the review; the proposal was not compatible with the surrounding developments; the increase in population would further aggravate the traffic problems and affect the living environment; there was no public planning merit; and approval of the application would set an undesirable precedent; and
- (h) PlanD’s view – PlanD did not support the review application based

on the planning considerations and assessments set out in paragraph 6 of the Paper, which were summarised below:

- (i) the applicant proposed to surrender a strip of land (110m<sup>2</sup>) fronting Caine Road for road widening and pedestrian passage in return for bonus GFA of 550m<sup>2</sup>. Although C for T supported the surrender of land to facilitate the road widening works and the applicant stated that the BH of the proposed building would have to increase to accommodate the bonus GFA, there were three sets of building plans previously approved by the Building Authority which had incorporated the subject surrender of land for road widening and accommodated the permissible GFA (including the bonus GFA of 550m<sup>2</sup>) within the BH restriction of 160mPD. Besides, the applicant had also submitted a notional scheme with a BH of 160mPD for comparison which showed that the permissible GFA (including bonus GFA) could be accommodated within the BH restriction of 160mPD. Flexibility had therefore been allowed under the current OZP restrictions for the applicant to exercise a commercial decision on the proposed development design parameters, even if the bonus PR was claimed;
- (ii) the applicant stressed that as compared with the approved building plans, the current application would offer greater building separation at the podium levels at the eastern boundary between the proposed development and the adjacent building (i.e. Ideal House), including a building gap of 5.4m on G/F and 7.9m on 1/F. The applicant further argued that the proposed development with minor increase in BH would bring some air ventilation improvement in the local area, i.e. at the front street and along the rear lane. In that regard, the applicant submitted an AVA EE report including a small scale Computational Fluid Dynamic (CFD)

simulation to support its arguments. CTP/UD&L, PlanD pointed out that the AVA EE report and the CFD simulation were not adequate to demonstrate that the proposed development would bring about air ventilation improvements to the surrounding area;

- (iii) there was no strong planning justification in the submission for the proposed minor relaxation of the BH restriction under application. The approved building plans and the notional scheme submitted by the applicant had demonstrated that the BH restriction of 160mPD could be complied with even if the bonus GFA arising from the proposed surrender of a strip of land fronting Caine Road was incorporated into the schemes. The proposed minor relaxation of BH restriction was a result of commercial and design decisions of the owner rather than the need to accommodate the bonus GFA. Even though the proposed relaxation of the BH restriction of 4.35m would not have adverse impact on the overall stepped height profile of the area, the applicant failed to demonstrate why similar good design features could not be achieved with the BH maintained within the current statutory limit;
- (iv) the MPC had not approved any application for minor relaxation of BH restrictions for developments within “R(A)” zones in Sai Ying Pun & Sheung Wan, and Mid-levels areas. A similar application within the “R(A)” zone on the adjoining Mid-levels West OZP was rejected by the MPC in April 2010 on consideration that approval of the application would set an undesirable precedent for similar applications in the “R(A)” zone the cumulative effect of which would jeopardise the planning intention for imposing the BH restrictions on the area; and

- (v) the applicant had not submitted any written representation to support the review application. There had been no major change in the planning circumstances of the case since the rejection of the application by the MPC.

97. The Chairman then invited the applicant's representatives to elaborate on the review application. With the aid of a Powerpoint presentation, Mr Kim Chan made the following main points:

- (a) the proposed development scheme, with a relaxation of the BH restriction of only 4.35m (about 2.7%), was aimed at improving the spatial and pedestrian environment;
- (b) many relatively old (over 35 years of age) and low-rise (about 4 to 10 storeys) buildings in the area along Caine Road and bounded by Staunton Street and Rednaxela Terrace were subject to great redevelopment pressure. The proposed development would set a good example for future redevelopments to follow suit, and would thus make the street environment of Caine Road more user friendly and people oriented;
- (c) the Board and the Government should take the opportunity to facilitate those redevelopment proposals with street improvement measures to enhance the living and working environment of the area as a whole. In that regard, reference should be made to Chapter 11 of the Hong Kong Planning Standards and Guidelines (HKPSG) on 'Urban Design Guidelines' which stated that:
  - (i) urban design was an art of designing places for people which concerned about the total visual effect of building masses, connections with people and places, creation of spaces for movements, urban amenities and public realm, and the process for improving the overall townscape;

- (ii) in terms of BH and building form, improvements could be made through better transitional space, landscaping and streetscape;
  - (iii) in terms of street design, responsive and interesting frontage should be provided to make pedestrians' journey interesting and to enhance vitality at street level; and
  - (iv) to enhance air circulation and to increase the permeability of the urban fabric at the street levels, a reduction in the site coverage (SC) of the podium should be applied at the street level for redevelopment sites to allow more open space at grade;
- (d) at present, the street environment along Caine Road was unpleasant as it was narrow both in terms of road space and pavements. In particular, the section of Caine Road abutting the site was often congested with vehicles and pedestrians due to the proximity of bus stops, kindergartens, churches, tuition schools, the Central-Mid-Levels Escalator and Walkway System as well as several tourist attractions including the Dr Sun Yat-sen Museum;
- (e) furthermore, some of the street level spaces beside the existing buildings along Caine Road had been locked up and were inaccessible to the general public, while some other spaces were poorly designed and managed thus creating an insecure and unpleasant street environment for pedestrians;
- (f) a good example of utilising ground floor setback and high podium ceiling height for better pedestrian environment was demonstrated at the development at 99 Caine Road. Similar benefits to the pedestrians could be achieved if the current application was approved by the Board;

- (g) in the approved building plans, a building gap of only 2.5m width had been provided between the proposed development and the adjacent Ideal House to the east. The proposed development would offer greater building separation with Ideal House at the podium levels, including a 5.4m building gap on G/F and a 7.9m building gap on 1/F. A landscape deck would also be provided at the podium. As such, the proposed development scheme would greatly improve the general amenity and street environment. It should be much preferred than the approved building plan schemes in terms of urban design, street environment, safety and meeting user needs;
- (h) by allowing a road setback from Caine Road and reducing the SC of the podium, the proposed development scheme would help to create a more interesting and lively building frontage along Caine Road to meet the objectives of designing places for people;
- (i) the proposed relaxation of the BH restriction of only 4.35m would not have adverse effect on the stepped height profile of the area. The proposed increase in BH was minor in nature and had no significant visual effects on the area. In that regard, CTP/UD&L, PlanD had no objection to the proposed development. Other relevant government departments also had no objection to /no adverse comments on the proposed development;
- (j) the proposed development scheme had provided an opportunity to meet the aspirations of the public, the pedestrians and the applicant to improve the street level environment along Caine Road. It was noteworthy that the applicant had agreed to sacrifice about 870m<sup>2</sup> of the ground floor shop GFA in the proposed development scheme for the intended permanent improvement to pedestrian environment; and
- (k) if all development/redevelopment schemes had to comply with all the development restrictions imposed, the scope and motivation of

improving the street environment and striving for a better urban design would be jeopardised. That was not in line with the sustainable development objectives and the aspirations of the general public.

