

**Minutes of 1084<sup>th</sup> Meeting of the  
Town Planning Board held on 24.4.2015**

**Present**

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

Chairman

Mr Stanley Y.F. Wong

Vice-chairman

Professor S.C. Wong

Mr Roger K.H. Luk

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Julia M.K. Lau

Ms Anita W.T. Ma

Dr W.K. Yau

Ms Bonnie J.Y. Chan

Professor K.C. Chau

Mr H.W. Cheung

Dr Wilton W.T. Fok

Mr Sunny L.K. Ho

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Mr Dominic K.K. Lam

Mr Patrick H. T. Lau

Ms Christina M. Lee

Mr H. F. Leung

Mr Stephen H.B. Yau

Mr F.C. Chan

Mr David Y.T. Lui

Mr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Deputy Director of Environmental Protection  
Mr C.W. Tse

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

Principal Assistant Secretary for Transport and Housing  
Ms Winnie M.W. Wong

Director of Lands / Assistant Director of Lands  
Ms Bernadette H.H. Linn (pm) / Ms Doris M.Y. Chow (am)

Director of Planning  
Mr K.K. Ling

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

Secretary

**Absent with Apologies**

Professor P.P. Ho

Mr Clarence W.C. Leung

Mr Laurence L.J. Li

Mr Ivan C.S. Fu

**In Attendance**

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

Chief Town Planner/Town Planning Board  
Mr Louis K.H. Kau (am)  
Ms Lily Y.M. Yam (pm)

Senior Town Planner/Town Planning Board  
Ms Johanna W.Y. Cheng (am)  
Mr Raymond H.F. Au (pm)

## **Agenda Item 1**

[Open Meeting]

### **Confirmation of Minutes of the 1082<sup>nd</sup> Meeting held on 10.4.2015**

[The meeting was conducted in Cantonese]

1. The minutes of the 1082<sup>nd</sup> Meeting held on 10.4.2015 were confirmed without amendments.

## **Agenda Item 2**

[Open Meeting][The meeting was conducted in Cantonese]

### (i) **Approval of Draft Plans**

2. The Secretary reported that on 31.3.2015, the Chief Executive in Council (CE in C) approved (a) the Shau Kei Wan Outline Zoning Plan (OZP) (renumbered as S/H9/18); (b) Tsz Wan Shan, Diamond Hill and San Po Kong OZP (renumbered as S/K11/27); and (c) Tung Chung Town Centre Area OZP (renumbered as S/I-TCTC/20) under section 9(1)(a) of the Town Planning Ordinance (the Ordinance). Approval of the draft plans was notified in the Gazette on 17.4.2015.

### (ii) **Reference Back of Approved Plan**

3. The Secretary reported that on 31.3.2015, the CE in C referred the approved Hebe Haven OZP No. S/SK-HH/6 to the Town Planning Board (the Board) for amendment under section 12(1)(b)(ii) of the Ordinance. The reference back of the said plan was notified in the Gazette on 17.4.2015.

### (iii) **New Town Planning Appeal Received**

Town Planning Appeal No. 7 of 2015

Proposed Three Houses (New Territories Exempted Houses – Small Houses) in “Agriculture” Zone, Lots 742 S.E, 742 S.G and 742 S.H in D.D. 10,

Ng Tung Chai, Tai Po

**(Application No. A/ NE-LT/471)**

4. The Secretary reported that a Notice of Appeal was received by the Appeal Board Panel (Town Planning) on 9.4.2015 against the decision of the Board on 23.1.2015 to reject on review an application for three proposed houses (New Territories Exempted Houses – Small Houses) at Lots 742 S.E, 742 S.G and 742 S.H in D.D. 10, Ng Tung Chai, Tai Po. The site was zoned “Agriculture” (“AGR”) on the approved Lam Tsuen OZP.

5. The application was rejected by the Board for the following reasons:

- “
- (a) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the applicants fail to demonstrate that there is a general shortage of land within the “Village Type Development” (“V”) zone to fully meet the future Small House demand; and
  - (b) the applicants fail to demonstrate in the submission why there is no alternative land available within areas zoned “V” for the proposed developments.”

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

(iv) Abandonment of Town Planning Appeal

Town Planning Appeal No. 6 of 2014

Proposed Temporary School (Kindergarten and Nursery) for a Period of 3 Years in “Residential (Group C) 1” zone, 22 Kent Road, Kowloon Tong

(Application No. A/K18/305)

7. The Secretary reported that an appeal had been abandoned by the appellant of his own accord. Town Planning Appeal No. 6/2014 was received by the Appeal Board Panel (Town Planning) on 4.8.2014 against the decision of the Board on 16.5.2014 to reject on review an application (No. A/K18/305) for a proposed temporary school

(kindergarten and nursery) for a period of 3 years on a site zoned “Residential (Group C)1” on the Kowloon Tong OZP.

8. The Appeal was abandoned by the appellant on 15.4.2015. On 16.4.2015, the Appeal Board Panel (Town Planning) formally confirmed that the appeal was abandoned in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations of the Ordinance.

(v) Appeal Statistics

9. The Secretary reported that as at 24.4.2015, 21 cases were yet to be heard by Appeal Board Panel (Town Planning). Details of the appeal statistics are as follows:

Allowed	:	32
Dismissed	:	136
Abandoned/Withdrawn/Invalid	:	187
Yet to be Heard	:	21
Decision Outstanding	:	0
Total	:	376

[Mr H.W. Cheung, Professor K.C. Chau and Dr Wilton W.T. Fok arrived to join the meeting at this point.]

(vi) Consideration of Representations and Comments in respect of the Kwu Tung North and Fanling North Outline Zoning Plans - Letter from Land Justices League (LJL)

10. The Secretary informed Members that a letter dated 8.4.2015 from LJL was received by the Secretariat requesting that the deliberation sessions for consideration of representations and comments in respect of the Kwu Tung North and Fanling North OZPs be conducted in open meeting.

11. The Secretary said that in accordance with section 2C of the Ordinance, all meetings of the Board or any of its committees should be open to the public except certain circumstances including the deliberation session for meetings to consider representations,

comments and further representations made in the plan-making process, section 12A/16/16A applications and section 17 reviews. On 22.4.2015, the Secretariat had replied to LJL along the above line. Members noted the letter from LJL and the Secretariat's reply that were tabled at the meeting.

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

### Kowloon District

#### **Agenda Item 3**

[Open Meeting (Presentation and Question Session)]

Further Consideration of Representations and Comments in respect of the Draft Kwun Tong (South) Outline Zoning Plan No. S/K14S/19  
(TPB Paper No. 9844 and 9900)

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[The meeting was conducted in Cantonese]

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

- |   |   |   |
|---|---|---|
| Mr Stanley Y.F. Wong<br>(the 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                                    |
| Ms Julia M.K. Lau                           | - | being a member of the Commercial Properties Committee and Tender Committee of HKHA  |

- |   |   |  |
|---|---|--|
| Mr H.F. Leung   | - | being a member of the Tender Committee of HKHA and having business dealings with HKHA  |
| Mr K.K. Ling<br>(as Director of Planning)                           | - | being a member of the Strategic Planning Committee and Building Committee of HKHA  |
| Ms Bernadette H.H. Linn<br>(as Director of Lands)                   | - | being a member of HKHA   |
| Mr Martin W.C. Kwan<br>(as Chief Engineer, Home Affairs Department) | - | being an alternative member for the Director of Home Affairs who was a member of the Strategic Planning Committee and Subsidised Housing Committee of HKHA |
| Mr Dominic K.K. Lam   | ] |  |
| Ms Janice W.M. Lai  | ] | having business dealings with HKHA   |
| Mr Patrick H.T. Lau   | ] |  |
| Mr Ivan C.S. Fu   | ] |  |
| Dr Lawrence W. C. Poon  | - | his spouse being an employee of HD   |

13. Members agreed that the interests of all the above Members were direct and they should leave the meeting temporarily. Members noted that Professor P.P. Ho and Mr Ivan C.S. Fu had tendered apologies for being unable to attend the meeting; Mr Stanley Y.F. Wong, Ms Janice W.M. Lai, Mr K.K. Ling and Mr Martin W.C. Kwan had left the meeting temporarily; and Ms Julia M.K. Lau, Mr H.F. Leung, Mr Dominic K.K. Lam, Mr Patrick H.T. Lau, Dr Lawrence W.C. Poon and Ms Bernadette H.H. Linn had not yet arrived to join the meeting.

14. The Chairman said that the Board considered the representations in respect of the draft Kwun Tong (South) Outline Zoning Plan (OZP) No. S/K4/19 (the Plan) on 13.2.2015. At the meeting, some representers from the Church of Christ in China Mong Man Wai College (MMW College) (the school located directly west of the site on the opposite side of Hiu Ming Street) indicated objection to the rezoning and presented a plan



showing their proposed alternative site for the PRH development (alternative site). The Board considered that the alternative site proposed by the representers should be given due consideration, and HD should explore in greater detail its feasibility. After deliberation, the Board decided to defer a decision on the representations pending further assessments by HD on the cost, timing and the technical details for developing the PRH on the alternative site. HD should also examine whether a car park block could be accommodated at the upper platform of the alternative site. This meeting was for further consideration of the representations and the comment taking into account HD's latest assessment as presented in the TPB Paper No. 9900 (the Paper).

### Presentation and Question Session

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

16. The following government representatives and the representers and representers' representatives were invited to the meeting at this point:

Mr Tom Yip	-	District Planning Officer/Kowloon, Planning Department (DPO/K, PlanD)
Mr Ken K.S. Cheung	-	Chief Architect, HD
Mr. Stephen S.K. Kwok	-	Chief Geotechnical Engineer, HD
Mr. Martin W.T. Tsoi	-	Chief Structural Engineer, HD
Mr. Ma Hon Wai	-	Senior Structural Engineer, HD
Mr. Alan B.C. Hui	-	Senior Architect, HD
Mr. Rudolf Y.C. Lee	-	Senior Civil Engineer, HD
Ms. Elaine Y.L. Wong	-	Senior Planning Officer, HD

R3 - Cheng Keng Leong

Mr Cheng Keng Leong - Representer

R32 - 葉信德

Mr Fung Yung Lam ]  
Mr Chan Tai Wah ] Representer's representatives  
Ms Tam Hei Lin ]

R51- Yu Wing Cheung

Mr Yu Wing Cheung - Representer

R57 - Leung Tin Ming

Dr Leung Tin Ming - Representer

R58 – Chan Kai Yu

Dr Chan Kai Yu - Representer

R1253 – Ngo Mei Lan

Ms Ngo Mei Lan - Representer

17. The Chairman extended a welcome and explained the procedures of the further hearing. He said that the hearing was for further consideration of the representations and the comment in respect of the Plan. He reminded the attendees that the oral submission to be made on the day should be focused on HD's further assessment of the alternative site highlighted in the Paper and they should not repeat points that had already been made at the meeting held on 13.2.2015. He then invited Mr Yip (DPO/TWK) to brief Members on the Paper.

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

Background

(a) on 13.2.2015, the Board considered the representations and the comment

in respect of the Plan. The amendment was to rezone a piece of government land of about 1.14 ha between Hiu Ming Street and Hiu Kwong Street from “Open Space” (“O”) and “Green Belt” (“GB”) to “Residential (Group A)” (“R(A)”) for a PRH development (the original site);

- (b) the original site comprised two levelled platforms (with about 30m level difference). The Hiu Ming Street Playground with three tennis courts was at the lower platform. The Hiu Kwong Street Recreation Ground with one basketball court and part of the Hiu Kwong Street Park Strip with landscaped sitting-out area was at the upper platform;
- (c) HD’s proposal was to build high-rise PRH blocks (with shops on the lowest floor) on the lower platform at Hiu Ming Street; and a low-rise block on the upper platform at Hiu Kwong Street to accommodate car park and social welfare facilities and a roof garden with children playground. The two platforms would be connected by an internal footbridge in the form of a landscaped deck built over the slope. The tennis courts at Hiu Ming Street and the basketball court at Hiu Kwong Street would be reprovisioned at the Hiu Ming Street Playground and would be integrated with the adjoining basketball court to form a node for active sports;

#### Alternative Site

- (d) at the meeting on 13.2.2015, some representers from MMW College alleged that the alternative site presented in the TPB Paper No. 9844 (Plan Ha-3 in the Paper) was not the same proposal suggested by them (Plan Ha-4 in the Paper). The main differences were that the site presented by the representers at the meeting did not include the football pitch at Hiu Ming Street and included more slope areas and an upper platform. After deliberation, the Board decided to defer a decision on the representations pending further assessments by HD on the cost, timing and the technical details for developing the PRH on the

alternative site;

- (e) the alternative site was located to the immediate south of the original site. Like the original site, it comprised a lower platform for PRH blocks and an upper platform for a low-rise car park block with slopes in between. For the car park block at the upper platform, two possible options were raised and discussed at the Board's previous meeting, i.e. behind the PRH blocks or at the northern part of the Hiu Kwong Street Park Strip;
- (f) HD on behalf of HKHA submitted the further assessments on 13.4.2015 (Appendix I of the Paper). Three schemes were compared in HD's assessment. For all schemes, the PRH blocks would be located on the lower platform at Hiu Ming Street and a low-rise car park block would be located on upper platform at Hiu Kwong Street with Slopes I, II and/or III in between:
  - (i) development on the original site (included Slope I) was shown in Drawing Ha-1 in Appendix I of the Paper;
  - (ii) development on the alternative site (Scenario A) was shown in Drawing Ha-2. Under Scenario A, the car park block would be located to the east of PRH and the site included Slopes I and II. The basketball court at Hiu Ming Street playground and toilets/changing rooms of the Hiu Kwong Street Park Strip would be located to the northern part of the Hiu Kwong Street Park Strip. Due to the narrow width of the upper platform (about 20m), the light goods vehicle (LGV) parking spaces would be located in the lower platform; and
  - (iii) development on the alternative site (Scenario B) was shown in Drawing Ha-3. Under Scenario B, the car park block would be located at a wider platform (about 25m to 30m) in the northern end of the upper platform. Two basketball courts and toilets/changing rooms would be relocated to the southern portion of the Hiu Kwong Street Park Strip. The site would include Slopes I, II and III;

(g) HD considered that both scenarios for the alternative site were not desirable. HD’s assessment was summarised in paragraph 2.2 of the Paper and set out in the table below:

	<i>Original Site</i>	<i>Alternative Site (Scenario A)</i>	<i>Alternative Site (Scenario B)</i>
<b>Suspension of Ball Courts</b>	1 basketball court for 18 months	3 tennis courts for 21 months	1 basketball court for 21 months and 3 tennis courts for 30 months
<b>Slope Works</b>	Slope I – upgrading  Slope II - minor repair works	Slope I & II – upgrading  Slope III – preventive works for the natural slope	
<b>Trees affected</b>	about 330 trees	about 500 trees	about 520 trees
<b>Area of Site Formation Works Required</b>	2,300 m <sup>2</sup>  (for car park block)	3,500 m <sup>2</sup>  (for car park block, 1 relocated basketball court and toilets/ changing rooms)	4,600 m <sup>2</sup>  (for car park block, 2 relocated basketball courts and toilets/ changing rooms)
<b>Foundation Cost and Time</b>	Less foundation works as bedrock at shallow level of 2m to 3m below ground, at lower cost and shorter	Deeper level of bedrock overlain by a layer of soil, would require large diameter bored pile with pile length up to 25m to the bedrock and piling would last for about 1 year.	

	<i>Original Site</i>	<i>Alternative Site (Scenario A)</i>	<i>Alternative Site (Scenario B)</i>
	time.		
<b>Car park block</b>	<ul style="list-style-type: none"> <li>Technically feasible to construct car park block in upper platform.</li> <li>Locating vehicular access at Hiu Kwong Street would avoid direct traffic impact on Hiu Ming Street.</li> <li>Scenario A: requires more site formation works to form a wider platform for the car park block that would incur addition costs. Car park less efficient and LGV parking has to be located at Hiu Ming Street.</li> </ul>		
<b>Construction stage impact</b>	Some 300m from the cul-de sac at Hiu Ming Street with less pedestrian conflict.	Some 200m from the said cul-de-sac with more pedestrian conflicts especially during school hours.	
<b>Development lead time</b>	9.3 years	10.4 years	8.9 years
		Additional time needed for statutory planning procedures to amend the OZP and consultation with DC and locals.	
<b>Development Cost</b>	HK\$1,500 million	17% higher than development on original site	19% higher than development on original site
		Higher costs due to more extensive slope upgrading works,	

	<i>Original Site</i>	<i>Alternative Site (Scenario A)</i>	<i>Alternative Site (Scenario B)</i>
		reprovisioning of recreational facilities and piled foundation works.	
<b>Visual Appraisal</b>	No apparent difference between the scenarios		
<b>Traffic and Pedestrian Impacts</b>	No apparent difference between the scenarios		
<b>Measures to Mitigate Construction Nuisances</b>	HD would implement stringent site management measures including closely monitoring contractors' compliance with the statutory requirements for noise and air quality; closely liaise with schools and the contractor during the examination period for better arrangement to reduce the nuisances; adopt noise mitigation measures wherever practicable; and implement measures and traffic control on the construction vehicles during peak hours.		

(h) the Board was invited to consider HD's further assessments as well as the planning assessments in TPB Paper No. 9844, give consideration to the representations and comment and decide whether to propose/not to propose any amendment to the Plan to meet/partially meet the representations.

19. The Chairman then invited the representers and representers' representatives to make their oral submission.

R3 – Cheng Keng Leong

20. Mr Cheng Keng Leong made the following main points:

- (a) HD's assessment was that all three development scenarios on both the original and alternative sites were feasible but there were some differences in the development cost and time;
- (b) Scenario B, that was the scheme proposed by the MMW College, had the highest development cost (about \$280 million). The main reason for the additional cost was due to the need for preventive works for the natural slope at Slope III. However, according to the Civil and Engineering Development Department (CEDD's) policy promulgated in 2010, CEDD would undertake slope stabilisation and rehabilitation for all natural slopes in the long run. Hence, the cost for slope works for Slope III would be incurred in the long run in any event and that cost should not be included in the estimated cost for Scenario B;
- (c) Scenario B might involve longer suspension time for the basketball and tennis courts. However, the utilization rates of those ball courts were not high;
- (d) consultation on the new schemes would unlikely be controversial with the local stakeholders; and
- (e) Members were urged to treasure the opportunity for reaching a consensus with the representers by accepting development of the PRH on the alternative site.