98. With the aid of the visualiser, Dr Owen L.F. Yue made the following main points:

- (a) by adopting a reduced domestic SC of 33.58% as compared with that of the approved building plan scheme (i.e. 35.66%) and the notional scheme (i.e. 36.036%), wider building separation distances could be allowed within the proposed development and between the proposed development and the surrounding buildings. That would help to minimise overlooking problem and thus benefitting the future users of the proposed development as well as the surrounding residents. The proposed minor relaxation of BH restriction was required in view of the reduction in domestic SC; and
- (b) since the site was surrounded by tall buildings, the air ventilation improvement entailed by the proposed development at a district level was envisaged to be insignificant and hence a full scale CFD simulation was considered not essential. Nonetheless, the proposed development would bring about significant improvements in air ventilation and permeability at the micro level through the provision of street setback and wider building gaps.

99. As the presentation from the representatives of PlanD and the applicant's representatives had been completed, the Chairman invited questions from Members.

100. A Member asked what the major differences were among the development scheme under application, the approved building plan scheme and the notional scheme, and whether a setback from Caine Road had been provided in all three schemes. Ms Ginger K.Y. Kiang, DPO/HK, said that the surrender of a strip of land (110m<sup>2</sup>)



fronting Caine Road had been proposed and a bonus GFA of 550m<sup>2</sup> had been claimed in all three schemes. With the aid of a Powerpoint slide, Ms Kiang briefly highlighted the major differences among the three schemes as follows:

- (a) in terms of BH and SC, the current application proposed a higher BH of 164.35mPD and a smaller SC of 33.58%. The BH of both the approved building plan scheme and the notional scheme were 160mPD, and the SCs were 35.66% and 36.036% respectively; and
- (b) in terms of number of storeys, the proposed development scheme had 30 storeys, including 27 domestic storeys, 2 storeys for clubhouse and shop and one basement level for E&M facilities. The approved building plan scheme also had 30 storeys, including 28 domestic storeys, 1 storey for club house and shop, and one basement level for E&M facilities. As for the notional scheme, it was a 26-storey building including 21 domestic storeys, 4 storeys for club house and shop, and one basement level for E&M facilities. A transfer plate was also proposed in the proposed development scheme and the notional scheme.

101. Mr Kim Chan supplemented that as compared with the approved building plan scheme and the notional scheme, the proposed development scheme had reduced the SC of the podium thus allowing wider building gaps of 5.4m on G/F and 7.9m on 1/F between the proposed development and Ideal House to its east.

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

102. The Chairman asked the applicant's representatives to elaborate on benefits of the proposed development scheme from the perspective of pedestrians. With the aid of Powerpoint slides, Dr Owen L.F. Yue said that as demonstrated in the development at 99 Caine Road, the proposed development would offer a more spacious and pleasant street level environment to pedestrians along Caine Road. As compared with the approved building plan scheme, the proposed development would provide a larger building gap and pedestrian space along the eastern boundary within the site.

Showing Plan R-2 on the visualiser, Ms Kiang said that there was an existing side lane/stairway along the eastern boundary of the site but the access gate to the lane/stairway had been locked up. As compared with the approved building plan scheme, the proposed development would be set back from the lane/stairway for a further 2.9m (i.e. 5.4m in total) on the ground floor by reducing the SC of the podium to about 67%, and hence a larger space would be created along the eastern boundary within the site. Based on preliminary assessment, it might be technically feasible to accommodate the permissible GFA (including bonus GFA) within a building with a BH of 160mPD if the domestic SC was increased to 36% while keeping the same podium design.

103. Mr Kim Chan said that the width of the existing side lane/stairway along the eastern boundary of the site was about 1.3m. Under the approved building plans, the side lane/stairway would be widened to 2.5m and further widened to 5.4m in the proposed development under application. With a proposed podium ceiling height of about 8.05m, a large void space would be created along the eastern side of the proposed development to improve the pedestrian environment. In response to the Chairman's enquiry, Mr Chan said that half of the existing width of the side lane/stairway was located within the site. Upon completion of the proposed development, the widened lane/stairway would be opened for public access. Although the side lane/stairway was not connected to any street/lane outside the site at the moment, it would provide an opportunity for linking up with other spaces and/or lanes that might be created by other redevelopments in the locality in future. Mr Chan also said that with suitable design and proper lighting, the proposed space, though under private ownership, could also be utilised by the community for holding social functions similar to the Times Square development. Dr Owen L.F. Yue supplemented that the applicant was considering the possibility of developing the site with other sites along Eglin Street to its south. As such, the widened lane/stairway space might be connected to other lanes outside the site in future. Although the widened lane/stairway was under private ownership, it could still contribute positively to the street environment and thus offer benefits to pedestrians and the general public.

104. A Member enquired about the estimated net floor areas of the proposed residential flats. Ms Kiang said that according to the proposed development scheme,

the approved building plan scheme and the notional scheme, the average flat sizes in terms of GFA were about 34m<sup>2</sup>, 50.4m<sup>2</sup> and 56.5m<sup>2</sup> respectively. Mr Chan supplemented that the proposed average flat size was derived with reference to market preference, and they would be subject to detailed design.

105. Noting that the shop frontage on the ground floor of the proposed development was indicated as a folding gate, a Member asked whether the future shop or restaurant use could be extended onto the adjoining space along the widened lane/stairway. Dr Yue said that at present there was no concrete proposal for the use of the space fronting the shop units on the ground floor. Mr Chan said that if any future shop or restaurant use was to be extended onto the adjoining space or public street, appropriate action would be taken by the Lands Department. Mr Jeff Y.T. Lam, Deputy Director of Lands, said that since the concerned private lot was subject to a virtually unrestricted lease, if the future shop or restaurant use was confined within the lot boundary, there would not be any contravention of lease conditions.

106. A Member said that given the increase in the number of residential units in the proposed development scheme, the major benefit would go to the developer and only limited benefits for the general public and the pedestrians were envisaged. Moreover, the Government would not be able to control the use of the widened lane/stairway. In response, Mr Chan said that the applicant was willing to change the folding gate of the shop unit into a solid wall at the detailed design stage if that could address Members' concerns on the future use of the adjoining space.

107. The Chairman said that as shown in the approved building plans and the notional scheme, the permissible GFA could be accommodated within a building with a BH of 160mPD and a SC of about 36%. He asked the applicant's representatives to elaborate on the merits of the proposed development scheme and the necessity for the proposed relaxation of BH restriction. Mr Chan said that if all development/redevelopment schemes had to comply with the development restrictions imposed, the resultant townscape would become uninteresting and lack variation. There was scope to improve the situation by devising a different building design at the site. The proposed relaxation of the BH restriction would facilitate the provision of a landscape deck at the proposed development to improve local visual amenity and quality of urban

space. It would also enable the provision of greater building separations both within the proposed development and with the adjoining developments, thus enhancing air ventilation, minimising overlooking and improving the overall living environment of the users of the building.

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

#### Deliberation

109. A Member said that even though the existing side lane/stairway was to be widened and a larger space was to be created at the ground floor level within the site under the proposed development scheme, it would not be connected with other spaces and lanes in the surrounding. The lane would be dead-ended. Moreover, the site was not located along any major north-south pedestrian corridor nor at a convenient location near Eglin Street since pedestrians travelling to and from Caine Road would mainly utilise Shelly Street and Bailey Street. As for the development at 99 Caine Road, it was located on a much larger site which was not comparable to the proposed development at the site. As such, the alleged improvements to pedestrian circulation and accessibility to be brought about by the proposed development would be insignificant. This Member also said that as demonstrated in the approved building plans and the notional scheme, the permissible GFA (including the bonus GFA) could be accommodated in a reasonably good building design that complied with all the statutory development restrictions on the OZP. While the proposed reduction of average flat size and increase in number of flats were commercial decisions of the developer, the alleged benefits in terms of air ventilation and permeability were unsubstantiated. In that regard, no new information had been submitted by the applicant. This Member considered that there was no strong justification to support the approval of the application.

110. The Vice-chairman said that the proposed minor relaxation of BH restriction could also be considered in the light of the planning and design merits of the proposed development scheme. While the applicant had proposed to create a larger space at ground floor level and widen the side lane/stairway along the eastern boundary of the site, the resultant planning benefits were insignificant as the proposed space and widened lane/stairway could not be linked up with other spaces and lanes in the surrounding. There was also no reason why members of the public would frequently use the widened lane. Although the proposed relaxation of BH restriction was not substantial, he did not support the application as the planning gain was considered insignificant.

111. A Member said that while the increase in the headroom of the podium structure could enable the creation of a spacious environment along the eastern boundary of the site, the concerned space was located within the private lot which the Government would have no control over its future use and design. The proposed relaxation of BH restriction might be mainly related to the reduction in domestic SC and the increase in the number of flats and the podium height which were commercial decisions to facilitate future sale of the subject property. The planning gain to the public would be insignificant if not nil.

112. Another Member said that the proposed development scheme was formulated mainly based on the needs of the developer and the future users of the subject development. Although the proposed reduction in podium SC would result in the creation of a larger space at the ground floor level along the lane/stairway, such space was under private ownership and might not be made available for public use. Even if access would be unrestricted, there was no reason why members of the public would want to visit the dead-ended lane. In that regard, the planning merit of the proposed development was insignificant.

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

- “(a) there is no strong planning justification in the submission for the proposed minor relaxation of the building height restriction; and
- (b) approval of the application would set an undesirable precedent for similar applications in the “Residential (Group A)” zone. The cumulative effect of which would jeopardize the planning intention for imposing the building height restrictions on the area.”

114. The Chairman suggested that Items 6 and 7 should be considered together as the two applications were for the same use and the two application sites were located in close proximity. Members agreed.

Sha Tin, Tai Po and North District

**Agenda Items 6 and 7**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/TP/567

Proposed House (New Territories Exempted House – Small House) in “Green Belt” and “Village Type Development” zones, Government land in D.D. 20, Yuen Tun Ha, Tai Po

Review of Application No. A/TP/568

Proposed House (New Territories Exempted House – Small House) in “Green Belt” and “Village Type Development” zones, Government land in D.D. 20, Yuen Tun Ha, Tai Po

(TPB Paper Nos. 9856 and 9857)

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[The meeting was conducted in Cantonese.]

[Mr Ivan C.S. Fu and Ms Janice W.M. Lai returned to join the meeting at this point.]

115. The following Members had declared interests in the item:

- Mr Stanley Y.F. Wong - co-owning with spouse a flat and two carparking spaces at Deerhill Bay
- Mr H.W. Cheung - owning a flat at Heung Sze Wui Street, Tai Po
- Dr W.K. Yau - owning a flat and a shop at Kwong Fuk Road, and a house and three pieces of land at Cheung Shue Tan Village
- Mr Frankie W.C. Yeung - his company owning a flat at On Chee Road, Tai Po

116. As the properties of Mr Stanley Y.F. Wong, Mr H.W. Cheung, Dr W.K. Yau and Mr Frankie W.C. Yeung's company were far away from the application sites, Members agreed that their interests were remote and the above Members should be allowed to stay in the meeting. Members noted that Dr W.K. Yau and Mr Frankie W.C. Yeung had already left the meeting.

117. Mr C.K. Soh, District Planning Officer/Sha Tin, Tai Po and North, Planning Department (DPO/STN, PlanD), was invited to the meeting at this point.

118. The Chairman extended a welcome and said that the applicants had indicated that they would not attend the meeting. As sufficient notice had been given to the applicants, Members agreed to proceed with the hearing in the absence of the applicants. He then invited DPO/STN to brief Members on the review applications.

119. With the aid of a PowerPoint presentation, Mr C.K. Soh, DPO/STN, presented the applications and covered the following main points as detailed in the Papers:

- (a) the applicants sought planning permission to build a house (New Territories Exempted House (NTEH) – Small House) on each of the application sites (the Sites) which were largely zoned “Green

Belt” (“GB”) with a small portion zoned “Village Type Development” (“V”) on the draft Tai Po Outline Zoning Plan (OZP) No. S/TP/25;

- (b) on 14.11.2014, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) rejected the applications for the following reasons:

Application No. A/TP/567

- (i) the proposed development was not in line with the planning intention of the “GB” zone for the area which was to define the limits of urban development areas by natural physical features so as to contain urban sprawl and to provide passive recreational outlets. There was a general presumption against development within the zone;
- (ii) the proposed development did not comply with Interim Criteria for assessing planning application for NTEH/Small House development in the New Territories in that the proposed development fell within the Water Gathering Ground (WGG) and was not able to be connected to the existing or planned sewerage system in the area. The applicant failed to demonstrate that the proposed development would not cause adverse impact on the water quality of the area;
- (iii) the approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such applications would result in adverse impact on the water quality in the area;

Application No. A/TP/568



- (iv) the proposed development was not in line with the planning intention of the “GB” zone for the area which was to define the limits of urban development areas by natural physical features so as to contain urban sprawl and to provide passive recreational outlets. There was a general presumption against development within the zone;
  - (v) the proposed development did not comply with Interim Criteria for assessing planning applications for NTEH/Small Houses development in the New Territories in that the proposed development fell within WGG and was not able to be connected to the existing or planned sewerage system in the area, and it would have adverse water quality and landscape impacts on the surrounding areas. The applicant failed to demonstrate that the proposed development would not cause adverse impacts on the water quality and landscape character of the area;
  - (vi) the application did not comply with 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 extensive clearance of vegetation that would affect the existing natural landscape in the surrounding environment; and
  - (vii) the approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such applications would result in adverse impact on the water quality in the area;
- (c) on 19.12.2014, the applicants applied for review of the planning applications under section 17(1) of the Town Planning Ordinance. The justifications put forth by the applicants in support of the

review applications were highlighted in paragraph 3 of the Papers and summarised below:

Application Nos. A/TP/567 and A/TP/568

- (i) the Environmental Protection Department (EPD) was using protection of the water source as the ground for banning inhabitants from constructing houses in Yuen Tun Ha. That was extremely illogical, unreasonable and was a total disregard for their practical housing need and an alleged discrimination of the inhabitants of the village. Construction of public sewerage system was the Government's responsibility. EPD should provide an overall scientific proposal for the consideration, rather than giving a negative conclusion against Small House construction;
- (ii) applications at different locations would be treated separately and each application should be considered on its own merit. Planning permission granted for Small House development within the "GB" inside the village 'environs' ('VE') would not set a bad precedent;
- (iii) with population growth in the village, it was increasingly difficult to identify suitable government land within the "V" zone for Small House development. The sites of Application No. A/TP/567 and A/TP/568 were entirely within the 'VE' of Yuen Tun Ha and with about 10% and 30% falling within the "V" zone respectively. Therefore, the proposed developments should be favourably considered in accordance with the Interim Criteria;