R32 - 葉信德

21. Mr Fung Yun Lam made the following main point:

- (a) he was the Chairperson of the student association of MMW College and represented the school's principal who was not able to attend the meeting;



- (b) according to HD's assessment, the alternative sites involved a larger site area, higher development cost and longer development time. HD should consider whether more flats could be built on the alternative sites, which were larger, in order to better utilize the land resources as well as increasing the cost effectiveness. If that was the case, the higher cost and longer development time could be out-weighed by benefits of developing more PRH units on the alternative site;
- (c) one of the benefits of developing on the alternative site was that the PRH development would only face the new wing of MMW College. As the new wing was not used for classrooms, it would better protect the privacy of both the school and future residents. Being further away from MMW College, the future residential development on the alternative site would be less affected by noise nuisance from school bell;
- (d) HD indicated that as the alternative site was closer to the cul de sac at the end of Hui Ming Street, it would create more traffic impact during construction as compared to the original site. However, from his personal experience, the main traffic problem at Hui Ming Street was caused by illegal parking and HD should liaise with the Police to tighten enforcement of illegal parking during the construction stage. If so, there would be no difference in traffic impact between the original site and alternative sites. The schools on Hui Ming Street would start school around 8:00am and there should not be any direct impact from traffic associated with the construction site;
- (e) the alternative site was closer to the staircase leading to the MTR Kwun Tong Station as well as a planned escalator from Sau Mau Ping area. It would be more convenient for the future residents; and
- (f) they did not object to the PRH development as there was a housing need. However, the Board could consider the alternative site that would be better for both the school and the future residents. The benefits should

overweigh the additional cost and time for building the PRH on the alternative site.

R51 – Yu Wing Cheung

22. Mr Yu Wing Cheung made the following main points:

- (a) HD's assessment had indicated many aspects in which the alternative site would not be desirable compared with the original site. However, it had failed to assess the benefits of the alternative site that could overweigh the disbenefits;
- (b) trees affected - although more trees would be affected for the alternative site, there could be compensatory planting and there should not be major impacts in the long term;
- (c) car parking – although in Scenario A, the upper platform was not wide enough for LGV parking, the upper platform in Scenario B would be wide enough to accommodate the car park with LGV;
- (d) longer time needed for consultation – although a new round of consultation was required for the alternative site, it was envisaged that there would be less local objection. MMW College would not object as it met with their proposal. The residents in Hui Kwong Court would have fewer objections as the development would be some 50m to 70m further away. The principal of MMW College had discussed about the alternative site with the other two secondary schools nearby which had indicated no objection. Hence, even if longer time was required to conduct consultation, it would be fruitful as it could gain community support for the project and foster harmony in the neighbourhood;
- (e) longer time for slope works – although more time was needed for the more extensive slope works, there would be the benefit of a more quiet environment for the school in the long term;

- (f) more development cost – development on the alternative site would incur higher costs due to the need for slope works on all three slopes as compared to less extensive slope works on Slopes II and III for the original site. However, all three slopes would be more safe after the slope stabilization works. The slope works for Slope III would be required in future for construction of a planned staircase and escalator. Hence, it was not appropriate to include the cost of all the slope works into Scenario B;
- (g) reprovisioning of ball courts – in the alternative scenario, the basketball court at Hui Ming Street would have to be relocated to Hui Kwong Street. The area originally occupied by the basketball court at Hui Ming Street could actually be used for building more PRH units, assuming that some 2 PRH units per floor could be built within the extended area and the building would be some 40-storey in height, an additional 70 to 80 PRH units could be provided;
- (h) more foundation works – despite the need for deeper level of foundation works for Scenario B, the alternative site would be better for the future residents. The views of the future PRH units would be more open with mountain views to the east, views of ball courts to the north and south as well as more open views to the west. The PRH development would be further away from Hui Kwong Court and the school would have a better teaching environment; and
- (i) it was clear that there would be less local objection and more community harmony if the development was pursued on the alternative site.

R57 – Leung Tin Ming

23. Dr Leung Tin Ming made the following main points:

- (a) town planning was for the long term and a PRH would have a life span

of some 50 to 70 years. Discounting the planning and construction period of some 10 years, the PRH development and the school would co-exist for some 60 years. The 10-month additional development time or the 100 more trees to be affected would be negligible if seen from this long-term perspective; and

- (b) HD had not provided strong justifications as to why the alternative site was undesirable. The PRH development would affect several thousand residents and several ten thousands of students in MMW College in the coming 60 years. Cost effectiveness should not be an overriding justification to pursue development on the original site.

R58 – Chan Kai Yu

24. Dr Chan Kai Yu made the following main points:

- (a) with the aid of the development programme in Annex D of Appendix I of the Paper, he pointed out that the development programme for Scenario B was the shortest;
- (b) Scenario B would require suspension of the ball courts for a longer time, but the existing utilization rates of these ball courts were not high;
- (c) the additional cost or time to be incurred was worthwhile as they would gain long-term harmony in the community; and
- (d) HD was a public housing agent and should not only consider the development cost, but also social costs such as effect on quality of education. Compared to the funds the Government put into education, the additional development cost was negligible.

R1253 – Ngo Mei Lan

25. Ms Ngo Mei Lan made the following main points:

- (a) she was a student's parent of MMW College. She would not repeat the benefits of the alternative site as they had been mentioned by the preceding representers;
- (b) residents would not like their units to be too close to a school premise. The noise from foundation works would affect the teaching environment and quality of education in MMW College;
- (c) the alternative scheme would only affect one basketball court and the tennis courts would not be affected; and
- (d) with an additional 10 odd percent of development cost and/or longer development time, it would benefit several thousand residents in the area and several ten thousands of students in future.

26. As the presentations for the representers and representers' representatives had been completed, the Chairman invited questions from Members.

*Pros and Cons of the Development Schemes*

27. A Member said that as the PRH development involved a permanent change in land use, the justifications put forth by HD that the alternative site was not desirable mainly basing on the marginal increase in development time of a few months might not be strong enough. Mr Tom Yip (DPO/K) said that HD's assessment had also covered other factors including suspension of the ball courts, development cost, design effectiveness and impact on trees. Even if the PRH was moved some 20m to 40m further away from MMW College, the PRH would still be in the vicinity of the school and the school would still be affected during construction. Mr Ken Cheung (HD) said that from an overall spatial distribution perspective, if the PRH was to be moved further south, it would have larger impact on the other nearby schools and residential developments.

28. The Member asked other than cost and time, what the benefits of the original scheme were. Mr Cheung said that in the original scheme, the ball courts would be

integrated into an activity node that would enhance convenience for users and management effectiveness; the original site was more convenient for residents as it was closer to the footbridge system being built by CEDD to connect the Sau Mau Ping area with the Kwun Tong area; and the original site was closer to the road junction and would reduce the pedestrian/vehicle conflict.

29. A Member said that when comparing the original site and Scenario B, although the development cost would be increased by about \$300 million, the site area would also be increased by some 7,000m<sup>2</sup>. The Member asked whether there would be other marginal benefits with an increased site area. Mr Yip said that the net site area (covering the car park block and PRH development) used for PR calculation was the same for both the original and alternative sites (i.e. 6,900 m<sup>2</sup>). The alternative site had a larger gross site area because areas not used for PR calculations, such as slope areas and areas for reprovisioning of ball courts, had been included. In response to the Chairman's question, Mr Cheung said that the development cost for the PRH would be borne by HKHA and the cost for slope works would be borne by public works funds.

30. A Member asked the representers to recap their views about the major impacts of the development on the original site and the benefits if the PRH was to be developed on the alternative site. Mr Yu Wing Cheung (R51) said that for the original scheme, the residential blocks would directly face the classroom block of MMW College, and there would be more visual and noise impacts and would affect their teaching environment. Although Tsui To House was also very close to the school in its west, there would be no major impact as laboratories and corridors with concrete walls were located at that side of the school. In fact, the original site would be closer to the school as compared to its distance from Tsui To House. If the alternative site was adopted, the residential block would only be adjacent to the new wing of the school that was not used for regular classrooms.

31. In response to the Chairman, Mr Martin Tsoi (HD) said that as compared to the original scheme, Scenario A would involve a longer development time due to the time needed for further amendment of the Plan and more time needed for foundation works. As for Scenario B, it would require the shortest development time amongst the three scenarios as the slope works could be undertaken in parallel with the relocation of ball courts.

32. The Chairman asked HD to explain the traffic impact during the construction and operation stages. Mr Rudolf Lee (HD) said that as Hiu Ming Street was a closed end road, the original site that was closer to the road junction would create less traffic/pedestrian conflicts during the construction stage. However, during the operation stage, all three scenarios would similarly have minimal traffic impacts on the school as well as the local road network.

33. In response to the Chairman's question regarding trees that would be affected and a representer's views about compensatory planting, Mr Yip said that trees on the site were all common species and there was no old and valuable trees identified. There were two semi-mature *Ficus Microcarpa* (細葉榕) at the northern end of the site which would not be affected in all three scenarios. Building on the original site would affect less trees. While compensatory planting could be considered as suggested by one of the representers, HD had found it difficult to replant all 330 trees being affected in the original site, and there would be even more difficulties to replant 500 to 520 trees under Scenarios A and B.

34. A Member asked about the air ventilation impacts of the three scenarios. Mr Yip said that according to HD's air ventilation assessment, the prevailing annual wind was from the northeast and the prevailing summer wind was from the southwest and south. Prevailing summer wind from the south mainly flowed along Hiu Ming Street and Hiu Kwong Street and there was no apparent difference in air ventilation impacts for all three scenarios. Prevailing summer wind from the southwest would be blocked by Tsui Ping Estate under all three scenarios. All scenarios would have similar impacts on the prevailing annual wind from the northeast. In this regard, HD had adopted a two-block design with building gap between the blocks as well as other permeable building design features so as to facilitate better air ventilation.

35. The same Member asked about the visual impacts on the residential developments to the north of the site. Mr Yip said that Fu Wah Court and Hiu Wah Building were closest to the northern boundary of the original site. Both buildings were 153mPD tall and that was similar to the BH of the proposed PRH at 150mPD. The flats in those two buildings were south facing and would have more direct views of the low-rise car park block and the PRH building in the original site would only be visible when

viewed at an angle. For visual impact assessment, viewpoints accessible by the public were selected and private views from individual buildings would not normally be a major consideration.

36. The same Member asked which main housing clusters were closest to the site. In response, Mr Yip said that the Sau Mau Ping Estate was located to the east and Tsui Ping Estate was located to the west of the site. As the original and alternative sites were located in-between these two housing estates, the visual impacts of all three scenarios would be similar. In response to the Member's further question about the BH and when Sau Mau Ping Estate was developed, Mr Yip said that the Sau Mau Ping Estate was redeveloped between 1985 to 2001. The buildings thereat had varying BH from 150mPD to 227mPD and the block closest to the site was 164mPD. Mr Ken Cheung (HD) said that while he had no information at hand on the building age of individual blocks, based on the built forms, the twin-tower blocks in the southern portion of Sau Mau Ping Estate were likely built around 1985, the cruciform blocks in the northeast were likely built between 1990's to 2000 and those blocks in-between were likely built in the 1980's and early 90's.

#### *Slope Works*

37. A Member asked why slope stabilization works was not required for Slope III for development on the original site but would be required for the alternative site. Mr Stephen Kwok (HD) said that for development on the original site, only upgrading works in Slope I and minor repair works in Slope II would be required. For development on the alternative site, as there would be a car park block on top of Slope II and the PRH development at the bottom of the slope, higher slope safety standard would apply. Hence, upgrading works for Slope II and preventive works for the natural slope at Slope III would be required.

38. Two Members asked HD for clarification about Mr Cheng's (R3) view that the slope works for Slope III would in any event be required in future. Mr Kwok said that according to his knowledge, if no change in land use was proposed adjacent to Slope III, then the Government would not accord priority to upgrade that natural slope. Mr Cheung said that if the area adjoining Slope III would be developed for housing, a higher slope safety standard would apply and slope stabilization works would be required. However,



if the area would remain as a recreational area, slope stabilization works might not be required.

39. In response to the Chairman's question, Mr Kwok said that stabilisation of natural slopes was under CEDD's works programme. As there were many natural slopes in Hong Kong, the total cost of slope works on every natural slope would be phenomenal. Instead, the Government's policy was to require project proponents to conduct slope safety assessment when new developments were proposed near slopes so as to propose and implement appropriate slope enhancement works. Members noted that the Government's policy was not to enhance all natural slopes, for example, those natural slopes in the Country Parks would not be enhanced on a large scale. For those natural slopes near residential areas, they would be enhanced on a need basis and would mostly involve preventive works rather than turning them into man-made slopes.

40. Noting that some representers had indicated that slope works would be required on Slope III for building of staircase/escalator in future, a Member asked for further clarification on this point. In response, with the aid of Plan H-9 in TPB Paper No. 9844, Mr Yip said that in association with the development at Anderson Road, CEDD had plans to build a pedestrian linkage system with footbridges and lift towers to connect the uphill area with the downhill Kwun Tong area. One of the pedestrian footbridges would abut the northern boundary of the site and another pedestrian footbridge would be located near the alternative site. Mr Kwok supplemented that he did not have information about that CEDD works project at hand and could not advise whether or what kind of slope works would be required at Slope III for implementing that pedestrian linkage system.

#### *Better Utilisation of the Site*

41. A Member asked whether the changing rooms for the ball courts could be incorporated into the car park block. Another Member asked whether the ball courts could be incorporated into housing development say, on top of the car park block or as indoor courts to enhance their utilization. In response, Mr Cheung said that management of the ball courts and changing rooms and the car park block were under different regimes of LCSD and HD respectively. It was not desirable to integrate the management of the recreational facilities and housing development under the existing institutional structure;

otherwise, it might create more conflict on management matters. Another Member said that the area where the site was located had potential to provide more PRH units if the recreational facilities and housing development could be integrated. HD, LCSD and other relevant government department should explore how the development capacity of the site could be better utilised.

42. A Member said that HD should explore whether there was scope to increase the scale of development at the site, for example, adopting either Scenario A or B on the alternative site while retaining the block further from the school in the original site. Mr Yip said that slope areas and areas for open space could not be used for calculating PR and the scope of increasing the development intensity of the site might not be high. In response to two Members' questions regarding the representers' views on retaining a building block on the original site in addition to development on the alternative site, Mr Yu (R51) said that addition of Block 1 (that was the northern most block) might have less impact on the school; however, there might be objection from the residents to the north of the original site, such as at Hiu Kwong Court.

43. A Member asked HD whether the three areas covered under the assessment could all be used for development of more PRH units. In response, Mr Cheung said that based on their traffic assessment, the current scheme of providing 1,100 PRH units would have minimal traffic impact. However, if the number of units were to be increased substantially, new assessments on traffic, environment and air ventilation would be required. Furthermore, if all areas were to be used for development of PRH without reprovisioning of the recreational facilities, there would be a major outcry from the local community.

44. A Member said that if more flats could be allowed on the site, either by increasing the PR or increasing the net site area, it might be able to compensate for the additional development costs. In response, Mr Yip said that the site was zoned "R(A)" and subject to a maximum domestic PR of 7.5, this PR was applicable to all "R(A)" sites on the Plan as well as in the Kowloon District. Increasing the PR for this site would set an undesirable precedent. Areas such as the slope areas could only be included in the net site area for PR calculation if it was to be built over. However, there would be technical constraints to build over the slopes. In addition, there was a need to conduct assessments

to ascertain the impacts of more intensive developments in that locality. Mr Kwok supplemented that while it would be technically feasible to build over Slope II that was a very steep rock slope, the development cost would be very high. In response to the Member's question, Mr Cheng (R3) said that it was envisaged that some residents in Fu Wah Court and Hiu Wah Building, who originally raised objection to the low-rise car park block, would likely object to more intensive development on the site.

45. The Chairman asked HD to explain how the different development scenarios would affect the existing recreational facilities. In response, Mr Cheung said that in the original scheme, all the existing ball courts would be relocated and integrated in an area to the south on Hiu Ming Street. This would be beneficial to both the users and the managing agent of the facilities. Under Scenarios A and B, the recreational facilities would be spread out to the north and south of the site as well as on the upper and lower platforms, which would require changing rooms to be built on both levels which was not cost effective.

46. In response to the point made by some representers in their oral submissions that the ball courts had low utilization rates, Mr Yip said that the utilization rates of the ball courts were not low - they were above 50% and the utilization rate of the basketball court was around 90%. Mr Yu (R51) reiterated that based on their personal experience, the utilization rates of the ball courts were low and would not be as high as 90%.

#### *Others*

47. A Member asked whether the LGV parking in Scenario A was generated by the PRH development. In response, Mr Cheung said that the provision of LGV parking was required for the PRH development in accordance with the Hong Kong Planning Standards and Guidelines.

48. A Member asked for clarification on why there was a substantial difference in bedrock level between the original site and the alternative site. With the aid of Drawing Ha-4 in Appendix I of the Paper, Mr Kwok showed the longitudinal section of the original and alternative sites. For the original site, the bedrock was at a shallow level of 2m to 3m below ground, while for the alternative site, the bedrock was much deeper at a level of

some 25m below ground. The information was based on data obtained from bore holes in the vicinity. The alternative site was a valley that had been filled over the years, and hence, the bedrock was much lower and it was overlain by a layer of soil.

49. In response to a Member's question about the BH of the surrounding buildings, Mr Yip referred to Plan Ha-2 of the Paper and said that Hui Ming Street was at a level of 30mPD, the BH of MMW College was 46mPD, the BH of Tsui Yeung House (to the north of MMW College) was 76mPD, and the height of Tsui Yung House (to the south of MMW College) was 113mPD. The PRH on the original site was proposed at a maximum BH of 150mPD.

[Mr Frankie W.C. Yeung and Ms Bonnie J.Y. Chan arrived to join the meeting during the question and answer sessions.]

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

[The meeting took a 5-minute break at this point.]