Application Nos. A/TP/567

- (iv) when drawing up the OZP, PlanD had not planned the “V” zone corresponding to the ‘VE’ of Yuen Tun Ha. Restricting Small House development within the ‘VE’ had deprived the right of the indigenous inhabitants and was unfair to them;
- (v) the Government designated the ‘VE’ in Yuen Tun Ha as indirect WGG but had not laid any public sewerage system for the inhabitants of Yuen Tun Ha. The Government had the responsibility to take into consideration the inhabitants’ need in the early stage of planning and provide a comprehensive public facility network for them;
- (vi) approving the applications would help to meet the housing demand of the indigenous village and relieve the burden on the shortage of housing land in Hong Kong; and

Application No. A/TP/568

- (vii) the “V” zone to the northwest of the Site was located within lower indirect WGG but Small House developments were always permitted. Water Supplies Department (WSD)’s criteria that no Small House could be built within lower indirect WGG was questionable;
- (d) departmental comments – comments from the relevant government departments were detailed in paragraph 5 of the Papers and summarised below:
- (i) the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD), advised that public stormwater drainage and sewerage systems were not available for connection in the vicinity of the Sites;

- (ii) the Chief Engineer/Development(2) (CE/Dev(2)), WSD, did not support the applications as public sewerage system was not available for connection in the vicinity of the Sites and the applicants did not provide any information to demonstrate that the water quality within WGG would not be affected by the proposed developments. Compliance with the Interim Criteria could not be established;
  
- (iii) the Director of Environmental Protection (DEP) advised that the proposed Small Houses were within WGG and the applicants proposed to use septic tank/soakaway system, which was not in line with the Hong Kong Planning Standards and Guidelines. In order to protect the quality of potable water, she did not support the applications unless the proposed developments could be connected to public sewer. On provision of sewerage to unsewered areas, a series of Sewerage Master Plans (SMPs) had been drawn up after a systematic review of the sewerage needs in each sewerage catchment in Hong Kong. Priorities and implementation timetables were recommended in the SMPs for planning purposes. For areas including Yuen Tun Ha where sewerage works were not yet included in the SMPs, DEP would liaise closely with DSD for defining the sewerage works projects with a view to incorporating them as new Public Works Programme items in future;
  
- (iv) the Director of Agriculture, Fisheries and Conservation had no strong view on Application No. A/TP/567 from the nature conservation point of view as the Site was largely covered by common grasses and weeds. He had reservation on Application No. A/TP/568 from the nature conservation point of view as the Site was partly covered by trees and development of the proposed Small House and the related site formation works would require extensive

vegetation clearance and felling of trees which was not in line with the planning intention of the “GB” zone;

- (v) the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD had no objection to Application No. A/TP/567 as in general, the proposed Small House development was not incompatible with the surrounding landscape character. She objected to Application No. A/TP/568 from the landscape planning point of view as the Site was a vegetated area overgrown with groundcover and shrubs, woodland trees could be found in close proximity to the southeast of the Site, and the “GB” area to the south of Wun Yiu Road was predominantly undisturbed by development and currently remained in good conditions. Approval of the application would likely set an undesirable precedent and encourage similar Small House developments encroaching onto the “GB” and deteriorating the existing rural landscape quality, and significant adverse landscape impact from the proposed Small House was anticipated; and
- (vi) other relevant government departments had no objection to or no adverse comment on the applications;
- (e) previous application – there was no previous application at the Sites;
- (f) similar applications – apart from the subject applications, there were two similar applications for Small House development within the same “GB” zone since the first promulgation of the Interim Criteria on 24.11.2000. They were rejected by the RNTPC/the Board upon review in 2014 mainly for the reasons of being not in line with the planning intention of “GB” zone; not complying with the Interim Criteria in that the proposed development fell within the WGG and was not able to be connected to the existing or planned

sewerage system; adverse water quality/landscape impacts; and setting undesirable precedent;

- (g) public comments – during the statutory publication period at the section 17 review stage, three public comments were received for both applications from Designing Hong Kong Limited, Kadoorie Farm & Botanic Garden Corporation and World Wide Fund for Nature Hong Kong which objected to the applications mainly on the grounds that the Sites were well vegetated, being not in line with the planning intention of “GB” zone and did not comply with TPB PG-No. 10, water quality and ecological impacts, cumulative adverse impacts on the subject “GB” zone, and lack of access and parking spaces in the area; and
- (h) PlanD’s view - PlanD did not support the review applications based on the planning considerations and assessments set out in paragraph 7 of the Papers, which were summarised below:
  - (i) the Sites of Application Nos. A/TP/567 and A/TP/568 were located within the upper and lower indirect WGGs respectively. CE/MN, DSD advised that public sewerage system was not available for connection in the vicinity of the Sites. The applicants had failed to demonstrate in the review applications that the proposed developments located within the WGG would not cause adverse impact on the water quality in the area. In this connection, CE/Dev(2) of WSD and DEP did not support the applications;
  - (ii) the Site of Application No. A/TP/568 and its immediate surrounding areas were covered by shrubs and trees. CTP/UD&L, PlanD objected to the application from the landscape planning perspective as significant adverse landscape impact was anticipated. DAFC had reservation on the application from the nature conservation point of view, as

development of the proposed Small House and the related site formation works would require extensive vegetation clearance and felling of trees. The applicant failed to demonstrate in the submission that the proposed development would have no adverse impacts on the landscape character of the surrounding areas;

- (iii) according to the record of the District Lands Officer/Tai Po of Lands Department, the total number of outstanding Small House applications for Yuen Tun Ha Village was 18 while the 10-year Small House demand forecast for the village was 250. The latest estimate of PlanD was that about 0.83 ha (or equivalent to about 33 Small House sites) of land were available within the “V” zone of Yuen Tun Ha. Whilst there was a general shortage of land for Small House development within the “V” zone and the footprint of the proposed Small House was entirely within the ‘VE’ of the village, the proposed development did not comply with the Interim Criteria in that the proposed developments located within the WGG would not be able to be connected to the existing and planned sewerage system in the area; and
- (iv) there had been no major change in planning circumstances for the Sites and their surrounding areas since the rejection of the applications. There was no strong reason to warrant a departure from the RNTPC’s previous decisions.

120. As the presentation of DPO/STN was completed, the Chairman invited questions from Members.

121. By referring to Plans R-2 and R-3 of the Papers, the Vice-chairman enquired about the rationale for delineating the “V” zone boundary of Yuen Tun Ha, which comprised three separate portions, the meaning of annotation ‘R’ for some houses on Plan R-2, whether all the outstanding Small House applications had been

indicated on Plan R-2. In response, Mr C.K. Soh, DPO/STN, said that those houses which were shown in pad lines and annotated 'R' on Plan R-2 were ruins and hence they could not be identified on the aerial photo on Plan R-3. The "V" zone boundary of Yuen Tun Ha was delineated with reference to a number of factors including the 'VE' and the extent of village settlements, and incorporation of some private land in the north-east considered suitable for Small House development. Mr Soh further said that all the 18 outstanding Small House applications were shown on Plan R-2. Those private lots with outstanding Small House applications were annotated by hatched lines while those outstanding Small House applications on government land were indicated by a hatched circle as the exact boundary of the proposed Small Houses had not yet been confirmed.

122. As Members had no further question, the Chairman thanked DPO/STN for attending the meeting. He left the meeting at this point.

#### Deliberation

123. Members generally agreed that the proposed Small House developments were not in line with the planning intention of the "GB" zone and that the proposed developments did not comply with the Interim Criteria in that they were located within the WGG and would not be able to be connected to the existing and planned sewerage system in the area.

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

#### Application No. A/TP/567

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” zoning for the area which is to define the limits of urban development areas by natural physical features so



as to contain urban sprawl and to provide passive recreational outlets. There is a general presumption against development within this zone;

- (b) the proposed development does not comply with Interim Criteria for assessing planning application for NTEH/Small House development in the New Territories in that the proposed development falls within the Water Gathering Ground and is not able to be connected to the existing or planned sewerage system in the area. The applicant fails to demonstrate that the proposed development would not cause adverse impact on the water quality of the area; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such applications would result in adverse impact on the water quality in the area.”

Application No. A/TP/568

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zoning for the area which is to define the limits of urban development areas by natural physical features so as to contain urban sprawl and to provide passive recreational outlets. There is a general presumption against development within this zone;
- (b) the proposed development does not comply with Interim Criteria for assessing planning applications for NTEH/Small Houses development in the New Territories in that the proposed development falls within the Water Gathering Ground and is not able to be connected to the existing or planned sewerage system in the area, and it would have adverse water quality and landscape

impacts on the surrounding areas. The applicant fails to demonstrate that the proposed development would not cause adverse impacts on the water quality and landscape character of the area;

- (c) the application does not comply with 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 extensive clearance of vegetation that would affect the existing natural landscape in the surrounding environment; and
- (d) the approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such applications would result in a general degradation of the natural environment in the area.”

125. The Chairman suggested that Items 8 and 9 should be considered together as the two applications were for the same use and the two application sites were located in close proximity. Members agreed.

### **Agenda Items 8 and 9**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/NE-TK/525

Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone, Lots 671 S.E and 672 S.D in D.D. 15 Shan Liu Village, Tai Po

Review of Application No. A/NE-TK/526

Proposed House (New Territories Exempted House – Small House) in “Agriculture” zone, Lots 677 S.K in D.D. 15 and adjoining Government land, Shan Liu Village, Tai Po (TPB Paper Nos. 9858 and 9859)

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[The meeting was conducted in Cantonese.]

126. Mr C.K. Soh, District Planning Officer/Sha Tin, Tai Po and North,

Planning Department (DPO/STN, PlanD), was invited to the meeting at this point.

127. The Chairman extended a welcome and said that the applicants had indicated that they would not attend the meeting. As sufficient notice had been given to the applicants, Members agreed to proceed with the hearing in the absence of the applicants. He then invited DPO/STN to brief Members on the review applications.

128. With the aid of a PowerPoint presentation, Mr C.K. Soh, DPO/STN, presented the applications and covered the following main points as detailed in the Papers:

- (a) the applicants sought planning permission to build a house (New Territories Exempted House (NTEH) – Small House) on each of the application sites (the Sites) which fell within an area zoned “Agriculture” (“AGR”) on the approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/17;
- (b) on 9.1.2015, the approved Ting Kok OZP No. S/NE-TK/17 was replaced by the draft OZP No. S/NE-TK/18 incorporating amendments to the boundary of the “Village Type Development” (“V”), “AGR” and “Green Belt” (“GB”) zones in Shan Liu. The zoning of the Sites remained unchanged as “AGR”;
- (c) on 14.11.2014, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) rejected the applications for reason that the proposed development did not comply with the Interim Criteria for consideration of application for NTEH/Small House in the New Territories in that more than 50% of the proposed Small House footprint fell outside the “V” zone or the village ‘environs’ (‘VE’);
- (d) on 19.12.2014, the applicants applied for review of the planning applications under section 17(1) of the Town Planning Ordinance. The justifications put forth by the applicants in support of the

review applications were highlighted in paragraph 3 of the Papers and summarised below:

Application No. A/NE-TK/525

- (i) the rejection reason of not complying with the Interim Criteria in that the Small House footprint falls outside “V” zone or ‘VE’ was not appropriate and reasonable. The Village Representatives (VRs) had strived to rezone the land in Shan Liu Village to “V” but PlanD had delayed the proposal for amending the “V” zone which resulted in shortage of land in the village for Small House development;
- (ii) the stance of the Water Supplies Department (WSD) towards Small House applications in Shan Liu was double standard. There were Small House applications approved by the Board and WSD did not object to those applications from the water quality point of view. Given that the Site was within the same locality, it was not understood why WSD considered that the proposed Small House would have adverse impact on the water quality in the area;
- (iii) PlanD had not provided the factual information in the RNTPC paper in that a similar application No. A/NE-TK/439 was not shown on Plan A-2 of Annex A of the Paper;

Application No. A/NE-TK/526

- (iv) there was a shortage of land in Shan Liu for Small House development. The situation became even worse as land covered by woodland and hillslopes in the north had been wrongly zoned “V”. Only a small piece of flat land in the

east of the village was found suitable for Small House development by the applicant;

- (v) the figure provided by PlanD on land for Small House development in Shan Liu was misleading and exaggerated as PlanD had advised the Board in consideration of a planning application No. A/NE-TK/13 that there were only three Small House sites available within the “V” zone. It was not understood why the number of Small House sites in the village would have increased to 16 given that there was no change to the boundary of the “V” zone; and
  - (vi) the VR of Shan Liu in association with the Tai Po Rural Committee (TPRC) had proposed to rezone the eastern portion of Shan Liu village to “V” for Small House development, but PlanD had delayed the proposal and had not reported the views and justifications of the TPRC in details to the Board for consideration;
- (e) departmental comments – comments from the relevant government departments were detailed in paragraph 6 of the Papers and summarised below:
- (i) the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD), did not support the applications as the Sites fell wholly outside the ‘VE’ of Shan Liu and located within the water gathering ground (WGG) of Tai Po Heung;
  - (ii) the Chief Engineer/Development(2) (CE/Dev(2)), WSD, objected to the applications as the application sites were located within lower indirect WGG and compliance with the Interim Criteria could not be established;
  - (iii) the Director of Agriculture, Fisheries and Conservation

(DAFC) did not support the applications from the agricultural point of view as the Sites fell within “AGR” zone and had high potential for rehabilitation of agricultural activities; and

- (iv) other relevant government departments had no objection to or no adverse comment on the applications;
  
- (f) previous applications – the northern portion of the Site of Application No. A/NE-TK/525 was the subject of a previous application No. A/NE-TK/423 which was approved with conditions by the RNTPC on 11.1.2013 mainly on consideration that the proposed development complied with the Interim Criteria in that more than 50% of the footprint of the proposed Small House fell within the ‘VE’; there was a general shortage of land in meeting the Small House demand; and the proposed Small House could be connected to the planned sewerage system in the area. The northern portion of the Site of Application No. A/NE-TK/526 was the subject of a previous application No. A/NE-TK/410 rejected by the Board on review on 10.5.2013 mainly for reasons of not complying with the Interim Criteria in that the Site was entirely outside the “V” zone and the ‘VE’ and failure to demonstrate that the proposed development located within lower indirect WGG would not cause adverse impact on the water quality in the area;
  
- (g) similar applications – there were 37 similar applications in the concerned “AGR” since the first promulgation of the Interim Criteria on 24.11.2000. 24 applications were approved with conditions by the RNTPC in 2009 to 2015 mainly on the considerations that more than 50% of the footprint of the proposed Small Houses fell within the ‘VE’; there was a general shortage of land in meeting the Small House demand; and the proposed Small Houses could be connected to the planned sewerage system in the area. Out of the 13 rejected applications, nine applications were

rejected by the RNTPC/the Board upon review in 2010 to 2014 mainly for reasons of not complying with the Interim Criteria in that more than 50% of the footprint of the proposed Small Houses fell outside both the “V” zone and the ‘VE’ and failure to demonstrate that the proposed development would not cause adverse impact on water quality in the area or drainage impact on the surrounding area. The other four applications were rejected by the RNTPC/the Board upon review between 2003 and 2009 mainly for reasons of not complying with the Interim Criteria in that the application sites were not able to be connected to the planned sewerage system in the area; insufficient information to demonstrate that the proposed developments located within the WGG would not cause adverse impact on water quality in the area; having adverse landscape impact; and setting undesirable precedent for other similar applications;