### Deliberation Session

51. The Chairman asked Members to consider the representations and the comment taking into account the written and oral submissions made at the two meetings held on 13.2.2015 and the day.

52. The Chairman said that some representers had indicated that the residential development was incompatible with MMW College in terms of its impact on the teaching environment, privacy of the school and noise nuisance from school bells etc. He said that in previous representation hearings of rezoning proposals near schools, some representers of other schools had raised similar grounds to object to the proposals. However, Members had all along held the general principle that schools and residential uses were not incompatible uses, and it was noted that there were many existing schools amongst residential areas or within housing estates. Hence, if Members accepted the above ground

raised by the representers in this hearing, it would be a precedent for the Board. While the representers in this case had proposed an alternative site, Members might wish to note that the government representatives had explained that there were trade-offs apart from development time and cost for developing on the alternative sites, including more disruption to service of the ball courts, more trees (though of common species) would be felled, more impacts during construction phase etc.

53. In response to a Member's question, the Secretary said that, in general, site search for any development was conducted by PlanD. For the subject site, HD had conducted detailed technical assessments which demonstrated that the proposed PRH would not create insurmountable problems.

54. A Member agreed that the PRH on the original site would not have unacceptable impacts on MMW College. The area covering the original and alternative sites was vast and had potential for providing more housing units. The Member did not agree with the government representatives' responses made at the meeting that the proposals for better integration of housing and recreational facilities were not desirable solely because HD and LCSD had different purviews. The relevant government departments should explore whether there were opportunities to develop additional PRH units on the alternative sites. The Chairman said that under the existing institutional mechanisms, HKHA (with HD as its executive arm) had statutory authority to build public housing and LCSD had the administrative duties to manage recreational facilities. Even after the Board had made a decision on adopting either the original or the alternative site, it would not pre-empt the use of the surrounding areas for more housing development in future subject to detailed technical assessments.

55. A Member agreed that the original site should be retained for public housing development and that the Government could explore the possibilities of building more housing units on the alternative sites. Another Member said that whether more areas could be rezoned as "R(A)" to provide more flats should be explored. The Chairman said that the scale of HD's proposal had taken into account a host of factors, including the acceptability of the proposal to the local community as well as the need to optimize the use of the land for housing.

56. Another Member said that there were no major differences in the short-term impacts of the three development scenarios. The impacts during construction would be controlled under relevant ordinances and should not be a concern. For the longer term, the housing development on the original site would have more visual impacts on the residential developments to the north, while Scenarios A and B would have more visual impacts on Sau Mau Ping Estate when it was to be redeveloped in future. The grounds of the representers in support of the alternative site were not strong.

57. A Member said that it was common to find existing schools located within housing estates throughout Hong Kong and that ground of the representation advanced by the school should not be accepted. If the PRH development was to be moved to the alternative site, other schools or residential developments in its vicinity might also object. There was no strong reason to accept the alternative site.

58. A Member said that the justifications provided by the representers for the alternative site were weak. In view that there was no apparent overriding reason for the alternative site, the additional development cost, to be borne by the public purse and time, which would affect applicants on the public housing list, should be given due weight and the alternative site was not supported. There was no good reason to reject the original scheme for which HD had already conducted detailed technical assessments and demonstrated that it was feasible and did not have insurmountable problems.

59. Members also noted and agreed to the following responses to the other grounds of representations as highlighted in the previous TPB Paper 9844 and presented by PlanD at the meeting held on 13.2.2015:

- (a) with regard to the ground on alternative land supply such as vacant rural land, “Government, Institution and Community” sites and under-utilized buildings/sites which should be developed/ redeveloped first, the response was that the Government had adopted a multi-pronged approach to boost land supply in the short, medium and long terms and rezoning of suitable sites was one of the measures to increase land supply in the short term;

- (b) with regard to the ground that the proposed PRH would affect the well-being of the local residents and the students of the nearby schools, the responses were that while all new developments would inevitably affect the existing local stakeholders, technical assessments had been conducted demonstrating that the proposed development would not create insurmountable problems;
- (c) with regard to the ground relating to impact on recreation space, the response was that all the affected ball courts would be reprovisioned and disruption to service would be minimised;
- (d) with regard to the ground that “GB” sites should not be developed, the response was that it was necessary to balance the need to retain “GB” sites and the need to provide more housing land to meet the need of the community. In addition, the “GB” portion of the site comprised a formed man-made slope that had relatively low buffer and “GB” value;
- (e) with regard to the ground that there was insufficient public consultation, the government representatives had explained the public consultation that had been conducted for the subject rezoning as detailed in paragraphs 2.12 to 2.15 of TPB Paper No. 9844 at the meeting;
- (f) with regard to the ground on visual and air ventilation impacts, the government representatives had explained the responses as detailed in paragraph 3.2.2 (o) and (p) of TPB Paper No. 9844 at the meeting;
- (g) with regard to the ground on traffic impact and pedestrian circulation, the government representatives had explained the responses as detailed in paragraph 3.2.2. (q) to (s) of TPB Paper No. 9844 at the meeting;
- (h) with regard to the ground on noise and dust nuisances during construction, the government representatives had explained in the meeting that construction works of the proposed development were subject to the control of relevant environmental pollution control

ordinances; and

- (i) with regard to slope safety and maintenance, some representers had indicated that the slope in the alternative site would be upgraded in any event, Members noted the responses made by government representatives at the meeting that according to Government policy, works for upgrading or stabilisation of slopes would only be done in phases and on a need basis.

60. After further deliberation, Members agreed that the original site should be retained for public housing development for the main reason that residential development and schools were not incompatible uses and the alternative sites would have other impacts as detailed in the Paper.

61. Members decided to note the supportive view of R1. Members also decided that all the other adverse representations No. R2 to R817 and R819 to R1474 should not be upheld and the Plan should not be amended. Members then went through the suggested reasons for not upholding the adverse representations as detailed in paragraph 7.2 of the TPB Paper No. 9844 and considered that rejection reasons (a) to (f) were appropriate and proposed some amendments to rejection reason (g). The reasons were detailed in paragraph 63 below.

#### R1

62. After deliberation, the Board decided to note the supportive views of R1.

#### No. R2 to R817 and R819 to R1474

63. After deliberation, the Board decided not to uphold No. R2 to R817 and R819 to R1474 for the following reasons:

- “ (a) land suitable for housing development in Hong Kong is scarce and there is a need to optimise the use of land available to meet the



pressing demand for housing land. As re-provisioning site for the affected recreational facilities has been identified and there is generally sufficient open space provision in the area, it is considered appropriate to rezone the Site for residential use to meet the eminent housing needs of the community;

- (b) taking into account various technical assessments/appraisal conducted and the views of concerned government departments, the rezoning of the Site to “Residential (Group A)” (“R(A)”) would not lead to insurmountable problems in terms of traffic, environmental, geotechnical, landscape, visual and air ventilation aspects;
- (c) from the land use viewpoint, the proposed public rental housing (PRH) development under the “R(A)” zoning is considered not incompatible with the adjacent schools and open spaces;
- (d) the construction works of the proposed PRH development are subject to the control of various environmental pollution control ordinances. Housing Department would also adopt appropriate traffic control and site management measures to minimize the possible environmental impacts on the adjacent schools and residents during the construction period;
- (e) the statutory and administrative procedures in consulting the public on the zoning amendment have been duly followed. The exhibition of outline zoning plan (OZP) for public inspection and the provisions for submission of representations and comments form part of the statutory consultation process under the Town Planning Ordinance;
- (f) sufficient land has been reserved for the provision of open space, Government, institution and community and other supporting facilities in the Kwun Tong (South) area. Retaining the Site for

open space use is not required; and

- (g) the alternative site for PRH development suggested by representers is considered not desirable in view of the technical, financial, landscape, public enjoyment of ball courts and programming considerations.”

[Ms Julia M.K. Lau and Mr Dominic K.K. Lam arrived to join the meeting, Mr Stanley Y.F. Wong, Ms Janice W.M. Lai, Ms Doris M.Y. Chow, Mr K.K. Ling and Mr Martin W.C. Kwan returned to join the meeting, Dr Wilton Fok left the meeting, and Mr Frankie W.C. Yeung left the meeting temporarily at this point.]

#### **Agenda Item 4**

[Open Meeting (Presentation and Question Session)]

Further Consideration of Representations and Comments in respect of the Draft Kwai Chung Outline Zoning Plan No. S/KC/26  
(TPB Papers No. 9204 and 9894)

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[The meeting was conducted in Cantonese]

#### **Representations No. R3 to R8 and Comments No. C1 to C165 and C167 to C1757**

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

- |                  |   |  |
|------------------|---|--|
| Professor P.P Ho | - | having business dealings with Cheung Kong (Holdings) Ltd. (CKH) which owned Hutchison Whampoa (HW), which was the owner of Omaha Investment Ltd (C1)   |
| Mr Ivan C.S. Fu  | - | having business dealings with CKH, Masterplan Ltd. which was the consultant of Modern Terminals Limited (R7), and Ove Arup and Partners Hong Kong Ltd. (OAP) which was the consultant of CSX World |

Terminals Hong Kong Limited (R8)

- Mr Patrick H.T. Lau - having business dealings with CKH and OAP which was the consultant of R8
- Mr Sunny L.K. Ho - having business dealings with One Port Limited, which was jointly owned by COSCO-HIT Terminals (Hong Kong) Limited (R4), Hong Kong International Terminals Limited (R5) and R7
- Mr Laurence L.J. Li - having business dealings with one of the representers
- Mr Dominic K.K. Lam - having business dealings with OAP which was the consultant of R8
- Professor S.C. Wong - being the traffic consultant of OAP which was the consultant of R8
- Ms Janice W.M. Lai - her spouse owning a unit in Wonderland Villas
- Mr Clarence W.C. Leung - owning an office in Kwai Chung

65. Members agreed that the interests of Professor P.P. Ho, Mr Ivan C.S. Fu, Mr Patrick H.T. Lau, Mr Laurence L.J. Li and Mr Sunny Ho were direct and substantial. Members agreed that the other interest declared were indirect, particularly Mr Dominic K.K. Lam and Professor S.C. Wong's business dealings with the consultant of R8 were not related to the subject representations and the office owned by Mr Clarence W.C. Leung and the flat owned by the spouse of Ms Janice W.M. Lai were not related to the subject of representations being considered at the meeting and were far away from the representation sites. Members noted that Professor P.P. Ho, Mr Ivan C.S. Fu, Mr Laurence L.J. Li and Mr Clarence W.C. Leung had tendered apologies for being unable to attend the meeting and Mr Sunny Ho and Mr Patrick H.T. Lau had not yet arrived to join the meeting. Members agreed that the other members who had declared indirect interests could stay in

the meeting and participate in the discussion.

66. The Chairman said that the Town Planning Board (the Board) considered the representations in respect of the draft Kwai Chung Outline Zoning Plan (OZP) No. S/KC/26 (the Plan) on 12.10.2012 and 26.10.2012. On 12.10.2012, the Board considered R1, R2, R9 to R13 and C1 and C1758 to C1926 in Groups 1, 2 and 4 (mainly opposing the building height (BH) and other restrictions imposed on various sites) and decided not to uphold those representations. On 26.10.2012, the Board considered the remaining six representations (R3 to R8) and the 1,756 related comments in Group 3 (C1 to C165 and C167 to C1757) opposing to the BH restrictions on container terminals (CTs) No. 1 to 5 zoned “Other Specified Uses” annotated “Container Terminal” (“OU(CT)”) on the Plan. After deliberation, the Board decided to defer a decision on the representations pending further technical assessments by Planning Department (PlanD) on the cumulative impacts of the expansion proposals submitted by the representers. This meeting was for further consideration of the representations and comments taking into account the proposals as presented in TPB Paper No. 9894 (the Paper).

#### Presentation and Question Session

67. The Chairman said that reasonable notice had been given to all the representers and commenters in Group 3 inviting them to the hearing. Members agreed to proceed with the further consideration of the representations and comments in the absence of those representers and commenters who had either indicated not to attend the meeting or made no reply to the invitation to the hearing.

68. The following representatives from PlanD and the representers’ representatives were invited to the meeting at this point:

Mr Lawrence Y.C. Chau	-	District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), PlanD
Ms Leung Mei Ling	-	Senior Town Planner/Special Duties (STP/SD), PlanD
Ms Anna Y.M. Chung	]	

Mr An Karl	]	AECOM Asia Co., Ltd
Mr Lee Ka Leong	]	

R5 – Hong Kong International Terminals Limited

Mr John Harris	]	
Mr Eric Su	]	Representer’s Representatives
Mr Mark Chung	]	
Mr Phil Black	]	

R7 – Modern Terminals Limited

Mr Ian Brownlee	]	
Mr K.T. Lee	]	
Mr Clark Lee	]	
Mr Alan Law	]	Representer’s Representatives
Ms Mabel Lam	]	
Ms Anna Wong	]	
Dr Benny Chow	]	
Mr Alan Yip	]	

R8 – CSX World Terminals Hong Kong Limited

Ms Theresa W.S. Yeung	]	
Mr Rufin Mak	]	
Mr James Parsons	]	Representer’s Representatives
Mr Denis Ng	]	
Ms Natalie M.Y. Leung	]	

69. The Chairman extended a welcome and explained the procedures of the further hearing. He said that the hearing was for further consideration of the representations and comments in Group 3 relating to the CT sites. He reminded the attendees that the oral submission to be made on the day should focus on matters highlighted in TPB Paper No. 9894 (the Paper). He then invited Ms Leung (STP/SD) to brief Members on the Paper. Members noted the two replacement pages of the Paper were tabled at the meeting.

70. With the aid of a Powerpoint presentation, Ms Leung made the following main

points as detailed in the Paper:

### Background

- (a) on 20.4.2012, the Plan was exhibited for public inspection. Six representation (R3 to R8) and 1,756 related comments (C1 to C165 and C167 to C1757) opposing the BH restrictions on CTs No. 1 to 5 (zoned OU(CT)”) were received. On 26.10.2012, the Board considered these representations and comments, and decided to defer a decision;
- (b) the Board recognised that in view of scarce land resources available for CT operations, there was a need to allow sufficient flexibility in the utilization of the existing sites to cater for future development of the logistics industry and to enhance its competitiveness. The Board requested PlanD to liaise with the representers regarding their expansion proposals and carry out further assessments to assess the cumulative impacts of the proposals submitted by the representers and to submit the findings to the Board for further consideration;

### Representation Sites

- (c) the representation sites covered CTs No. 1 to 5 with an area of about 87.9 ha. The planning intention of the “OU(CT)” zone was primarily to cater for development of CTs and the associated port back-up facilities. There was no gross floor area (GFA)/plot ratio (PR) control stipulated on the Plan for the representation sites;
- (d) the existing buildings on the representation sites ranged from 25mPD to 110mPD. To the east of CTs No. 1 to 5 across the elevated Tsing Kwai Highway was Lai King, which was mainly a residential district (including Lai King Estate, Cho Yiu Chuen, Highland Park) and a few major Government, institution and community (GIC) facilities (including the Princess Margaret Hospital) on gradually ascending platforms;

- (e) for air ventilation assessment (by computational fluid dynamics) (AVA(CFD)) and visual impact assessment (VIA) purposes, the representers submitted proposals covering CTs No. 1 to 9. It should be noted that CTs No. 6 to 8 (to the south of CT No. 5) were covered by the approved Stonecutters Island OZP and CT No. 9 (on the west side of Rambler Channel opposite CTs No. 1 to 5) was covered by the draft Tsing Yi OZP;
- (f) CTs No. 1 to 5 abutted the Rambler Channel, which was a wind corridor for prevailing summer wind as well as the visual corridor for the surrounding areas;

#### Development Scenarios

- (g) a total of 9 meetings had been held and a total of about 60 letters had been exchanged between PlanD and the representers during the course of the further assessments from November 2012 to April 2015;
- (h) on 4.6.2013, the representers submitted two expansion proposals:
  - (i) Scenario A with a maximum BH of 110mPD for proposed warehouses and 70mPD for proposed container hangar system. The BH of 110mPD reflected the joint proposal put forward by R5, R7 and R8 in their letter dated 19.10.2012 and their individual schemes presented at the Board's meeting on 26.10.2012;
  - (ii) Scenario B with a maximum BH of 180mPD to 250mPD for proposed warehouses and 70mPD for proposed container hangar system. This scenario was intended to reflect the maximum permitted PR under the lease and the relevant Buildings Ordinance and Regulations; and
  - (iii) under both Scenarios A and B, three 40m-wide non-building areas (NBAs) were incorporated to break down the building mass. There was also a 25mPD area along the waterfront to allow for minor

structures at every 150m intervals;

- (i) the AVA(CFD) and VIA conducted by PlanD on both Scenarios A and B found that there would be potential visual and air ventilation impacts. The main air ventilation problem areas created by Scenarios A and B were at CT No. 5 (west), CT No. 4 Crosswharf and need for better permeability in the CT sites for wind flow to adjoining areas in Lai King, Lai Chi Kok and Tsing Yi. To mitigate the impacts, PlanD formulated Scenario C;
- (j) Scenario C lowered the BH at CT No. 4 Crosswharf, the western portion of CT No. 5 (CT No. 5 (west)), CT No. 8 (west) and CT No. 9 (north) from 110mPD to 30mPD; addition of two NBAs in CTs No. 6 and 7 and widened all NBAs from 40m to 60m. Scenario C was acceptable from air ventilation and visual impact perspectives;
- (k) as the representers considered Scenario C to be unacceptable, they submitted a Revised Scenario C on 5.1.2015 taking into account their operational needs and the findings of PlanD's AVA(CFD) and VIA. The Revised Scenario C differed from Scenario C in the following aspects:
  - (i) CT No. 5 (west): a BH of 70mPD instead of 30mPD (under Scenario C) was proposed for the hangar system. The same applied to CT No. 8 (west) and CT No. 9 (North);
  - (ii) NBAs: the width of the NBAs intervening the CTs was proposed to be reduced to a maximum width of 40m instead of 60m (under Scenario C), taking into account the practical consideration of constructing link bridges in various locations across the NBAs to connect proposed warehouses; and
  - (iii) CT No. 4 Crosswharf: the width of the 30mPD height band was narrowed from about 330m wide (under Scenario C) to about 110m wide for practical operational reasons;



- (l) as there were still outstanding air ventilation concerns on Revised Scenario C, the representers submitted Revised Scenario C (Modified) on 14.4.2015. The Revised Scenario C (Modified) differed from Revised Scenario C in the following aspects:
- (i) CT No. 4 Crosswharf – to the northeast of CT No. 4 was a small hill (about 60mPD to 70mPD), on which Kwai Chung Hospital and Princess Margaret Hospital stood. To facilitate penetration of southwestern quadrant winds to these hillside developments while considering the CT operational needs, Revised Scenario C (Modified) proposed a BH of 70mPD at the northern half of CT No. 4 Crosswharf to tally with the ground level of the hospitals and a lower BH of 30mPD cum a NBA (55m wide) at the southern half to respect the low elevation of Ching Lai Court (with podium at level of 16mPD); and
  - (ii) the northern most 40m-wide NBA for CT No. 1 was shifted southwards to avoid the existing buildings therein;
- (m) PlanD's assesment of Revised Scenario C (Modified) as compared to Scenario C was detailed in paragraph 6.7 of the Paper as summarised below:

*Air Ventilation Assessment*

- (i) air ventilation impacts at CT No. 5 (west) arising from Revised Scenario C (Modified) was considered comparable with Scenario C considering the wind blockage effect of the existing knoll (50mPD) to its north;
- (ii) air ventilation impact of narrowing the NBAs was comparable to Scenario C;
- (iii) relocating the northernmost NBA southwards in Revised Scenario C (Modified) would enhance effectiveness of the NBA;
- (iv) the increased BH of 70mPD at the northern part of CT4 Crosswharf would unlikely create significant blockage of winds against Kwai Chung

Hospital and Princess Margaret Hospital, as both hospitals were situated at similar elevations of around 60mPD and 70mPD;

*Visual Impact Assessment*

- (v) vantage point (VP) 1 at the Tsuen Wan waterfront promenade - the photomontages showed that there was not much difference in visual impacts. The BH band of 70mPD at CT No. 5 (west) was not considered visually incompatible as it would not infringe the ridgeline of Hong Kong Island;
- (vi) VP2 at Tsing Yi Waterfront promenade – the BH band of 70mPD at CTP No. 5 (west) was not considered visually incompatible as it would be in concordance with the BH profile descending towards the waterfront. Compared with the long continuous building mass lining up alongside the road corridors, the visual permeability enhanced by the 60m-wide NBAs under Scenario C (as compared to 40m-wide under Revised Scenario C (Modified)) would be barely noticeable;
- (vii) VP 4 at Princess Margaret Hospital Road – with the stepped BH bands under Revised Scenario C (Modified), despite the openness and views towards Rambler Channel offered by Scenario C would be compromised, the mountainous ridgeline in Tsing Yi could still be visible; and
- (viii) the overall visual impact arising from Revised Scenario C (Modified) was considered comparable with Scenario C;

[Professor C.M. Hui left the meeting at this point.]

- (n) the major comments from government departments were detailed in paragraph 6.9 of the Paper and summarised as follows:
  - (i) the Secretary for Transport and Housing (STH) pointed out that according to the “Study on the Strategic Development Plan for Hong Kong Port 2030”, there was a pressing need for the provision of more

container storage yards to cater for the growth in international transshipment to enhance the efficiency and maintain the competitiveness of Hong Kong Port. Possible multi-storey developments to cater for container terminal facilities including container stacking were encouraged. Such developments could increase container storage and would reduce the need for trucking transshipment containers via public roads to outside container yard depot and reduce the traffic impact on local road networks;

- (ii) the Commissioner for Transport advised that since the increase in GFA would induce huge traffic generation/attraction from the CTs, they had grave concerns on the associated traffic impact on the strategic highway and local road network. The acceptance of the subject proposal for CTs No. 1 to 5 would set a precedent for similar proposals for CTs No. 6 to 9. The cumulative traffic impact would be drastic and territory-wide; and
- (iii) the Director of Environmental Protection advised that the existing CTs (including its container backup facility) at CTs No. 1 to 5 were exempted Designated Projects (DPs) under the Environmental Impact Assessment Ordinance (EIAO) since they had been in operation before the enactment of the EIAO (1 April 1998). Nonetheless, a “material change” to an exempted DP was subject to the EIAO and would require an environmental permit unless subsequently exempted under the EIAO. Sewerage Impact Assessment would normally be required to assess the potential sewage impact caused by possible increase in working population;

#### PlanD’s View

- (o) PlanD’s views as detailed in paragraph 8 of the Paper were highlighted below:
  - (i) it was considered appropriate to adopt the representers’ Revised

Scenario C (Modified) as a basis to formulate the BH restrictions for the representation sites to accommodate the CT operational requirements while safeguarding against adverse air ventilation and visual impacts;

- (ii) the proponent of further development/ redevelopment should submit general layout plan as required under lease and undertake relevant assessments and provide any other information as might be required by government departments during the layout plan submission stage as required under the lease; and
  - (iii) quantitative AVAs at the detailed design stage should identify other enhancement measures and to ascertain their effectiveness;
- (p) if the Board considered that amendments to the Plan were necessary to meet/ partially meet the representations, an indicative proposal was shown on Plan Ha-11 of the Paper and the main features were highlighted below:
- (i) maximum 110mPD: to accommodate relatively taller buildings/ structures within CTs No. 1 to 5, e.g. warehouses;
  - (ii) maximum 70mPD: to accommodate medium-rise buildings/ structures at CT No. 5 (west) to the south of Tsing Yi Bridge and at the northern part of CT No. 4 Crosswharf, e.g. hangar systems;
  - (iii) maximum 30mPD: to designate this BH band at CT No. 5 (west) in an area north of Tsing Yi Bridge and at the southern part of CT No. 4 Crosswharf, primarily intended to maintain the existing low-rise nature of the open container yard;
  - (iv) maximum 25mPD: to accommodate proposed minor structures along the quayside;
  - (v) NBAs: to designate three 40m-wide NBAs across CTs No. 1 and 2, and one 55m-wide NBA at CT No. 4 Crosswharf to allow air penetration to the residential areas and hospitals on Lai King hill and offer visual breaks to the long building frontage; and

- (vi) minor relaxation clause: to include a minor relaxation clause for the BH restriction and NBA requirement under the Plan, instead of the relaxation clause (in the current Plan) which allowed applications for relaxation of BH restriction beyond minor in scale.

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

71. The Chairman then invited the representers' representatives to make their oral submissions.

R5 – Hong Kong International Terminals Limited

72. Mr Mark Chung made some clarifications regarding the CT4 Crosswharf using Plan Ha-11. He said that the total width of the CT4 Crosswharf was 305m, the NBA was 55m wide and the area to the south of the NBA (under a BH restriction of 30mPD) was 110m wide. As such, the corresponding total width of the CT4 Crosswharf and the width of the area under a BH restriction of 70mPD in paragraph 6.3 of the Paper should be rectified accordingly.

R7 – Modern Terminals Limited

73. Mr Ian Brownlee made the following main points:

- (a) in the current OZP, the CT area was mainly under a BH restriction of two storeys. At the previous meeting held some two years ago, the Board agreed that there was a need to balance the needs of the CT operators, the value of the logistics industry to Hong Kong's economy and the need for planning control. The Board accepted that the BH restriction of two storeys was unreasonable and directed PlanD to reconsider the planning controls on the CT sites in conjunction with the representers; and
- (b) after two years of interesting and fruitful discussion, the representers and

PlanD had come to a compromised agreement, the indicative proposal was illustrated in Plan Ha-11 and paragraph 8.5 of the Paper (the Proposal). The Proposal would allow flexibility for the CTs to develop and had taken into account community concerns on air ventilation and visual impacts. The Board was urged to accept the Proposal.

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

#### R8 – CSX World Terminals Hong Kong Limited

74. Mr Theresa Yeung made the following main points:

- (a) it had been 2.5 years since the Board deferred its decision on R3 to R8 subject to further assessment by PlanD on the joint proposal submitted by the representers;
- (b) the Proposal in Plan Ha-11 of the Paper was a compromise that was acceptable from both the container operational and town planning points of view;
- (c) on the understanding that the BH restrictions on the Proposal were only applicable to buildings and not the container stacks and crane structures, R8 would accept the Proposal; and
- (d) the Board was urged to expedite the town planning procedures to gazette the proposed amendments to the OZP. They also requested PlanD to confirm with them during the finalization of the amendments to the OZP.

75. As the presentations for the representers had been completed, the Chairman invited questions from Members. The Chairman said that Mr Brownlee (R7) mentioned in his presentation that the Board considered at the previous meeting that the BH of two storeys as shown on the Plan was “unreasonable”; however, this view was not reflected in the minutes. The minutes only indicated that due to the absence of technical assessments to demonstrate the visual and air ventilation impacts of the joint proposal submitted by R5,

R7 and R8 and the need to assess the information relating to the proposed container hangar system by R7, the Board considered it appropriate to defer consideration of the representations to allow more time for PlanD to conduct further assessments in liaison with the representers.

76. In response to the Chairman's question, Mr Lawrence Chau (DPO/TWK) said that Members' views in the previous meeting were summarised in paragraph 238 of the minutes in Annex II of the Paper. In particular, (i) Members recognized the need to allow sufficient flexibility in the utilization of the existing sites to cater for future development of the logistics industry; (ii) Members considered that there was a lack of technical assessments to demonstrate the air ventilation and visual impacts of the joint proposal and hangar system; and (iii) PlanD was asked to liaise with the representers regarding their expansion proposals and carry out further technical assessments on air ventilation and visual impacts and to submit the findings to the Board for further consideration.

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

77. In response to the Chairman's comment in paragraph 75 above, Mr Brownlee (R7) said that the statement was not be an entirely accurate paraphrasing of the views as recorded in the minutes of the previous meeting. However, in essence, the representers and PlanD had tried to attain a compromise to resolve the concerns of the Board.

78. The Chairman asked DPO/TWK's views on R5's points made at the oral submission. In response, Mr Chau said that the points made by R5 were consistent with the Proposal presented in Plan Ha-11 of the Paper, that were, the NBA was 55m wide and the width of the area under a BH of 30mPD was 110m wide. R5 agreed and explained that they had only marked the particular dimensions on the plan for clarity.

79. As Members had no further question to raise, the Chairman thanked PlanD's representatives as well as the representers' representatives for attending the meeting. They all left the meeting at this point.

## Deliberation

80. The Chairman said that the current BH restrictions for the representation sites on the Plan mainly reflected the existing BH but had not taken full account of the updated planned operational requirements of the CT operators. After deliberation at the previous meeting held in 2012, PlanD was asked to further liaise with the representers about their expansion proposals and other new operational requirements, and to conduct further assessments on the air ventilation and visual aspects. He asked Members to consider the Proposal taking into account the matters detailed in the Paper and the oral submissions.

81. A Member said that there were solid justifications for Scenario C. However, the justifications for Revised Scenario C and that for Revised Scenario C (Modified) seemed relatively weak. For the increase of the BH at CT No.5 (west) from 30mPD to 70mPD, though there might not be major difference in air ventilation impacts, it was not convincing that the visual impacts would be similar. As such, the Member intended to support Scenario C and said that flexibility could be allowed in the Notes for relaxation of the BH restrictions if the representers could provide strong justifications in future. Another Member agreed that there were no ways to avoid massive and bulky buildings under the BH restrictions proposed in Revised Scenario C (Modified). Another Member raised similar concerns about the visual impacts and said that under Revised Scenario C (Modified), a larger part of the Tsing Yi ridgelines would be blocked.

82. The Chairman said that the photomontages were schematic and the actual development might not be as massive and solid, especially when the requirements under the lease were taken into account. Mr K.K. Ling (Director of Planning) supplemented that DPO's view was based on the fact that even if the BH at CT No. 5 (West) was to be increased from 30mPD to 70mPD, the Tsing Yi ridgelines would still be visible and that was considered acceptable from the visual perspective. It was inevitable that buildings/structures in CTs would be relatively more bulky when seen at a close distance. However, if the longer distance views of ridgelines could be preserved, the visual impact should be considered acceptable. A Member asked whether the principle of reserving a 20% building free zone was applicable to protection of views of the Tsing Yi ridgelines. In response, Mr Ling said that the 20% building free zone was applicable for preservation of views of the ridgelines in Kowloon and Hong Kong Island as seen from selected



vantage points along Victoria Harbour but it was not applicable to the vantage points in Tsing Yi.

83. A Member said that increasing the BH of some areas to 110mPD to accommodate the larger buildings for operational needs of the CTs was agreeable. However, there were concerns on the visual impacts from VP2 (view from Tsing Yi Waterfront Promenade) and VP4 (view from Princess Margaret Hospital). From VP2, if the BH at CT No. 5 (west) was kept at 30mPD (as proposed under Scenario C), there would be less blockage of the north-south view corridors along Rambler Channel. From VP4, if the entire CT No. 4 Crosswharf was subject to 30mPD (as proposed under Scenario C), there would be a major break in the building mass which would be beneficial from both visual and air ventilation perspectives. There seemed to be insufficient justifications to relax the BH at CT No. 5 (west) and CT No. 4 Crosswharf to 70mPD.

84. A Member said that views of the waterfront areas in Hong Kong were precious and should be preserved as far as possible and the Member intended to support Scenario C. The representers had not provided strong justifications as to why the BH had to be relaxed to 70mPD. It might be possible that BHs of 30mPD or 40mPD might suffice in some areas. The Chairman said that one of the justifications for the BH of 70mPD was to accommodate the hangar system.

85. The Secretary referred Members to the photomontages for views from VP2 and VP4 in Plans No. V9 and V10 of the Paper and pointed out the differences under Scenario C and Revised Scenario C (Modified). As viewed from VP2, the main area of concern was the BH at CT No. 5 (west) and as viewed from VP4, the main area of concern was the BH at CT No. 4 Crosswharf. He said that according to PlanD's assessment, the air ventilation impacts of Scenario C and Revised Scenario C (Modified) were similar and the main concern of Members was whether the visual impacts were considered acceptable.

86. Mr Ling said that visual impacts were also one of PlanD's consideration. Naturally, lower buildings would have a lesser impact. However, visual impacts had to be weighed against other considerations. He said that Members might wish to consider the acceptability of the BH from the perspective of facilitating the functional needs of the CT operators in this working harbour.

87. A Member said that visual impacts might be relatively subjective and lower BH would always be desirable. However, having regard to the operational needs of the CT operators, the Member considered Revised Scenario C (Modified) acceptable. It was also an agreed option reached between PlanD and the representers over more than two years of discussion following the Board's direction for PlanD to liaise with the operators and come up with an option.

88. The Vice-chairman said that Revised Scenario C (Modified) was acceptable as the AVA had demonstrated that there would not be unacceptable air ventilation impacts on the residential developments in the district. He was less concerned about allowing a higher BH that would facilitate the operational needs of CT operators. It was appreciated that PlanD and the representers had spent much time to come up with the compromise solution. The Chairman said that Members might wish to consider whether the Revised Scenario C (Modified) should be supported recognizing that it was the result of kind of a mediation process with the representers over the past two years in which PlanD acted on the Board's order.

89. A Member asked whether there was information on the economic benefits that relaxation of the BH restrictions on the CT sites would bring to the economy and employment of Hong Kong. In response, the Chairman said that it was Government's policy to provide sufficient land for different land uses to facilitate economic development. It was necessary to strike a balance between the operational needs of the CT operators and other aspects such as air ventilation and visual impacts. It was a matter of choice between a desirable or an acceptable scheme.

90. A Member said that the representers had not provided evidence that they would shift to the new operation mode using the hangar system. In the previous meeting in 2012, the container operators had said that they had no concrete plans to introduce the new hangar system in the CTs. As such, instead of amending the BH according to the claimed operational needs of the CT operators, the Board might consider imposing lower BH restrictions but allowing the CT operators to submit proposals for their expansion plans that would be assessed by the Board on a case-by-case basis in future.

91. The Chairman said that the Board should have regard to the previous meeting

that had led to the current proposal. The Board decided at its meeting on 26.10.2012 to allow sufficient flexibility in BH to cater for known operational needs and requested PlanD to liaise with the representers. Mr Ling said that in the previous meeting, Members had mainly raised concern about the air ventilation and visual impacts of the joint proposal of the representers and the operators were asked to inform PlanD about their operational needs rather than to provide concrete expansion plans. According to PlanD's assessment, the air ventilation impacts of Scenario C and Revised Scenario C (Modified) were comparable. From a functional perspective, it was worth noting that there was a growth in transshipment volume in the CTs that required more storage and operation facilities in the CTs. From a planning perspective, it would be beneficial to encourage the CT operators to build multi-storey facilities for storage and processing of containers for its transshipment operations within the CTs. This would reduce the need for transporting goods/containers to/from the CTs and thus alleviate related impacts on the surrounding districts.

92. A Member said that given the growth of container operations in the Mainland, it was anticipated that the demand for CT facilities in Hong Kong would decline in the longer term. Hence, the CTs might eventually be developed for other land uses. The Chairman said that the Plan had to be amended if the operators proposed a change in land use on the CT sites in future.

93. A Member said that multi-storey storage facilities and automated hangar system were likely to be the future trend for CT operations. Nevertheless, Scenario C, which was the original proposal by PlanD, had more merits especially in preserving the views along Rambler Channel.

94. A Member noted that Revised Scenario C (Modified) was kind of a compromised proposal reached through two years of discussion between the representers and PlanD. However, it might not be readily convincing that it was visually acceptable to increase the BH at the two concerned areas from 30mPD to 70mPD. The Member asked whether there would be mechanisms to require the CT operators to refine the BH profile within the larger areas that were subject to 70mPD, say providing stepped BH. The Chairman said that under the leases, the operators had to submit layout plan for approval for any expansion or redevelopment plans.