- (h) public comment – during the statutory publication period at the section 17 review stage, one public comment was received from Kadoorie Farm & Botanic Garden Corporation which objected to the applications mainly on the ground of not in line with the planning intention of the “AGR” zone; and
- (i) PlanD’s view - PlanD did not support the review applications based on the planning considerations and assessments set out in paragraph 8 of the Papers, which were summarised below:
  - (i) subsequent to the amendments to the Ting Kok OZP for land in the vicinity of Shan Liu, the area of “V” zone in Shan Liu had been enlarged to about 1.44 ha. According to DLO/TP, LandsD, the total number of outstanding Small House applications for Shan Liu Village was 40 while the 10-year Small House demand forecast for the village was 250. The latest estimate of PlanD was that about 1.35 ha (or equivalent to about 54 Small House sites) of land were available within

the “V” zone of Shan Liu. While the land available could not fully meet the future Small House demand, land was still available within the “V” zone for Small House development;

- (ii) although there was a general shortage of land within “V” zone of Shan Liu Village and the proposed developments would be able to be connected to public sewerage, the proposed developments did not comply with the Interim Criteria in that more than 50% of the Small House footprint fell outside the “V” zone and the ‘VE’. DLO/TP, LandsD, did not support the applications for the same reason;
- (iii) the Sites were located within the lower indirect WGG and the proposed Small Houses could be connected to the public sewerage system in the area. While the Director of Environmental Protection and the Chief Engineer/Mainland North of Drainage Services Department had no in-principle objection to the applications, CE/Dev(2), WSD, objected to the applications as the proposed developments did not comply with the Interim Criteria as the footprint of the proposed Small House fell entirely outside the “V” zone and the ‘VE’ of Shan Liu Village;
- (iv) regarding Applications No. A/NE-TK/423, 439, 463 and 474 mentioned by the applicant of Application No. A/NE-TK/525, they were approved with conditions by the RNTPC mainly on consideration that they complied with the Interim Criteria in that more than 50% of the proposed Small House footprint fell within ‘VE’; there was a general shortage of land for Small House development in the concerned “V” zone; and the proposed Small House could be connected to future public sewer in the area. Since Application No. A/NE-TK/525 did not comply with the Interim Criteria in that the footprint of the Small House was entirely outside the “V” zone and the ‘VE’, it



should not warrant similar considerations as those approved applications;

- (v) the planning application mentioned by the applicant of A/NE-TK/526 was a rezoning application (No. Z/NE-TK/13) for rezoning an area of about 3.66 ha from “AGR” and “GB” to “V” for extension of the “V” zone boundary at Shan Liu submitted by the VR of Shan Liu which was not agreed by the RNTPC on 23.1.2009. The estimated figure on the Small House sites available within the “V” zone was updated regularly taking account of the latest circumstances;
- (vi) as there had been no material change in planning circumstances for the Sites and their surrounding areas since the rejection of the applications, there was no strong planning justification to warrant a departure from the RNTPC’s previous decisions;
- (vii) as for the views of the VR regarding the proposed amendments to the “V”, “AGR” and “GB” zones in Shan Liu, they had been taken account of in considering the zoning amendment agreed by the RNTPC on 12.12.2014. However, it should be noted that the Sites fell outside the enlarged “V” zone on the current OZP; and
- (viii) the information of Application No. A/NE-TK/439 had been shown on Plan A-1 and Appendix IV of Annex A to the Papers.

129. As the presentation of DPO/STN was completed, the Chairman invited questions from Members.

130. The Chairman asked whether Small House developments were permissible within WGGs. Mr C.K. Soh, DPO/STN, said that during the review of the “V” zone of Shan Liu, WSD had no objection to incorporate the area within the upper indirect

WGG into the “V” zone and such amendment to extend the “V” zone boundary was subsequently published on 9.1.2015. However, WSD had strong reservation on incorporating the lower indirect WGG into the “V” zone. Each Small House application in the lower indirect WGG would be assessed by WSD based on its individual merits and if the proposed Small Houses could be connected to the public sewerage system, WSD might support such application. As for the subject applications, the sites were located within the lower indirect WGG and outside the ‘VE’. Based on the principle of minimising Small House development within the lower indirect WGG, WSD did not support the applications even though they could be connected to the public sewerage system. In response to the Chairman’s question, Mr Soh further explained that as lower indirect WGGs were located closer to the water catchment area and water intake points of the reservoirs, WSD had been very cautious in considering any proposed development therein.

131. As Members had no further question, the Chairman thanked DPO/STN for attending the meeting. He left the meeting at this point.

#### Deliberation

132. Members agreed that the proposed Small House developments did not comply with the Interim Criteria in that more than 50% of the proposed Small House footprint fell outside the “V” zone and the ‘VE’.

133. After deliberation, the Board decided to reject the applications on review. Members then went through the reason for rejection of the review applications as stated in paragraph 9.1 of the Papers and considered that it was appropriate. The reason was:

“the proposed development does not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in the New Territories in that more than 50% of the proposed Small House footprint falls outside the “Village Type Development” zone or the village ‘environs’.”

Tuen Mun and Yuen Long West District

**Agenda Item 10**

[Open Meeting]

Request for Deferment of Review of Application No. A/TM/450

Proposed Columbarium (within a Religious Institution or extension of existing Columbarium only) in “Green Belt” Zone, Section A and Section B of Lot 294 and Lot 351 (Part) in D.D. 376, Tuen Mun  
(TPB Paper No. 9863)

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[The meeting was conducted in Cantonese.]

134. The following Members had declared interests in the item for having affiliation/current business dealings with the applicant’s consultants including LWK & Partners Limited (LWK), RHL Surveyors Limited (RHL) and Townland Consultants Limited (TCL):

- |                     |   |  |
|---------------------|---|--|
| Mr Ivan C.S. Fu     | - | being the director and a shareholder of LWK  |
| Mr Laurence L.J. Li | - | having current business dealings with LWK and TCL  |
| Professor P.P. Ho   | ] | having current business dealings with  |
| Mr Dominic K.K. Lam | ] | TCL  |
| Mr Patrick H.T. Lau | ] |  |
| Mr H.F. Leung       | - | working in the Department of Real Estate and Construction of the University of Hong Kong, which had received a donation from RHL |

135. Members considered that the interest of Mr Ivan C.S. Fu was direct but as

the item was a request for deferment, Members agreed that Mr Fu could stay in the meeting but should refrain from participating in the discussion.

136. As the interest of Mr H.F. Leung was considered indirect, Members agreed that he should be allowed to stay in the meeting. Members also noted that Mr Laurence L.J. Li, Professor P.P. Ho, Mr Dominic K.K. Lam and Mr Patrick H.T. Lau had already left the meeting.

137. The Secretary said that on 11.2.2015, the applicant wrote to the Secretary of the Town Planning Board (the Board) and requested the Board to defer making a decision on the review application for 2 months so as to allow time for the applicant to liaise with the Transport Department to discuss an agreeable solution to the outstanding traffic issues. That was the second request from the applicant for deferment of the review application.