95. As requested by the Chairman, the Secretary recapped the amendments to BH restrictions for the CT sites on the Plan. In 2012, the Board decided to impose BH restrictions that mainly reflected the existing BHs of the CT sites. A relaxation clause (rather than minor relaxation clause) on the BH was included in the Notes to cater for any expansion plans of the operators that might involve taller buildings, and those proposals would be assessed on a case-by-case basis upon application to the Board. At the representation hearing, the Board requested PlanD to liaise with the operators regarding their operational needs and expansion plans, and to assess any proposed amendments to the BH restrictions from air ventilation and visual impact perspectives. The CT operators had not provided any concrete expansion proposals during the course of discussion over the past two years. The CTs were subject to controls under the leases and any expansion and redevelopment proposal would be subject to approval of layout plans required under the leases.

96. The Chairman referred Members to the minutes of the previous meeting in Appendix II of the Paper, which indicated in paragraph 238 that the Board fully recognized the importance of the logistics industry to the economy and employment of Hong Kong; in view of the scarce land resources available for CT operations, there was a need to allow sufficient flexibility in the utilization of the existing sites to cater for the future development of the logistics industry and to enhance its competitiveness. It was only due to absence of technical assessments to demonstrate the visual and air ventilation impacts of the joint proposal and the need to assess the information about the hangar system provided by R7 that the Board decided to defer a decision on the representations and PlanD was asked to liaise with the representers regarding their expansion proposals and carry out further assessments. As the meeting was to consider a decision deferred by the Board on the above basis, Members should take into account the Board's consideration in the previous meeting when making a decision on the Proposal.

97. A Member said that the areas of concern in CT Nos. 4 and 5 belonged to different CT operators, and hence, if it was decided to propose partial amendments to the Proposal, it might arouse objections from some representers. The Chairman said that if the Board decided to propose amendments to the Plan, the proposed amendments would need to be published to invite further representations. If the Plan was to be amended based on the Proposal, there would unlikely be adverse comments from the existing CT

operators. However, this need to go through the process should not be a relevant consideration as to whether proposed amendments should be made. He further said that AVA was more quantitative but visual impacts had certain degree of subjectivity.

98. A Member said that the logistics industry was important to Hong Kong's economy. Given the scarce land resources, it was inevitable that built forms with a higher BH would have to be adopted for the CTs. To allow more room for development of the logistics industry, the Board should provide flexibility for CT operators to introduce new operation systems. The technical assessments had demonstrated that the Proposal was acceptable from the air ventilation perspective. For visual impacts, it would be a give and take situation. Although Revised Scenario C (modified) was not as good as Scenario C in visual terms, it was acceptable when balanced against the need to enhance development of the logistics industry.

99. A Member said that based on paragraph 238 of the minutes of the previous meeting, Scenario C could already be considered as fulfilling the Board's requirements. The Revised Scenario C or Revised Scenario C (Modified) were only conceptual and not based on any concrete plans from the CT operators and they should not be treated as kind of a mediated solution but should only be regarded as an exchange of views with the representers. From public interests perspective, the Board should accept Scenario C and then assess any concrete proposals in future on a case-by-case basis. The Chairman said that the representers had not agreed to Scenario C, which was not in line with the intention of the Board as reflected in paragraph 238 of the minutes of the previous meeting for PlanD to try to reach a revised proposal acceptable to all parties.

100. Mr Ling concurred with the Chairman and said that according to paragraph 238 of the minutes of the previous meeting, Scenario C was only an interim proposal, and it was appropriate to continue the negotiation process until a mutually agreeable proposal was reached. He reiterated that PlanD considered Revised Scenario C (Modified) acceptable from the planning perspective, taking into account the consideration that the air ventilation impacts were comparable with Scenario C and that the visual impacts were acceptable when balanced against operational needs of the CT operators. As mentioned earlier, there was growth in transshipment volume in the CTs and there was a need for more container storage and operation space in the CTs which would in turn reduce the need for

trucking transshipment containers from container yards outside the CTs. Due to demand for land for housing or other uses, land available for container yards outside the CTs was reducing.

101. A Member said that the operational needs of the logistics industries would change with time. In the past, goods were transported from factories in Kwai Chung directly to the CTs for loading into containers; the need for storage facilities in the CTs at that time was lower. Nowadays, much of the goods to be processed in the CTs were from the Mainland, and there would be a need for more storage facilities and processing space as well as automated systems within the CTs. The Proposal reflected the needs of the logistics industry and was supported by the policy bureau, and this would provide justifications to override concerns on the visual impacts.

102. A Member said that even if the BH was relaxed to 70mPD, the operators would take into account their operation needs, development and maintenance costs and would not necessarily opt for developments or redevelopments up to the maximum BHs. A Member said that operation cost of the logistics industry in Hong Kong was very high, which might be doubled that in the Mainland. To maintain its competitiveness, automation was essential to enhance efficiency in operations in Hong Kong. For functional reasons, the Revised Scenario C (Modified) was considered acceptable.

103. A Member said that the storage facilities in the CTs could be very solid and bulky, and it was necessary to consider the threshold of acceptance taking into account the maximum width of buildings allowable under the BH restrictions. The Chairman said that the photomontages were only conceptual and the scale of development would be subject to control under the leases. Ms Doris Chow (Assistant Director of Lands) said that the development restrictions for the CTs under the leases were detailed in Annex V of the Paper.

104. In response to a Member's question about the next steps, the Secretary said that the Board was asked to consider the proposed amendments to the BH restrictions for CT Nos. 1 to 5 as summarised in paragraph 8.5 and Plan Ha-11 of the Paper. Should the Board decide to propose amendments to meet or partially meet the representations, PlanD would submit the proposed amendments to the Plan for the Board's consideration before

its publication.

105. As requested by the Chairman, the Secretary recapped the process of liaison with the representers over the past two years. In the previous meeting in 2012, the representers had not provided any schemes for their expansion proposal. In 2013, the representers submitted two expansion proposals, namely Scenarios A and B. Scenario A proposed a maximum BH of 110mPD for the proposed warehouses and Scenario B proposed maximum BHs of 180mPD to 250mPD for the proposed warehouses to reflect the maximum permitted PR under the lease and the relevant Buildings Ordinance/Regulations. The AVA and VIA conducted by PlanD found that there would be potential visual and air ventilation impacts for both Scenarios A and B. To mitigate those impacts, PlanD formulated Scenario C to incorporate improvement measures. In early 2015, the representers submitted Revised Scenario C. The BH at CT No. 5 (west) was increased from 30mPD to 70mPD, and PlanD's assessment showed that the air ventilation impacts were similar to Scenario C as wind would be sheltered by a small knoll at 50mPD in the vicinity. For CT No. 4 Crosswharf, Revised Scenario C proposed to narrow the 30mPD height band from 330m to 110m, but PlanD's assessment showed that there were still air ventilation concerns. As such, the representers submitted Revised Scenario C (Modified) to include a 55m-wide NBA, and PlanD considered it acceptable from air ventilation and visual perspectives.

106. As Members had different views on the BH restrictions to be imposed on the CT sites, the Chairman suggested and Members agreed to vote on the matter. There were more members supporting Revised Scenario C (Modified). The Board decided to amend the Plan on the basis of Revised Scenario C (Modified) as set out in paragraph 8.5 and Plan Ha-11 of the Paper. PlanD was requested to submit the proposed amendments to the draft Kwai Chung OZP to the Board for agreement prior to gazetting of the proposed amendments under section 6C(2) of the Ordinance.

### R3 to R8

107. After further deliberation, the Board agreed to propose amendments to the Plan to meet R3 to R8 by amending the Plan on the basis of Revised Scenario C (Modified) as set out in paragraph 8.5 and Plan Ha-11 of the Paper.

108. The meeting was resumed at 2:30 p.m.

109. 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

Mr Dominic K.K. Lam

Mr H.F. Leung

Mr Patrick H.T. Lau

Mr Sunny L.K. Ho

Mr F.C. Chan

Mr David Y.T. Lui

Mr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Dr Lawrence W.C. Poon

Deputy Director of Environmental Protection

Mr C.W. Tse

Director of Lands

Ms Bernadette H.H. Linn

Director of Planning

Mr K.K. Ling



Sha Tin, Tai Po and North District

**Agenda Item 5**

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments in Respect of  
the Draft Ko Lo Wan Outline Zoning Plan No. S/NE-KLW/1  
(TPB Paper No. 9895)

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[The meeting was conducted in Cantonese.]

Presentation and Question Sessions

110. The Chairman said that reasonable notice had been given to the representers and commenters to invite them to attend the hearing. However, the representers and commenters had either indicated that they would not attend the meeting or made no reply. Members agreed to proceed with the hearing in the absence of the representers and commenters.

111. The following representatives of the Planning Department (PlanD) were invited to the meeting at this point:

- |                   |   |   |
|-------------------|---|---|
| Mr C.K. Soh       | - | District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), PlanD |
| Ms Channy C. Yang | - | Senior Town Planner/Country Park Enclaves(2) (STP/CPE(2)), PlanD      |

112. The Chairman extended a welcome and invited the representatives of PlanD to brief Members on the representations and comments.

113. With the aid of a PowerPoint presentation, Ms Channy C. Yang, STP/CPE(2), made the following main points as detailed in the Paper:

### Background

- (a) on 22.8.2014, the draft Ko Lau Wan Outline Zoning Plan (OZP) No. S/NE-KLW/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, two representations were received. On 31.10.2014, the representations were published for three weeks for public comment and two comments on the representations were received;

### The Representations

- (b) R1 was submitted by the Sai Kung North Rural Committee (SKNRC) which objected to the draft OZP without submitting any proposal. R2 was submitted by Designing Hong Kong Limited (DHKL) which provided general comments on the draft OZP;

### Grounds of Representations and Representers' Proposals

- (c) the main grounds of R1 as detailed in paragraph 2.1 of the Paper were summarised below:

#### *Villagers' Comments on the Draft OZP*

- (i) the villagers' comments had not been taken into account in the preparation of the draft OZP as the land use proposals on the OZP were similar to those in the Development Permission Area (DPA) Plan; and

#### *Designation of "V" Zones and Deprivation of the Villagers' Right*

- (ii) the area of "Village Type Development" ("V") zones on the draft OZP was smaller than that of the village 'environs' ('VE'). Planning application to the Town Planning Board (the Board)

was required for Small House development outside the “V” zones. As such, the villagers’ right of building Small Houses within the ‘VE’ had been deprived of;

[Mr C.W. Tse returned to join the meeting at this point.]

- (d) the major grounds and proposals of R2 as detailed in paragraph 2.2 of the Paper were summarised below:

*Designation of the Area as Country Park and Adoption of Conservation-Oriented OZP*

- (i) the Ko Lo Wan area (the Area) was surrounded by and connected with the Sai Kung East Country Park (SKECP). To preserve the integrity of the country park and for better management and enhanced conservation, the Area should be designated as part of SKECP and a conservation-oriented OZP was proposed;

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

*Designation of “V” Zones and Adverse Environmental Impacts of the Small House Development*

- (ii) the Small House policy had been abused for investment rather than for housing needs. The demand for new Small Houses was neither verified nor justified;
- (iii) taking into account the Small House demand and the lack of infrastructural provision in that there was no road connection and public sewer in the Area, the impacts on the country park, geo-park and marine park in relation to the increase in Small House development, provision of the infrastructure and related works/facilities should be considered. The population carrying

capacity of the country parks in Sai Kung had not been considered;

- (iv) it was proposed that the “V” zones be confined to the existing built structures and approved Small House sites only; a clear plan for transport and sewerage facilities be formulated, and related works such as slope stabilisation and site formation as public works be committed to prior to the zoning of land for development; and

*Adequacy of the “Green Belt” (“GB”) Zone for Conservation*

- (v) “GB” zone provided insufficient protection to the areas near streams, coast and country parks since Small House applications were frequently approved therein. It was proposed that ‘House’ or ‘Small House’ be removed from Column 1 or Column 2 of the Notes of the “GB” zone; and the stream and its riparian zone, coastal area and area connected to the country park be rezoned to “Conservation Area” (“CA”) or “GB(1)”;

Comments

- (e) the two comments (C1 and C2) were submitted by individuals supporting R1’s objection on similar grounds;

Planning Considerations and Assessments

*The Representation Sites and their Surrounding Areas*

- (f) the Area covered a total area of about 35.91 ha and was bounded by the SKECP to the east and south, Long Harbour to the west and South Channel to the north. The Area was rural in character comprising mainly village houses and fallow agricultural land surrounded by shrubland and woodland. There was a natural stream in Tan Ka Wan

flowing from south to north towards Long Harbour. Estuarine mangrove was found at the coastal area. While most of the flora and fauna recorded in the Area were common and widespread in the territory, a protected plant species, *Pavetta hongkongensis* (香港大沙葉) had been recorded in the woodlands;

- (g) two recognized villages, namely Ko Lau Wan and Tan Ka Wan (i.e. Tse Uk, Lau Uk, Lam Uk and Mo Uk), were located in the northern and southern parts of the Area respectively. There were graves at the hillslopes located to the southeast of Ko Lau Wan and the southwest of Tan Ka Wan. A drug rehabilitation centre, Ling Oi Tan Ka Wan Centre, was situated at the knoll in the southwestern part of the Area;
- (h) the Area was not served by any vehicular access but accessible by boats from Wong Shek Public Pier and Ma Liu Shui and by hiking trails leading from Chek Keng;

*Planning Intention*

- (i) the Area formed an integral part of the natural system of the adjoining SKECP with a wide spectrum of natural habitats including, inter alia, woodland, hillside shrubland, stream course and estuarine mangrove etc., and should be preserved and protected. The general planning intention of the Area was to protect its high conservation and landscape value which complemented the overall naturalness and the landscape beauty of the surrounding SKECP;
- (j) apart from the environmental and ecological considerations, development in the Area was constrained by limited transport and infrastructural provisions. It was also intended to consolidate village development so as to avoid undesirable disturbances to the natural environment and overtaxing the limited infrastructure in the Area;

- (k) the planning intention of the “V” zone was to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within the “V” zone was primarily intended for development of Small Houses by indigenous villagers. It was also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development were always permitted on the ground floor of a New Territories Exempted House (NTEH). Other commercial, community and recreational uses might be permitted on application to the Board;
  
- (l) the planning intention of the “GB” zone was primarily for defining the limits of urban and sub-urban development areas by natural features, containing urban sprawl as well as providing passive recreational outlets. There was a general presumption against development within the zone;
  
- (m) the “Coastal Protection Area” (“CPA”) zone was intended to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. It might also cover areas which serve as natural protection areas sheltering nearby developments against the effects of coastal erosion. There was a general presumption against development in the zone;
  
- (n) for the “GB” and “CPA” zones, any diversion of streams, filling of land/pond or excavation of land should not be undertaken without permission from the Board whilst for the “V” zone, any diversion of streams or filling of pond required planning permission from the Board;

Consultation

- (o) on 2.5.2014, the Board gave preliminary consideration to the draft Ko Lau Wan OZP No. S/NE-KLW/B and agreed that the draft OZP was suitable for submission to the Tai Po District Council (TPDC) and SKNRC for consultation;
- (p) the SKNRC and TPDC were consulted on the draft OZP on 7.5.2014 and 14.5.2014 respectively. While the SKNRC noted that there was a net increase in land for Small House development as compared with that of the DPA Plan, they considered that the size of “V” zone was inadequate and objected to the draft OZP. Subsequently, they submitted proposals of the Village Representatives (VRs) of Ko Lau Wan and Tan Ka Wan mainly to expand the “V” zones and to shorten and narrow the “CPA” zones. Members of the TPDC noted and respected the SKNRC’s objection to the draft OZP. After consultation with the concerned government departments, no zoning amendments to the draft OZP had been proposed and the land use zonings on the draft OZP were considered appropriate;
- (q) on 1.8.2014, the Board gave further consideration to the draft Ko Lau Wan OZP together with the views received from the SKNRC and TPDC. The Board agreed that the draft Ko Lau Wan OZP was suitable for exhibition for public inspection. On 22.8.2014, the draft Ko Lau Wan OZP No. S/NE-KLW/1 was exhibited for public inspection under section 5 of the Ordinance;

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

- (r) the SKNRC and TPDC were consulted on the draft Ko Lau Wan OZP No. S/NE-KLW/1. Members of TPDC noted that the SKNRC strongly objected to the draft OZP and they respected the views of SKNRC and objected to the draft OZP at the meeting on 10.9.2014. The SKNRC (R1) submitted a representation objecting to the draft OZP;

Responses to Grounds of Representations and Representers' Proposals

- (s) responses to the grounds of representations as detailed in paragraphs 5.11 to 5.13 of the Paper were summarised below:

Designation of "V" zone

- (i) in formulating the land use zonings of the draft OZP, special attention had been given to protect the high conservation and landscape value of the Area having regard to the wider natural system of the adjoining SKECP. Environmentally sensitive areas including the natural coastlines, woodland and shrubland which were contiguous and ecologically-linked with the wide stretch of vegetation in the adjoining SKECP were covered by conservation zones, i.e. "CPA" and "GB";
- (ii) there was a need to designate "V" zone at suitable locations to meet the Small House demand of the recognized villages after delineating the areas to be conserved. The boundaries of the "V" zone had been drawn up having regard to the 'VE', the number of outstanding Small House applications, Small House demand forecast, local topography and site constraints. Areas of difficult terrain, dense vegetation, stream courses and burial grounds had been avoided as far as possible. Areas suitable for Small House development mainly including the existing fallow agricultural land currently covered with some shrubs and vegetation in the vicinity of the existing village clusters were zoned "V";
- (iii) the Small House demand forecast was only one of the factors in drawing up the "V" zones and the forecast was subject to variations over time. The respective District Lands Office



would verify the status of the Small House applicant at the stage of Small House grant application;

- (iv) based on the latest information provided by District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) in January 2015, the assessment on the supply and demand for Small Houses for the two villages had been updated and summarised in Table 1 of the Paper. In gist, the total land area of the “V” zones was about 2.96 ha including about 1.66 ha of land at Ko Lau Wan and about 1.3 ha of land at Tan Ka Wan. The land available for new Small House developments amounted to about 1.44 ha, equivalent to about 57 Small House sites which could satisfy about 56% of the total Small House demand in the Area;
- (v) with a view to avoiding undesirable disturbances to the natural environment and overtaxing the limited infrastructure in the Area, an incremental approach had been adopted for designating “V” zones for Small House development in that the land area of the “V” zone would not fully meet the land requirement of Small House demand at the outset with an aim to confining such developments at suitable locations adjacent to existing village clusters;