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

139. After deliberation, the Board agreed to defer consideration of the review application as requested by the applicant. The Board also agreed that the review application should be submitted for its consideration within 3 months upon receipt of further submission from the applicant. If the further information 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. Since it was the second request for deferment, the Board also agreed to advise the applicant that the Board had allowed a total of four months for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

Procedural Matters

**Agenda Item 11**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Further Representations on Proposed Amendments to the Draft To Kwa Peng and Pak Tam Au Outline Zoning Plan (OZP) No. S/NE-TKP/1 Arising from Consideration of Representations and Comments on the Draft To Kwa Peng and Pak Tam Au OZP No. S/NE-TKP/1

(TPB Paper No. 9861)

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[The meeting was conducted in Cantonese.]

140. The Secretary briefly introduced the Paper. On 3.1.2014, the draft To Kwa Peng and Pak Tam Au OZP No. S/NE-TKP/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 7,689 representations and 980 comments were received.

141. After giving consideration to the representations and comments on 6.10.2014, the Town Planning Board (the Board) decided to partially uphold 7,327 representations (R363 to R7689) by rezoning part of the “Village Type Development” (“V”) zone to the south of the channelised stream in Pak Tam Au to “Agriculture” (“AGR”) (i.e. Proposed Amendment Item A). The proposed amendments to the draft OZP were considered and agreed by the Board on 24.10.2014, and exhibited for public inspection on 7.11.2014. A total of 170 further representations (FRs) were received.

142. As F31 to F165 and F169 were submitted by the original representers or commenters, those 136 FRs were considered as invalid. The remaining 34 FRs would be submitted to the Board for consideration. Among the 34 FRs, 33 opposed the proposed amendments mainly on grounds of insufficient (F1 to F30) or excessive (F166 to F168) “V” zone while the remaining FR (F170) had not indicated clearly whether it supported or opposed the proposed amendments. F1 to F30 mainly proposed to abolish the proposed “AGR” zoning or retain the “V” zoning of the FR site,

whilst F166 to F168 and F170 mainly proposed to further confine the “V” zone of Pak Tam Au or to designate the watercourses and the adjoining areas as “Conservation Area” in Pak Tam Au.

143. As the representations were considered by the full Board on 6.10.2014 and the FRs were all related to the proposed Amendment Item A, it was suggested that the FRs be considered collectively by the Board in one group. The hearing could be accommodated in the Board’s regular meeting and a separate hearing session would not be necessary. The hearing was tentatively scheduled to be held in April 2015. In view of the large number of original representations and comments as well as FRs received, and to ensure efficiency of the hearing, it was recommended that a maximum of 10 minutes presentation time be allotted to each original representer/commenter as well as each further representer in the hearing session, if a large number of attendees would make oral submission.

144. After deliberation, the Board agreed that:

- (a) FRs F31 to F165 and F169 were invalid and should be treated as not having been made under section 6D(1) of the Ordinance;
- (b) the remaining FRs should be heard by the Board in the manner as proposed in paragraph 3 of the Paper; and
- (c) the Chairman would, in liaison with the Secretary, decide on the need to impose a 10-minutes presentation time for each further representer, representer and commenter, taking into account the number of further representers, representers and commenters attending the hearing.

## **Agenda Item 12**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments in respect of the Draft Ping Shan Outline Zoning Plan No. S/YL-PS/15

(TPB Paper No. 9862)

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[The meeting was conducted in Cantonese.]

145. The Secretary reported that the amendments to the Ping Shan Outline Zoning Plan (OZP) involved the rezoning of a site for public housing development by the Hong Kong Housing Authority (HKHA), and MTR Corporation Limited (MTRCL) had submitted a representation (R2). In that regard, the following Members had declared interests in the item for having affiliation/current business dealings with HKHA and/or MTRCL:

- |  |   |  |
|--|---|--|
| Mr Stanley Y.F. Wong                           | - | being a member of HKHA and its Strategic Planning Committee and Chairman of its Subsidised Housing Committee |
| Professor P.P. Ho                              | - | being a member of the Building Committee of HKHA   |
| Ms Julia M.K. Lau                              | - | being a member of the Commercial Properties Committee and the Tender Committee of HKHA                       |
| Mr H.F. Leung                                  | - | being a member of the Tender Committee of HKHA and having current business dealings with HKHA                |
| Mr K.K. Ling<br><i>as Director of Planning</i> | - | being a member of the Strategic Planning Committee and the Building Committee of HKHA                        |
| Mr Jeff Y.T. Lam                               | - | being the representative of the  |

<i>as Deputy Director of Lands</i>		Director of Lands who was a member of HKHA
Mr Martin W.C. Kwan <i>as Chief Engineer (Works), Home Affairs Department</i>	-	being a representative of the Director of Home Affairs who was a member of the Strategic Planning Committee and Subsidised Housing Committee of HKHA
Ms Janice W.M. Lai	]	having current business dealings
Mr Patrick H.T. Lau	]	with HKHA and MTRCL
Mr Dominic K.K. Lam	]	
Mr Ivan C.S. Fu	-	having current business dealings with MTRCL
Professor S.C. Wong	-	being the Chair Professor and Head of Department of Civil Engineering of the University of Hong Kong and MTRCL sponsored some activities of the department

146. As the item was procedural in nature and no discussion was required, the Board agreed that the above Members should be allowed to stay in the meeting. Members noted that Professor P.P. Ho, Ms Julia M.K. Lau, Professor S.C. Wong, Mr Patrick H.T. Lau, Mr Dominic K.K. Lam and Mr K.K. Ling had already left the meeting.

147. The Secretary briefly introduced the Paper. On 31.10.2014, the draft Ping Shan OZP No. S/YL-PS/15 was exhibited for public inspection under section 5 of the Town Planning Ordinance. The amendments mainly involved the rezoning of a site to the west of Long Ping Estate in Wang Chau from “Green Belt” (“GB”) to



“Residential (Group A)4” (“R(A)4”) for public housing development and corresponding amendments to the Notes for the “R(A)4” zone. A total of 109 representations and two comments were received.

148. Amongst the 109 representations received, three representations submitted by the Pat Heung Rural Committee (R1), MTR Corporation Limited (R2) and World Wide Fund for Nature Hong Kong (R3) respectively had no comment/provided views on the draft OZP. The remaining 106 representations opposed the amendments. They were submitted by an individual (R4) who stated that it was more cost-effective to develop brown field area, and by the Shui Pin Tsuen Village Committee and related persons (R5 to R109) who pointed out that there was an affected ancestors’ grave within the site and proposed to revise the draft OZP so as to avoid affecting the ancestors’ graves of Shui Pin Tsuen.

149. C1 was submitted by Designing Hong Kong which supported representation R3 and raised concerns on rezoning of “GB” site for development. C2 was submitted by an individual who commented on representations R5 to R109 that the representations were made solely for protecting the benefits of the local villagers.

150. Since all the representations and comments were related to the same site, and based on the subject of the representations and comment, it was recommended that they should be considered by the full Board collectively in one group. The hearing could be accommodated in the Board’s regular meeting and a separate hearing session would not be necessary. The hearing was tentatively scheduled for April 2015. Due to the large number of representations and comments 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, if a large number of attendees would make oral submission.