*Villagers' Comments on the Draft OZP*

- (vi) the TPDC and SKNRC had been consulted in May 2014 during the preparation of the draft OZP. Their views and proposals, together with the comments from the concerned government departments and other relevant land use planning considerations, had been taken into account and reflected in the TPB Paper No. 9701 on the draft OZP considered by the Board on 1.8.2014;

- (vii) there was an increase in the area of “V” zones on the draft OZP, i.e. from 2.61 ha to 2.96 ha, as compared with that of the DPA Plan;

*Deprivation of the Villagers’ Right*

- (viii) ‘VE’ in general referred to a 300 feet distance surrounding a recognized village where Small House applications were considered by LandsD. Apart from the ‘VE’, there were various factors to be considered for each and every Small House application. In the draft OZP, all the building lots were covered by “V” zones, in which ‘House (NTEH only)’ was always permitted. Therefore, there was no deprivation of villagers’ rights in using their building lots for Small Houses;
- (ix) should there be a genuine need to use the land in the ‘VE’ outside the “V” zone for Small House development, there was provision in the draft OZP to allow for planning application for Small House development in the “GB” and “Government, Institution or Community” zones;
- (x) rebuilding of NTEH and replacement of an existing domestic building by a NTEH were always permitted on land falling within the boundary of the draft OZP, except in the “CPA” zone. On land within the ‘VE’ and zoned “CPA”, ‘House (Redevelopment only)’ might be permitted on application to the Board and each application would be considered based on its individual merits;

*Designation of the Area as Country Park*

- (xi) designation of country park was under the jurisdiction of the Country and Marine Parks Authority (CMPA) governed by the

Country Parks Ordinance (Cap. 208) which was outside the purview of the Board. The proposal had been relayed to the relevant government departments for consideration as appropriate. Preparation of the statutory plan would not preclude any future designation of country park;

*Adoption of Conservation-Oriented OZP*

- (xii) the draft OZP was conservation-oriented as the general planning intention of the Area was to protect its high conservation and landscape value which complemented the overall naturalness and the landscape beauty of the surrounding SKECP. Conservation zones, including “GB” and “CPA” under which there was a general presumption against development, had been designated at suitable locations to protect the natural environment of the Area under the statutory planning framework. After delineating the environmentally sensitive areas that had to be conserved, the “V” zones, occupying only 8.24% of the total area, were confined at suitable locations with a view to avoiding undesirable disturbances to the natural environment and overtaxing the limited infrastructure in the Area;

*Adverse Environmental Impacts of the Small House Development*

- (xiii) the Area was bounded by SKECP to the east and south, but was neither surrounded by marine park nor Geo-Areas of the Hong Kong Global Geopark of China. When considering the draft OZP, all relevant planning considerations, including the expert advice of the relevant government departments and public views, had been taken into account. The relevant government departments, including the Agriculture, Fisheries and Conservation Department (AFCD), Environmental Protection

Department (EPD) and Transport Department, had no objection to/adverse comments on the “V” zones;

- (xiv) LandsD, when processing Small House grant applications, would consult concerned government departments, including AFCD, EPD and PlanD, to ensure that all relevant departments would have adequate opportunity to review and comment on the applications. In particular, as there was neither existing nor proposed public sewer in the Area, the design and construction of on-site septic tank and soakaway (STS) system for any development proposals/submissions needed to comply with relevant standards and regulations, such as EPD’s Practice Note for Professional Person (ProPECC PN) 5/93 “Drainage Plans subject to Comment by the Environmental Protection Department”. EPD advised that provided that the STS system was built at suitable location in accordance with the prescribed standards and regulations, the attenuation effect should be able to offer adequate protection to the nearby environment;
- (xv) there were currently no plans for infrastructure provision in the Area and the future need would be kept in view subject to resources availability and consideration of the associated impacts. In particular, any road connection to the Area would have to pass through the country park and the potential impacts would be considered by the CMPA;

Adequacy of the “GB” Zone for Conservation

- (xvi) except the existing village clusters and facilities, all the areas near the streams, coast and the country park had been zoned “CPA” and “GB” on the draft OZP. The “GB” zone comprised mainly large stretches of woodland, shrubland and grassland. While there was neither fung shui woodland nor Ecologically Important Stream, the vegetated habitats therein

were largely composed of native species. Most of the flora and fauna recorded in the Area were common and widespread in the territory. AFCD considered that the “GB” zone on the draft OZP was appropriate; and

- (xvii) “GB” zone was a conservation zone with a general presumption against development. In the “GB” zone, any house development required planning permission from the Board in that each case should be considered on its individual merits. Any diversion of streams, filling of land/pond or excavation of land which might cause adverse impacts on the natural environment also required planning permission from the Board;

[Mr Patrick H.T. Lau arrived and Mr F.C. Chan returned to join the meeting at this point.]

#### Responses to Comments

- (t) the comments of C1 and C2 were similar to that raised by the R1 and the responses in paragraph 5.11 and 5.12 (b) of the Paper were relevant; and

#### PlanD’s Views

- (u) the representations were not supported and no amendment should be made to the draft OZP to meet the representations.

114. The Chairman then invited questions from Members. Members had no questions.

115. As Members had no questions, the Chairman thanked the representatives of PlanD for attending the meeting. They all left the meeting at this point.

#### Deliberation

116. Members went through the views expressed in the representations and comments in respect of the designation of “V” zone. Members noted that the boundaries of the “V” zone had been drawn up having regard to the ‘VE’, the number of outstanding Small House applications, Small House demand forecast, local topography and site constraints, and areas of difficult terrain, dense vegetation, stream courses and burial grounds had been avoided as far as possible. Members considered that, as in other country park enclaves, an incremental approach for designating “V” zones to meet the Small House demand should be adopted for the Ko Lau Wan area in view of its high conservation and landscape value.

117. Members noted that Small House demand was only one of the factors in considering the boundaries of the “V” zones. With a view to minimising adverse impacts on the natural environment of the CPEs, based on the incremental approach, the “V” zone boundaries should first be confined to suitable land adjoining the existing village settlements. There were about 1.44 ha of land available within the “V” zones for new Small House developments, which could satisfy about 56% of the total Small House demand. Should there be a genuine need to use the land outside the “V” zones for Small House developments, flexibility had been provided under the planning application system to allow planning applications for Small House developments within the “GB” and “G/IC” zones and for house redevelopment within the “CPA” zone. Hence, there was no deprivation of the villagers’ right in building Small Houses.

118. Members also noted that during preparation of the draft OZP, the views and proposals of the villagers, the SKNRC and TPDC had been duly taken into account. As compared with the DPA Plan, there had been an increase in the area of “V” zones on the draft OZP from 2.61 ha to 2.96 ha.

119. In respect of R2’s proposal to designate the Ko Lau Wan area as part of SKECP, Members noted that designation of country parks was under the jurisdiction of CMPA and outside the purview of the Board, and the preparation of statutory plan would not preclude future designation of country parks. In order to protect the high conservation and landscape values of the area which complemented the naturalness and landscape beauty of SKECP, most of the areas near the streams, coast and the SKECP had been zoned “CPA” and “GB” on the draft OZP. After delineating the

environmentally sensitive areas that had to be conserved, the “V” zones, occupying only 8.24% of the total area, were confined at suitable locations with a view to avoiding undesirable disturbances to the natural environment and overtaxing the limited infrastructure in the area. The relevant government departments including AFCD, EPD and TD had no objection to/adverse comments on the “V” zones.

120. With respect to the environmental impact of Small House developments and their sewage disposal arrangement, Members noted that the design and construction of on-site STS system for any Small House development would need to comply with ProPECC 5/93. LandsD, when processing Small House grant applications, would consult the concerned government departments, including AFCD, EPD and PlanD, to ensure that all relevant departments would have adequate opportunity to review and comment on the applications.

121. Members considered that the “GB” zoning on the draft OZP was appropriate as most of the flora and fauna recorded in the Area were common and widespread in the territory. In the “GB” zone, any diversion of streams, filling of land/pond or excavation of land which might cause adverse impacts on the natural environment required planning permission from the Board.

122. A Member said that a proper village should comprise both houses and farmland. It was not uncommon to have natural features and physical constraints within the ‘VE’ of a village and thus, not all land therein would be suitable for Small House development. That Member also said that village expansion should not be indefinite. There was existing mechanism for changing the use of suitable agricultural land for Small House development. The incremental approach, as adopted in other country park enclaves, was a pragmatic one and should be adhered to.

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

123. Another Member said that the “V” zones were delineated on basis of, amongst other factors, the 2007-2016 Small House demand forecast and asked whether it was an established practice. The Secretary explained that all along both the outstanding Small House applications and the 10-year Small House demand forecast would be taken

into account in the delineation of “V” zones. As stated in the Paper, during the preparation of the draft Ko Lau Wan OZP, justification had not been provided by the VRs for the substantial increase in the latest 10-year Small House demand forecast for 2014-2023. Under such circumstances, the outstanding Small House application in 2014 and the 10-year Small House demand forecast provided by DLO/TP, LandsD in 2007 were adopted as the total Small House demand figures for delineating the “V” zones.

124. After further deliberation, Members decided not to uphold R1 and R2 and not to propose any amendment to the draft OZP to meet the representations. Members then went through the reasons for not upholding the representations in paragraph 7.1 of the Paper and considered that they should be suitably amended. The reasons were:

Designation of “V” Zones (R1 and R2)

- “(a) an incremental approach has been adopted in designating “Village Type Development” (“V”) zones with an aim to confining Small House development at suitable locations and to avoiding undesirable disturbances to the natural environment. The boundaries of the “V” zone have been drawn up having regard to the village ‘environs’ (‘VE’), the number of outstanding Small House applications, Small House demand forecast, local topography and site constraints. The Small House demand forecast is only one of the factors in drawing up the “V” zones and the forecast is subject to variations over time;

Villagers’ Comments on the Draft OZP (R1)

- (b) local comments have been taken into account in the preparation of the draft OZP. As compared with that of the Development Permission Area Plan, there was an increase in the area of “V” zones on the draft OZP;

Deprivation of the Right of Villagers (R1)



- (c) apart from the 'VE', there are various factors to be considered for each and every Small House application. There is also no deprivation of villagers' rights in using their building lots for Small Houses. Besides, there are provisions in the draft OZP to cater for Small House development/redevelopment in other zones;

Designation of the Area as Country Park (R2)

- (d) designation of the Area as Country Park is under the jurisdiction of the Country and Marine Parks Authority governed by the Country Parks Ordinance (Cap. 208) which is outside the purview of the Board;

Adoption of Conservation-Oriented OZP (R2)

- (e) the draft OZP is conservation-oriented in that conservation zones, including "Green Belt" ("GB") and "Coastal Protection Area" under which there is a general presumption against development, have been designated to cover areas having ecological and landscape significance to protect the natural environment under the statutory planning framework;

Adverse Environmental Impacts of the Small House Development (R2)

- (f) when processing Small House grant applications, concerned government departments will be consulted to ensure that all relevant departments would have adequate opportunity to review and comment on the applications. The design and construction of on-site septic tank and soakaway system for any development proposals/submissions will comply with relevant standards and regulations, such as the Environmental Protection Department's Practice Note for Professional Person 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department";

Adequacy of the “GB” Zone for Conservation (R2)

- (g) the “GB” zone comprises mainly large stretches of woodland, shrubland and grassland. Most of the flora and fauna recorded in the Area are common and widespread in the territory. The “GB” zoning on the draft OZP is appropriate; and
- (h) there is a general presumption against development within the “GB” zone. Any Small House development, diversion of streams, filling of land/pond or excavation of land requires planning permission from the Board, and each case will be considered on its individual merits.”

125. As the attendees of Items 6 to 9 had not yet arrived, the Chairman suggested that Items 10 to 17 should be considered first. Members agreed.

Procedural Matters

**Agenda Item 10**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Further Representations and Confirmation of Proposed Amendment to the Draft Tai O Town Centre Outline Zoning Plan No. S/I-TOTC/1  
(TPB Paper No. 9901)

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[The meeting was conducted in Cantonese.]

126. The Secretary reported that the proposed amendment to the draft Tai O Town Centre Outline Zoning Plan (OZP) No. S/I-TOTC/1 (the Plan) was related to the Tai O Electricity Substation (ESS) site. The following Members had declared interests in the item for having affiliation with CLP Power Hong Kong Limited (CLP):

- Ms Christina M. Lee - being Secretary General of the Hong Kong Metropolitan Sports Events Association which had obtained sponsorship from CLP
- Dr W.K. Yau - being a Member of the Education Committee and the Energy Resources Education Committee of CLP

127. Members noted that Ms Christina M. Lee and Dr W.K. Yau had already left the meeting.

128. The Secretary briefly introduced the Paper. On 25.7.2014, the Plan was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 41 representations and one comment were received.

129. After considering the representations and the comment on 23.1.2015, the Town Planning Board (the Board) decided to partially uphold one representation by amending the building height restriction (BHR) of the Tai O ESS site under “Government, Institution or Community” zoning at Shek Tsai Po Street from one storey to two storeys. The proposed amendment to the Plan was exhibited for public inspection on 13.2.2015. A total of three further representations (FRs) were received.

130. F1 was submitted by a District Council member who opposed the “Village Type Development” zone at Tai Ping Street, Wing On Street, Kat Hing Street and Shek Tsai Po Street. F2 and F3 were submitted by the owner’s representatives of Lot 387 in D.D. 302 raising objection to the BHR of 3 storeys for the “Commercial” zone at Shek Tsai Po Street. Since F1 to F3 were not related to the proposed amendment to the Plan, they should be regarded as invalid and treated as not having been made in accordance with section 6D(3)(b) of the Ordinance.

131. Since F1 to F3 were considered as invalid, no meeting for consideration of the FRs was required. In accordance with section 6G of the Ordinance, where no FR was made, the Plan should be amended by the proposed amendment. The amendment made by the Board should form part of the Tai O Town Centre OZP No. S/I-TOTC/1.

In accordance with section 6H of the Ordinance, the Plan should thereafter be read as including the amendment. The amendment should be made available for public inspection until the Chief Executive in Council had made a decision in respect of the draft plan in question under section 9 of the Ordinance.

132. After deliberation, the Board agreed that:

- (a) F1 to F3 were invalid and should be treated as not having been made in accordance with section 6D(3)(b) of the Ordinance;
- (b) a meeting for consideration of FRs was not required; and
- (c) the Tai O Town Centre OZP No. S/I-TOTC/1 should be amended by the proposed amendment as shown at Annex II of the Paper under section 6G of the Ordinance.

### **Agenda Item 11**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments in respect of the Draft Ho Man Tin Outline Zoning Plan No. S/K7/23 (TPB Paper No. 9902)

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[The meeting was conducted in Cantonese.]

133. The Secretary reported that the amendments incorporated in the draft Ho Man Tin Outline Zoning Plan (OZP) No. S/K7/23 involved the rezoning of a site for campus development of the Hong Kong Polytechnic University (PolyU) which was a commenter (C2), and rezoning of a site for railway related facilities. The following Members had declared interests in the item for owning properties in Ho Man Tin and/or having affiliation/business dealings with PolyU or MTR Corporation Limited (MTRCL):

Ms Christina M. Lee - owning a property at Prince Edward Road West and a carparking space at

Sheung Hong Street

- Ms Janice W. M. Lai - owning a flat at Earl Street with spouse and having current business dealings with MTRCL
- Professor Eddie C.M. Hui - being an employee of PolyU
- Mr Patrick H.T. Lau ] having current business dealings  
Mr Dominic K.K. Lam ] with MTRCL  
Mr Ivan C.S. Fu ]
- Professor S.C. Wong - being the Chair Professor and Head of Department of Civil Engineering of the University of Hong Kong and MTRCL had sponsored some activities of the department

134. As the item was procedural in nature, the Board agreed that the above Members should be allowed to stay in the meeting. Members noted that Professor S.C. Wong, Professor Eddie C.M. Hui, Ms Janice W.M. Lai and Ms Christina M. Lee had already left the meeting, and Mr Ivan C.S. Fu had tendered apologies for being unable to attend the meeting.

135. The Secretary briefly introduced the Paper. On 14.11.2014, the draft Ho Man Tin OZP No. S/K7/23 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 10,376 representations and two comments were received. The amendments mainly involved the following items:

- Item A - Rezoning of a site at Sheung Shing Street from “Open Space” (“O”) to “Residential (Group B)3” (“R(B)3”)
- Item B - Rezoning of a site at the junction of Sheung Shing

Street and Fat Kwong Street from “O” to “Government, Institution or Community(2)” (“G/IC(2)”) for new campus development of the Open University of Hong Kong (OpenU)

- Item C - Rezoning of a site at Chung Hau Street/Oi Sen Path from “O” to “G/IC(3)” for new campus development of PolyU
- Item D - Rezoning of a site at Chung Hau Street from “Other Specified Uses” (“OU”) annotated ‘Kerosene Store’ to “OU” annotated ‘Railway Related Facilities’
- Item E - Rezoning of a site at Chung Hau Street/Princess Margaret Road covering the existing campus of the OpenU from “Residential (Group E)” to “G/IC”
- Item F - Rezoning of a site at 223 Prince Edward Road West from “G/IC” to “R(B)”

### Representations and Comments

136. Among the 10,376 representations received, seven representations (R10367 to R10373) were only blank forms without any names and contacts of the representers. R10367 to R10373 should be regarded as invalid and treated as not having been made in accordance with section 6(3)(b) of the Ordinance. As a result, the total number of valid representations was 10,369.

137. Among the 10,369 valid representations, five representations (R1 to R5) were related to Item A, 251 (R1 and R3 to R252) to Item B, 10,115 ((R1, R253 to R10366) to Item C, one (R252) to Item E, and three (R10374 to R10376) did not indicate the related amendment item(s).