151. After deliberation, the Board agreed that:

- (a) the representations and comments should be heard by the Board in the manner as proposed in paragraph 3 of the Paper; and

- (b) the Chairman would, in liaison with the Secretary, decide on the need to impose a 10-minutes presentation time for each representer and commenter, taking into account the number of representers and commenters attending the hearing.

**Agenda Item 14**

[Open Meeting]

Submission of the Draft Tsing Yi Outline Zoning Plan No. S/TY/25 under Section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval (TPB Paper No. 9865)

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[The meeting was conducted in Cantonese.]

152. The Secretary reported that the amendments to the Tsing Yi Outline Zoning Plan (OZP) involved the rezoning of a site for public housing development by the Hong Kong Housing Authority (HKHA) and MTR Corporation Limited (MTRCL) had submitted a representation (R2). In that regard, the following Members had declared interests in the item for having affiliation/current business dealings with HKHA and/or MTRCL:

- |                      |  |
|----------------------|--|
| Mr Stanley Y.F. Wong | - being a member of HKHA and its Strategic Planning Committee and Chairman of its Subsidised Housing Committee |
| Professor P.P. Ho    | - being a member of the Building Committee of HKHA   |
| Ms Julia M.K. Lau    | - being a member of the Commercial Properties Committee and the Tender Committee of HKHA                       |

- |  |   |  |
|--|---|--|
| Mr H.F. Leung  | - | being a member of the Tender Committee of HKHA and having current business dealings with HKHA  |
| Mr K.K. Ling<br><i>as Director of Planning</i>                                       | - | being a member of the Strategic Planning Committee and the Building Committee of HKHA  |
| Mr Jeff Y.T. Lam<br><i>as Deputy Director of Lands</i>                               | - | being the representative of the Director of Lands who was a member of HKHA   |
| Mr Martin W.C. Kwan<br><i>as Chief Engineer (Works),<br/>Home Affairs Department</i> | - | being a representative of the Director of Home Affairs who was a member of the Strategic Planning Committee and Subsidised Housing Committee of HKHA       |
| Ms Janice W.M. Lai   | ] | having current business dealings   |
| Mr Patrick H.T. Lau  | ] | with HKHA and MTRCL  |
| Mr Dominic K.K. Lam  | ] |  |
| Mr Ivan C.S. Fu  | - | having current business dealings with MTRCL  |
| Professor S.C. Wong  | - | being the Chair Professor and Head of Department of Civil Engineering of the University of Hong Kong and MTRCL sponsored some activities of the department |

153. As the item was procedural in nature and no discussion was required, the Board agreed that the above Members should be allowed to stay in the meeting. Members noted that Professor P.P. Ho, Ms Julia M.K. Lau, Professor S.C. Wong, Mr Patrick H.T. Lau, Mr Dominic K.K. Lam and Mr K.K. Ling had already left the meeting.

154. The Secretary briefly introduced the Paper. On 13.6.2014, the draft Tsing Yi OZP No. S/TY/25, incorporating amendments to rezone a site near Cheung Wang Estate from “Green Belt” (“GB”) and “Residential (Group A)” (“R(A)”) to “R(A)3” and a site near Mayfair Gardens from “GB” to “R(A)4”, was exhibited for the public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of 706 representations were received. On 5.9.2014, the representations were published for three weeks for public comments and one comment was received. After giving consideration to the representations and comment on 13.2.2015, the Board decided to note one supportive representation and one representation providing views, and not to uphold the remaining 704 adverse representations.

155. Since the representation consideration process had been completed, the Tsing Yi OZP was now ready for submission to the Chief Executive in Council (CE in C) for approval.

156. After deliberation, the Board agreed:

- (a) that the draft Tsing Yi OZP No. S/TY/25A and its Notes were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) to endorse the updated Explanatory Statement (ES) for the draft Tsing Yi OZP No. S/TY/25A as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board;  
and

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

**Agenda Item 15**

[Open Meeting]

Any Other Business

Small Claims against the Town Planning Board in respect of  
a Section 12A Application No. Y/I-CC/3

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[The meeting was conducted in Cantonese.]

157. The Secretary reported that the item was related to a section 12A Application No. Y/I-CC/3 for rezoning a site in Cheung Chau from “Green Belt” to “Other Specified Uses” annotated “Columbarium” on the Cheung Chau Outline Zoning Plan. The following Members had declared interests in the item:

- |                       |   |  |
|-----------------------|---|--|
| Professor S.C. Wong   | - | being a traffic consultant of Ove Arup & Partners Hong Kong Ltd. (Arup), which was a consultant of the applicant |
| Mr Ivan C.S. Fu       | ] | having current business dealings with  |
| Mr Patrick H.T Lau    | ] | Arup   |
| Mr Dominic K.K. Lam   | ] |  |
| Dr W.K. Yau           | - | involving in the operation of an education centre on Cheung Chau   |
| Mr Lincoln L.H. Huang | - | being a shareholder and director of a company which owned a flat at Lung Tsai Tsuen, Cheung Chau                 |

158. As the item was only to report on the Small Claims against the Town Planning Board (the Board) and no discussion was involved, the Board agreed that the above Members should be allowed to stay in the meeting. Members noted that Professor S.C. Wong, Mr Patrick H.T. Lau, Mr Dominic K.K. Lam, Dr W.K. Yau and Mr Lincoln L.H. Huang had already left the meeting.

159. The Secretary reported that a claim against the Board was received by the Small Claims Tribunal on 10.2.2015. The claimant was a commenter of the subject section 12A application.

### Background

160. Application No. Y/I-CC/3 was received by the Board on 12.9.2013. Upon request of the applicant, the Rural and New Town Planning Committee (RNTPC) had deferred consideration of the application for three times on 13.12.2013, 9.5.2014 and 25.7.2014 respectively. At the meeting on 25.7.2014, the RNTPC agreed that since it was the third deferment and a total of 6 months had been allowed, no further deferment would be granted. The application was originally scheduled for consideration by the RNTPC on 16.1.2015. On 13.1.2015, the applicant wrote to the Board requesting further deferral of consideration of the application for three months. After considering the oral submission of the applicant at the meeting on 16.1.2015, the RNTPC agreed to defer a decision on the application pending the submission of further information from the applicant to address the requirements of the Marine Department.

### Grounds of Claim

161. The claimant alleged that he had a legitimate expectation that a decision on the subject application would be made by the RNTPC on 16.1.2015 for the following reasons:

- (a) consideration of the application had already been deferred three times. In considering the third request for deferment on 25.7.2014, the RNTPC had intentionally deleted the wording 'unless under very special circumstances' and therefore, that deferment should be

interpreted as the last deferment;

- (b) it was apparent that the applicant, upon knowing PlanD had recommended rejection of the planning application, casually found an excuse before the RNTPC meeting and requested to further defer the consideration in order to avoid rejection;
- (c) it was the consideration of the planning application and not the request for deferment which had been indicated as one of the agenda items of the RNTPC meeting on 16.1.2015; and
- (d) section 12A applications were to be considered by the Board or its committee within three months upon application. However, consideration of the subject application had been deferred three times and more than one year.

162. In the light of the above, the claimant came to the Public Viewing Room to observe consideration of the application on 16.1.2015 but only found that the consideration was further deferred. The claimant therefore sought to claim the transport costs involved in observing the RNTPC meeting and the litigation cost.

163. Members noted that a copy of the Small Claims Forms had been sent to them for reference before the meeting and agreed that the Secretary should represent the Board in all matters relating to the claim.

164. There being no other business, the meeting was closed at 4:45 p.m.