138. R1 was submitted by members of the Housing and Infrastructure Committee

of the Kowloon City District Council who objected to Items A, B and C mainly on grounds of adverse traffic impact, adequacy of open space provision and concentration of university campus expansion in the urban area. Four other representations (R2 to R5) objecting to Item A were submitted by individuals mainly concerning about adverse traffic impact. Another representation (R6) objecting to Item B was submitted by an individual as the site provided a recreation space for his family, while 249 supporting representations (R3 to R5 and R7 to R252) were submitted mainly by students/alumni of OpenU and individuals. For Item C, majority of the 3,057 objecting representations (R1, R253 to R3307 and R3309) were submitted by individuals concerning about possible adverse air ventilation, noise and traffic impacts of the proposed PolyU development on the surrounding areas in particular the adjoining Carmel Secondary School, while the 7,057 supporting representations (R3308, and R3310 to R10365) were submitted mainly by individuals and alumni of PolyU.

139. C1, submitted by an individual, had not indicated which representation it provided comment on but indicated support to Item B. C2 was submitted by PolyU which provided comments on five representations (R1, R255, R256, R267 and R3309) which objected to Item C.

#### Meeting Arrangements

140. Since the amendments incorporated in the draft OZP had attracted general local concerns with substantial number of representations received, it was recommended that the representations and comments should be considered by the full Board. As the representations and comments were mainly related to three amendment items, i.e. Items A, B and C, it was suggested that the hearing of the representations and the related comments be structured into three groups, as follows:

- Group 1: collective hearing of five representations (R1 to R5) in respect of Item A, and R10374 and R10375 that supported the OZP and R10376 without providing any view;
- Group 2: collective hearing of 251 representations (R1, R3 to R252) in respect of Item B for new campus development of the OpenU

and Item E covering an existing OpenU campus, as well as the related comment (C1), and R10374 and R10375 that supported the OZP and R10376 without providing any view; and

Group 3: collective hearing of 10,115 representations (R1 and R253 to R10366) in respect of Item C for new campus development of PolyU, as well as the related comment (C2), and R10374 and R10375 that supported the OZP and R10376 without providing any view.

141. Consideration of the representations and comments by the full Board under section 6B of the Ordinance was tentatively scheduled for May 2015. Subject to the aggregate presentation time required, additional meeting dates might be scheduled.

142. Due to the large number of representations and comments received, and to ensure efficient operation of the hearing, it was recommended that a maximum of 10 minutes' presentation time be allotted to each representer/commenter in the hearing session, subject to the number of representatives and commenters attending the hearing and the aggregate presentation time required.

143. After deliberation, the Board agreed that:

- (a) R10367 to R10373 were invalid and should be treated as not having been made in accordance with section 6(3)(b) the Ordinance;
- (b) the representations and comments 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-minute presentation time for each representer and commenter, taking into account the number of representatives 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 Lam Tei and Yick Yuen Outline Zoning Plan No. S/TM-LTY Y/7

(TPB Paper No. 9903)

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[The meeting was conducted in Cantonese.]

144. The Secretary reported that the amendments incorporated in the draft Lam Tei and Yick Yuen Outline Zoning Plan (OZP) No. S/TM-LTY Y/7 involved the rezoning of an area to the east of Fuk Hang Tsuen Road comprising private land for donation to Pok Oi Hospital for elderly care services. Henderson Land Development Ltd. (HLD) was the donor of the private land. The following Members had declared interests in the item for having affiliation/business dealings with HLD:

- |                     |   |                                      |
|---------------------|---|--------------------------------------|
| Mr Dominic K.K. Lam | ] | having business dealings with HLD    |
| Ms Janice W.M. Lai  | ] |                                      |
| Mr Patrick H.T. Lau | ] |                                      |
| Mr Ivan C.S. Fu     | ] |                                      |
| Professor P.P. Ho   | ] | being an employee of the Chinese     |
| Professor K.C. Chau | ] | University of Hong Kong (CUHK)       |
|                     |   | which had received donation from a   |
|                     |   | family member of the Chairman of     |
|                     |   | HLD                                  |
| Mr Roger K.H. Luk   | - | being a Member of Council of CUHK    |
|                     |   | which had received donation from a   |
|                     |   | family member of the Chairman of     |
|                     |   | HLD                                  |
| Professor S.C. Wong | ] | being employees of the University of |

- |                        |   |   |
|------------------------|---|---|
| Mr H.F. Leung          | ] | Hong Kong (HKU) which had   |
| Dr Wilton W.T. Fok     | ] | received donation from a family member of the Chairman of HLD   |
| Dr W.K. Yau            | ] | being directors of non-government   |
| Mr Clarence W.C. Leung | ] | organisations which had received donation from a family member of the Chairman of HLD   |
| Ms Christina M. Lee    | - | being Secretary General of the Hong Kong Metropolitan Sports Event Association which had obtained sponsorship from HLD                        |
| 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 HLD |

145. As the item was procedural in nature, the Board agreed that the above Members should be allowed to stay in the meeting. Members noted that Professor S.C. Wong, Professor K.C. Chau, Dr Wilton W.T. Fok, Dr W.K. Yau, Ms Janice W.M. Lai and Ms Christina M. Lee had already left the meeting, and Professor P.P. Ho, Mr Clarence W.C. Leung and Mr Ivan C.S. Fu had tendered apologies for being unable to attend the meeting.

146. The Secretary briefly introduced the Paper. On 12.12.2014, the draft Lam Tei and Yick Yuen OZP No. S/TM-LTYYY/7 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The amendments mainly involved the rezoning of an area to the east of Fuk Hang Tsuen Road from “Residential (Group C)” (“R(C)”), “Government, Institution or Community” (“G/IC”) and “Residential (Group D)” (“R(D)”) to “G/IC(1)” for elderly care services (Amendment Item A); and the rezoning of an area mainly beneath an elevated section of Kong Sham Western Highway

from “R(C)”, “R(D)” and “G/IC” to an area shown as ‘Road’ to reflect the completed highway (Amendment Item B). A total of four representations and two comments were received.

#### Representations and Comments

147. Among the four representations received, R1 was submitted by an individual who objected to Amendment Item A on the grounds that a system on handling the donation of land by private developers was not in place, there was no public consensus on donation of land by private developers and it was unclear whether the procedures concerned were legal. R2 and R3 were submitted by the Village Representative of To Yuen Wai and the Tuen Mun Rural Committee respectively which were not related to any of the amendments but requested for extension of the “Village Type Development” zone at To Yuen Wai. R4 supported Amendment Item B but stated that the study environment for students of the Open University of Hong Kong (OpenU) would be further improved should the amendment be approved.

148. C1 was submitted by an individual objecting to R2 and R3, and C2 was submitted by the Indigenous Inhabitant Representative of Tuen Mun San Tsuen who provided comments on R2 and R3.

149. As R2 and R3 were not related to any of the amendments, and the study environment of OpenU as mentioned by R4 had no relation with Amendment Item B, R2 to R4 should be regarded as invalid and treated as not having been made in accordance with section 6(3)(b) of the Ordinance. In this connection, there was no basis for consideration of C1 and C2 which provided comments on R2 and R3.

#### Meeting Arrangements

150. Since there was only one valid representation which was not complicated, it was recommended that the representation should be considered by the full Board. The hearing could be accommodated in the Board’s regular meeting and a separate hearing session would not be necessary. Consideration of the representation by the full Board under section 6B of the Ordinance was tentatively scheduled for May 2015.

151. After deliberation, the Board agreed that:
- (a) R2 to R4 were invalid and should be treated as not having been made in accordance with section 6(3)(b) of the Ordinance;
  - (b) the representation (R1) should be heard by the Board in the manner as proposed in paragraph 3 of the Paper; and
  - (c) there was no basis for consideration of C1 and C2 which provided comments on R2 and R3.

[Ms Bernadette H.H. Linn arrived to join the meeting at this point.]

### **Agenda Item 13**

Information Note and Hearing Arrangement for Consideration of Representations and Comments in respect of the Draft Shap Sz Heung Outline Zoning Plan No. S/NE-SSH/10 (TPB Paper No. 9911)

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[The meeting was conducted in Cantonese.]

152. The Secretary briefly introduced the Paper. On 7.11.2014, the draft Shap Sz Heung Outline Zoning Plan (OZP) No. S/NE-SSH/10 (the Plan), involving the rezoning of a site in Kei Ling Ha Lo Wai from “Conservation Area” (“CA”) to “Village Type Development” (“V”) to reflect two approved section 12A applications (Amendment Item A), was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of nine representations and one comment were received.

#### **Representations and Comment**

153. Among the nine representations received, five representations (R1 to R5) were related to Amendment Item A. They were submitted by individuals (R1 and R2) in support of the amendment mainly on the grounds that the area involved was small and could help cater for the demand for Small House development, and by World Wide Fund

for Nature Hong Kong (R3), Kadoorie Farm and Botanic Garden Corporation (R4) and Designing Hong Kong Limited (R5) objecting to the amendment mainly on the grounds of environmental, ecological, landscape and traffic impacts, and the setting of an undesirable precedent.

154. The remaining four representations submitted by the Sai Kung North Rural Committee (SKNRC)(R6) and three individuals (R7 to R9) were not related to the amendment. SKNRC expressed concerns about the “Site of Special Scientific Interest” zone on the draft OZP as it might affect/constrain villagers’ recreational activities and construction of buildings, and R7 to R9 expressed support for the Open University of Hong Kong and provision of educational facilities. As R6 to R9 were not related to the amendment to the OZP, they should be regarded as invalid and treated as not having been made in accordance with section 6(3)(b) of the Ordinance.

155. C1 had not indicated the related representation and objected to the amendment mainly on grounds of sewage impact and setting of undesirable precedents for similar rezoning applications within the “CA” and “Green Belt” zones.

#### Meeting Arrangements

156. The issues raised in the representations and comment were mainly related to the “CA” zone and general conservation of the area. The number of representations and comment was not large. It was recommended that the representations and comment should be considered by the full Board.

157. As all the valid representations and comment were related to Amendment Item A and were similar in nature, it was suggested that the representations and comment be considered collectively in one group. The hearing could be accommodated in the Board’s regular meeting and a separate hearing session would not be necessary. Consideration of the representations and comment by the full Board under section 6B of the Ordinance was tentatively scheduled for June 2015.

158. To ensure efficient operation of the hearing, it was recommended that a maximum of 10 minutes’ presentation time be allotted to each representer/commenter in

the hearing session, subject to the number of representers and commenter attending the hearing and the aggregate presentation time required.

159. After deliberation, the Board agreed that:

- (a) R6 to R9 were invalid and should be treated as not having been made under section 6(3)(b) the Ordinance;
- (b) the representations and comment 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-minute presentation time for each representer and commenter, taking into account the number of representers and commenter attending the hearing.

#### **Agenda Item 14**

Submission of the Draft Ping Shan Outline Zoning Plan No. S/YL-PS/15A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance (TPB Paper No. 9908)

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[The meeting was conducted in Cantonese.]

160. 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
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Committee

- Ms Julia M.K. Lau - being a member of HKHA and its Commercial Properties Committee and Tender Committee
- Professor P.P. Ho - being a member of the Building Committee of HKHA
- Mr H.F. Leung - being a member of the Tender Committee of HKHA
- Mr K.K. Ling  
*as Director of Planning* - being a member of the Strategic Planning Committee and the Building Committee of HKHA
- Ms Bernadette H.H. Linn  
*as Director of Lands* - being a member of HKHA
- Mr Martin W.C. Kwan  
*as Chief Engineer (Works),  
Home Affairs Department* - being a representative of the Director of Home Affairs who was a member of the Strategic Planning Committee and Subsidised Housing Committee of HKHA
- Dr Lawrence W.C. Poon - his spouse being a civil servant working in the Housing Department
- 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 had sponsored some activities of the department

161. 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 Ms Julia M.K. Lau, Professor S.C. Wong and Mr Martin W.C. Kwan had already left the meeting, and Professor P.P. Ho and Mr Ivan C.S. Fu had tendered apologies for being unable to attend the meeting.

162. The Secretary briefly introduced the Paper. On 31.10.2014, the draft Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/15, incorporating amendments to rezone a site to the west of Long Ping Estate in Wang Chau from “Green Belt” to “Residential (Group A)4” (“R(A)4”) for public housing development and corresponding amendments to the Notes for the “R(A)4” zone, was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of 109 representations were received. On 16.1.2015, the representations were published for three weeks for public comments and two comments were received. After giving consideration to the representations and comments on 10.4.2015, the Town Planning Board (the Board) decided not to propose any amendment to the draft OZP to meet the representations.

163. Since the representation consideration process had been completed, the draft Ping Shan OZP was now ready for submission to the Chief Executive in Council (CE in C) for approval.

164. After deliberation, the Board agreed:

- (a) that the draft Ping Shan OZP No. S/YL-PS/15A 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 Ping Shan OZP No. S/YL-PS/15A 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**

Submission of the Draft Tung A and Pak A Outline Zoning Plan No. S/SK-TA/1A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance

(TPB Paper No. 9909)

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[The meeting was conducted in Cantonese.]

165. The Secretary briefly introduced the Paper. On 8.8.2014, the draft Tung A and Pak A Outline Zoning Plan (OZP) No. S/SK-TA/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of five representations were received. On 24.10.2014, the representations were published for public comments and three comments were received. After giving consideration to the representations and comments on 20.3.2015, the Town Planning Board (the Board) decided not to uphold the representations.

166. Since the representation consideration process had been completed, the draft Tung A and Pak A OZP was now ready for submission to the Chief Executive in Council (CE in C) for approval.

167. After deliberation, the Board agreed:

- (a) that the draft Tung A and Pak A OZP No. S/SK-TA/1A 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 Tung A and Pak A OZP No. S/SK-TA/1A 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 16**

Submission of the Draft To Kwa Peng and Pak Tam Au Outline Zoning Plan No. S/NE-TKP/1A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance  
(TPB Paper No. 9910)

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[The meeting was conducted in Cantonese.]

168. The Secretary briefly introduced the Paper. On 3.1.2014, the draft To Kwa Peng and Pak Tam Au Outline Zoning Plan (OZP) No. S/NE-TKP/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of 7,689 representations were received. On 11.4.2014, the representations were published for public comments and 980 comments were received. After consideration of the representations and comments on 6.10.2014, the Town Planning Board (the Board) decided to partially uphold 7,327 representations by rezoning part of the “Village Type Development” zone to the south of the channelised stream in Pak Tam Au to “Agriculture”.

169. 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 34 valid further representations (FRs) were received. After giving consideration to the FRs on 14.4.2015, the Board decided not to uphold the FRs and to amend the draft OZP by the

proposed amendments. In accordance with section 6H of the Ordinance, the draft OZP should hereafter be read as including the amendments.

170. On 17.11.2014, the Chief Executive, under section 8(2) of the Ordinance, agreed to extend the statutory time limit for the Board to submit the draft OZP to the Chief Executive in Council (CE in C) for approval for a period of six months from 3.12.2014 to 3.6.2015. Since the representation consideration process had been completed, the draft To Kwa Peng and Pak Tam Au OZP was now ready for submission to the CE in C for approval.

171. After deliberation, the Board agreed:

- (a) that the draft To Kwa Peng and Pak Tam Au OZP No. S/NE-TKP/1A 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 To Kwa Peng and Pak Tam Au OZP No. S/NE-TKP/1A 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.

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

### **Agenda Item 17**

[Confidential Item. Closed Meeting.]

172. This item was recorded under confidential cover.

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

[Mr. David Y.T. Lui left the meeting at this point.]

Sha Tin, Tai Po and North District

**Agenda Item 6**

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/TP/573

Proposed House (New Territories Exempted House – Small House) in “Green Belt” Zone, Government land in D.D. 13, Lee Uk Village, Lin Au, Tai Po  
(TPB Paper No. 9896)

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[The meeting was conducted in Cantonese.]

173. 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 | - | owning a flat at On Chee Road, Tai Po   |

174. As the properties of the above Members were far away from the application site, 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 H.W. Cheung had already left the meeting.

175. The following representative of the Planning Department (PlanD), the applicant and his representatives were invited to the meeting at this point:

Mr C.K. Soh	-	District Planning Officer/Shu Tin, Tai Po and North (DPO/STN), PlanD
Mr Lee Kwai Keung	-	Applicant
Mr Lee Kin Ming	]	Applicant's Representatives
Mr Lee Fook Loi	]	

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

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

- (a) the applicant sought planning permission to build a house (New Territories Exempted House (NTEH) – Small House) on the application site (the Site) which was zoned “Green Belt” (“GB”) on the draft Tai Po Outline Zoning Plan (OZP) No. S/TP/25;
- (b) on 2.1.2015, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) rejected the application for the following reasons:
  - (i) the proposed development was not in line with the planning intention of the “GB” zoning for the area which was primarily for defining the limits of urban development areas by natural physical features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within the zone;
  - (ii) the proposed development did not comply with the Interim Criteria for Assessing Planning Applications for NTEH/Small

Houses Development in the New Territories (Interim Criteria) in that the proposed Small House located within the Water Gathering Ground (WGG) would not be able to be connected to the planned sewerage system in the near future. The applicant failed to demonstrate that the proposed development would not cause adverse impact on the water quality of the area; and

- (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;
- (c) on 2.2.2015, the applicant applied for a review of the RNTPC’s decision under section 17(1) of the Town Planning Ordinance. The justifications put forth by the applicant in support of the review application were highlighted in paragraph 3 of the Paper and summarised below:
- (i) the building of Small Houses within the WGG and “GB” zone was not unprecedented. There were many successful cases of Small House developments in Tai Po, for examples, areas in Tat Tit Yan, Tung Tsz, Lam Tsuen, San Uk Ka, Pun Shan Chau, Lin Au, Tai Hang and Nam Wa Po;
  - (ii) there were approved similar applications in the vicinity of the Site;
  - (iii) the applicant would employ an Authorized Person to build septic tank 30m away from watercourse to comply with the requirements of the Environmental Protection Department (EPD) and to submit landscape plan to the satisfaction of relevant government departments;

- (iv) the Indigenous Inhabitant Representative of Lin Au Lei Uk Village supported the application since the applicant could not identify suitable land for Small House development within the “Village Type Development” (“V”) zone of the village which was mostly under Tso Tong or private ownership; and
  - (v) shared use of existing septic tanks in the vicinity might be considered as an interim measure. The applicant would connect the proposed Small House to public sewer at his own cost upon completion of the planned sewerage works by the Drainage Services Department;
- (d) departmental comments – comments from the relevant government departments were detailed in paragraph 5 of the Paper 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 Site. There was planned sewerage system at Lin Au but it was still under planning stage and the programme for the proposed sewerage works was only tentative;
  - (ii) the Director of Environmental Protection (DEP) advised that the proposed Small House was located within WGG and the applicant proposed to use septic tank/soakaway system. The Hong Kong Planning Standards and Guidelines Chapter 9 stated that use of septic tank/soakaway systems should be avoided in WGG. Any improper wastewater treatment might lead to water quality problem in the WGG. As there was planned sewerage at Lin Au (tentatively planned for completion in 2022) and the proposed Small House was adjacent to the planned sewer, sewer connection was feasible

and capacity was available. EPD did not support the application unless the applicant would connect the house to the future public sewer at his own cost, construction of the house would not be commenced before the completion of the planned sewerage system, and adequate land was reserved for the future sewer connection work;

- (iii) the Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD), concurred with EPD's views regarding the connection of sewerage system and any related conditions, and not using septic tank within WGG. WSD supported EPD's view that the applicant should connect the whole of the foul water drainage system to the planned public sewerage system upon its completion to the satisfaction of DEP; construction of the proposed Small House should not be commenced before the completion of the planned sewerage system; and adequate protective measures should be taken to ensure that no pollution or siltation would occur to the WGG;
- (iv) the Director of Agriculture, Fisheries and Conservation had no strong view on the application from the nature conservation point of view as the Site was a piece of vacant land piled with some construction materials;
- (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 ; and
- (vi) other relevant government departments had no objection to or no adverse comment on the application;



- (e) previous application – there was no previous application at the Site;
- (f) similar application – there was one similar application (No. A/TP/270) for Small House development within the same “GB” zone since the first promulgation of the Interim Criteria on 24.11.2000. It was approved with conditions by the RNTPC on 5.10.2001 for reasons that the proposed development was generally in compliance with TPB Guidelines No. 10 and the Interim Criteria in that more than 50% of the proposed Small House footprint fell within the village ‘environs’ (‘VE’) and there was shortage of land within “V” zone to meet the demand for Small House. The application was approved before the incorporation of the criterion regarding connection to existing and planned sewerage systems for proposed development within WGG into the Interim Criteria on 23.8.2002;
- (g) public comment – during the statutory publication period at the section 17 review stage, one public comment was received from Designing Hong Kong Limited which objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of the “GB” zone and did not comply with TPB Guidelines No. 10; no impact assessment had been carried out; possible adverse water quality impact; and the lack of access and parking spaces in the area; and
- (h) PlanD’s view - PlanD did not support the review application based on the planning considerations and assessments set out in paragraph 7 of the Paper, which were summarised below:
  - (i) the Site fell within the upper indirect WGG. The applicant proposed to use the existing septic tank in the vicinity as an interim measure to address the water quality issue and undertook to connect the proposed Small House to public sewer upon completion of the planned sewerage works. However, DEP maintained the view that the use of septic tank/soakaway

systems should be avoided in WGG and any improper wastewater treatment might lead to water quality problem. Besides, the proposed sewerage system at Lin Au would not be available before 2022 (i.e. not within the four years' validity period of a planning permission if the application was approved). In that connection, DEP and CE/Dev(2), WSD did not support the application unless construction of the Small House was commenced after the completion of the planned sewerage system. The applicant had failed to demonstrate that the proposed development located within the WGG would not cause adverse impact on the water quality of the area;

- (ii) regarding similar applications approved within WGG and "GB" zones, each planning application would be considered on its individual merits and specific circumstances including the programme and prospect of implementation of the planned sewerage system. As for the Small Houses in the immediate vicinity of the Site (Applications No. A/TP/140, 141, 187, 221, 222, 223 and 279 involving four Small Houses), they were approved either before the promulgation of the Interim Criteria in 2000 or the incorporation of the requirement for the application site located within WGG to be connected with public sewerage system into the Interim Criteria promulgated in 2002;
  
- (iii) according to the record of the District Lands Officer/Tai Po of Lands Department, the total number of outstanding Small House applications for Lin Au was 8 while the 10-year Small House demand forecast for the village was 118. The latest estimate of PlanD was that about 2.12 ha (or equivalent to about 84 Small House sites) of land were available within the "V" zone of Lin Au. Whilst the land available could not fully meet the future Small House demand of about 3.1 ha of land (or equivalent to about 124 Small House sites), there was about

2.12 ha. of land available within the “V” zone at Lin Au. It was considered more appropriate to concentrate the proposed Small House close to the main village cluster so as to ensure an orderly development pattern, efficient use of land and provision of infrastructure and services; and

- (iv) there had been no major change in planning circumstances for the Site and its surrounding areas since the rejection of the application. There was no strong reason to warrant a departure from the RNTPC’s previous decision.

178. The Chairman then invited the applicant and his representatives to elaborate on the review application. Mr Lee Kin Ming made the following main points:

- (a) the applicant was over 60 years old and he intended to spend his retirement life in the proposed Small House;
- (b) the application site was adjoining two existing houses;
- (c) most of the Government departments had no objection to/no adverse comments on the proposed Small House; and
- (d) on sewage disposal arrangement, the applicant would take appropriate measures to minimise the potential environmental impacts. Such measures could include the provision of environmentally friendly STS system, and connection to the public sewerage system upon its completion in 2022. The applicant was willing to liaise with the relevant government departments and comply with their requirements.

179. As the presentation of the applicant and his representatives was completed, the Chairman invited questions from Members.

180. The Chairman enquired about the validity period of planning permission, if

granted, and whether the proposed Small House development could tie in with the implementation programme of the planned public sewerage system for the Lin Au area. Mr C.K. Soh said that the planning permission, if granted, would be valid for four years, and renewable for another four years subject to the approval of the Board. Both EPD and WSD pointed out that the use of STS system was unacceptable at the site, or construction of the proposed Small House could not be commenced until completion of the planned public sewerage system. Therefore, assuming that the public sewerage system would be completed in 2022, the proposed Small House, if approved by the Board, could not start construction until then. Due to the lead time between now and completion of the planned public sewerage system, it was considered more appropriate to grant planning permission to the proposed Small House when the public sewerage system was available.

181. As the applicant and his 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 representative of PlanD, the applicant and his representatives for attending the meeting. They all left the meeting at this point.

#### Deliberation

182. Members generally agreed that the proposed Small House development was not in line with the planning intention of the "GB" zone. They also noted that the proposed Small House development did not comply with the Interim Criteria in that it was located within the WGG and would not be able to be connected to the public sewerage system until completion of the planned sewerage system in the area which was tentatively scheduled for 2022. WSD and EPD commented that any STS system was not acceptable at the site in the interim, and the proposed development, if approved, could not be implemented until completion of the public sewerage system. Members were of the view that it would be more appropriate to consider granting approval to the proposed Small House nearer the completion of public sewerage system.

183. 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 8.1 of the Paper and considered that they were appropriate. The reasons were:

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zoning for the area which is primarily for defining the limits of urban development areas by natural physical features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone;
- (b) the proposed development does not comply with the Interim Criteria for Assessing Planning Applications for NTEH/Small Houses Development in the New Territories in that the proposed Small House located within the water gathering ground would not be able to be connected to the planned sewerage system in the near future. 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.”

184. The Chairman suggested that Items 7 to 9 should be considered together as the three applications were for the same use and the three application sites were located in close proximity. Members agreed.

### **Agenda Items 7 to 9**

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/TP/574

Proposed House (New Territories Exempted House – Small House) in “Green Belt” Zone,

Lot 963 S.B in D.D. 22, Lai Chi Shan Village, Tai Po

Review of Application No. A/TP/575

Proposed House (New Territories Exempted House – Small House) in “Green Belt” Zone, Lots 364 S.A ss.2, 364 S.B ss.4 and 963 S.D in D.D 22, Lai Chi Shan Village, Tai Po

Review of Application No. A/TP/576

Proposed House (New Territories Exempted House – Small House) in “Green Belt” zone, Lots 364 S.A ss.1, 364 S.B ss.2 and 963 S.G in D.D 22, Lai Chi Shan Village, Tai Po (TPB Paper No. 9897)

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[The meeting was conducted in Cantonese.]

185. 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 - owning a flat at On Chee Road, Tai Po

186. As the properties of the above Members 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 H.W. Cheung had already left the meeting.

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

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

Mr Lau Tak, Francis ] Applicants' Representatives

Mr Tse Chun Yu ]

Mr Liu Ka Chun ]

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

189. 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 Paper:

- (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 zoned “Green Belt” (“GB”) on the draft Tai Po Outline Zoning Plan (OZP) No. S/TP/25;
- (b) on 2.1.2015, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) rejected the applications for the following reasons:
  - (i) the proposed development was not in line with the planning intention of the “GB” zoning for the area which was to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within the zone. There was no strong planning justification in the submission to justify a departure from this planning intention; and
  - (ii) the approval of the application would set an undesirable precedent for similar developments within “GB” zone. The

cumulative impact of approving such applications would result in a general degradation of the natural environment in the area;

- (c) on 5.2.2015, the applicants applied for review of the RNTPC's decisions under section 17(1) of the Town Planning Ordinance. The applicants had not submitted any written representation in support of the review applications;
- (d) departmental comments – comments from the relevant government departments were detailed in paragraph 4 of the Paper and summarised below:
  - (i) the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) had no objection to the applications as the Sites fell within the village 'environs' ('VE') of Lai Chi Shan Village; and
  - (ii) other relevant government departments had no objection to or no adverse comment on the applications;
- (e) previous application – the Sites were the subject of a previous application (No. A/TP/307) for five Small Houses which was submitted by different applicants. The application was approved with conditions by the RNTPC on 13.12.2002 mainly for the reasons that the proposed Small Houses were generally in compliance with the Interim Criteria for Consideration of Application for NTEH/Small Houses Development in the New Territories (Interim Criteria) in that they were within 'VE' and there was shortage of land within "V" zone for Small House developments, and no tree felling was involved;
- (f) similar applications – there were four similar applications for Small House development within the same "GB" zone since the first



promulgation of the Interim Criteria on 24.11.2000. Two of the applications (No. A/TP/305 and A/TP/420) were approved by the RNTPC on 8.11.2002 and 13.3.2009 respectively mainly for the reasons that they were generally in compliance with the Interim Criteria in that they were within 'VE' and there was shortage of land within "V" zone for Small House development; and that the proposed developments were compatible with the surrounding rural environment and would not have significant impacts on the surrounding areas. On 8.1.2013, a section 16A application (No. A/TP/420-1) for extension of time limit of commencement of development for Application No. A/TP/420 was approved with conditions by the Director of Planning under the delegation of the Board and the planning permission would remain valid until 13.3.2017. As for the remaining two applications, Application No. A/TP/418 was rejected by the RNTPC on 27.2.2009 mainly for the reasons that the proposed development was not in line with the planning intention of the "GB" zone and did not comply with the Interim Criteria in that the proposed houses were entirely outside both the "V" zone and the 'VE' and would involve clearance of natural vegetation affecting the existing natural landscape; and Application No. A/TP/578 was rejected by the RNTPC on 6.2.2015 mainly for the reasons that the proposed development was not in line with the planning intention of the "GB" zone and did not comply with the Interim Criteria and Town Planning Board Guidelines No. 10 for 'Application for Development within "GB" zone under section 16 of the Town Planning Ordinance' (TPB PG-No. 10) due to adverse geotechnical and landscape impacts;

- (g) public comments – during the statutory publication period at the section 17 review stage, 36 public comments were received for each of the applications. Designing Hong Kong Limited objected to the applications mainly on the grounds that the Sites are well vegetated; not in line with the planning intention of "GB" zone and not complying with TPB PG-No. 10; adverse water quality impact;

approval of the applications would cause cumulative adverse impacts on the subject “GB” zone; and a lack of access and parking spaces in the area. The other 35 comments, mainly submitted in a standard format by local residents, objected to the applications due to the adverse traffic, environmental, visual, landscape, ecological, drainage, sewerage, slope safety and air quality impacts caused by the proposed developments; and

- (h) PlanD’s view - PlanD did not support the review applications based on the planning considerations and assessments set out in paragraph 6 of the Paper, which were summarised below:
- (i) the subject “GB” zone currently formed a green buffer among the various “V” zones of Lai Chi Shan, Sheung Wun Yiu, Cheung Uk Tei and San Uk Ka. Approval of the applications would set an undesirable precedent to encourage encroachment of Small House developments onto that part of the “GB” zone;
  - (ii) at the RNTPC meeting on 2.1.2015, some Members noted that within the subject “GB” zone at Lai Chi Shan, there were no similar applications for Small Houses approved by RNTPC apart from applications No. A/TP/305 and A/TP/420 approved in 2002 and 2009, and the planning permission for Application No. A/TP/420 had not been taken up for implementation. The RNTPC also considered that there should be a longer-term view on how to safeguard that part of the “GB” zone and that Small House developments should be contained in the “V” zone of Lai Chi Shan since there was still land available therein;
  - (iii) according to the record of the DLO/TP, LandsD, the total number of outstanding Small House applications for Lai Chi Shan was 9 while the 10-year Small House demand forecast for the village was 44. According to PlanD’s latest estimate, about 0.3 ha (or equivalent to about 11 Small House sites) of

land were available within the “V” zone of Lai Chi Shan. Although the land available in the village could not fully meet the future Small House demand (about 1.33 ha of land or equivalent to about 53 Small House sites were required), there was still land in the “V” zone to meet the demand of the outstanding Small House applications. The applicants failed to demonstrate why land within “V” zone could not be made available for the proposed Small House developments;

- (iv) since the rejection of the subject applications, a similar application No. A/TP/578 was also rejected by the RNTPC on 6.2.2015 due to its adverse geotechnical and landscape impacts; and
- (v) given that there was no further submission from the applicants and no change in planning circumstances for the Sites and their surrounding areas since the rejection of the applications, there was no justification for a departure from the RNTPC’s decisions.

190. The Chairman then invited the applicants’ representatives to elaborate on the review applications. With the aid of a PowerPoint presentation, Mr Lau Tak, Francis, made the following main points:

- (a) the Sites were located within the ‘VE’ of Lai Chi Shan Village demarcated in 1972. Planning application was not required for Small House development within the ‘VE’ until 1980 when the Sites were included in the “GB” zone on the Tai Po OZP;
- (b) the “V” zone only covered part of the ‘VE’ of Lai Chi Shan Village and the remaining part of the ‘VE’ was zoned “GB”;
- (c) the Sites were the subject of a previous application No. A/TP/307 for five Small Houses which was approved with conditions by the

RNTPC in 2002 mainly for the reasons that the applicants were indigenous villagers; the application site was located within the 'VE'; no tree felling was involved; 19 similar applications were approved within the "GB" zone in the vicinity within the previous three years; and no similar applications within the "GB" zone were rejected;

- (d) application No. A/TP/307-1 for time extension of commencement of the approved Small House developments was approved with conditions by the RNTPC in 2006 mainly for the reasons that the applicants were indigenous villagers and entitled for Small House grant under the Small House policy; over 20 similar applications were approved within the "GB" zone within the previous four years; no adverse planning implication on the surrounding areas; no change in the planning circumstances for the application site; and sympathetic consideration should be given to the application;
- (e) PlanD had no objection to the subject applications at the section 16 stage mainly for the reasons that the applicants were indigenous villagers and entitled for Small House grant under the Small House policy; no adverse planning implication on the surrounding areas; there was a shortage of land available within the "V" zone to meet the Small House demand; and according to the Interim Criteria, sympathetic consideration could be given;
- (f) according to the RNTPC meeting minutes of 2.1.2015, the subject applications were rejected by the RNTPC on the considerations that (i) there was still plenty of land within the "V" zone for Small House development; (ii) Small House development should be contained within the "V" zone; and (iii) setting of undesirable precedents which would encourage the encroachment of Small House development onto the "GB" zone;
- (g) although PlanD had estimated that about 0.3 ha of land within the "V" zone was available for Small House development, according to

aerial photos, most of the un-built areas within the “V” zone were occupied by roads, slopes, or gardens and car parks of private developments which were not available for Small House development. Thus, there was insufficient land within the “V” zone to meet the Small House demand and the proposed Small House developments could not be accommodated within the “V” zone;

- (h) the subject applications satisfied the Interim Criteria in that the footprints of the proposed NTEHs/Small Houses fell entirely within the ‘VE’ of Lai Chi Shan Village and there was a general shortage of land in meeting the Small House demand in the “V” zone of the village. As such, sympathetic consideration should be given to the applications. In that regard, approval of the subject applications would show that the practice of the Board was consistent;
- (i) approving the applications would not set undesirable precedents for similar applications as the applications were subject to a previous planning approval and each planning application should be considered by the Board based on its individual merits;
- (j) from 2000 to 2006, there had been some 40 similar applications for NTEH/Small House development within “GB” zone approved by the RNTPC/the Board in the vicinity of the Sites. Moreover, a similar application No. A/TP/420 for Small House development within the same “GB” zone was approved in 2009. That application site was about 15m south of the Sites, and only about 61% of the footprint of the house fell within the ‘VE’. In the light of above, the subject applications should be approved for fairness sake;
- (k) the Board had recently rezoned some 204,273m<sup>2</sup> of “GB” areas to “Residential” zones on the Tai Po OZP No. S/TP/25, amongst which the site at Lai Chi Shan under Amendment Item F (i.e. rezoning of the site from “GB” to “Residential (Group B)8” (“R(B)8”)) was located to the east of the Sites within the same “GB” zone and with plenty of

trees. It would be unfair to the applicants if the Board rejected their applications for Small House development, with a total site area of only 465m<sup>2</sup>, within the 'VE' of a recognized village;

- (l) with regard to the public comments received, the relevant government departments had no objection to/no adverse comment on the subject applications from the traffic, environmental, ecological, drainage, visual and landscape, slope safety and fire hazard points of view; and
- (m) the Indigenous Villagers' Representatives of Lai Chi Shan Village and Pun Shan Chau Village had indicated support to the subject applications.

191. As the presentation of the applicants' representatives was completed, the Chairman invited questions from Members.

192. The Chairman asked DPO/STN when the Interim Criteria and its subsequent amendments took effect and whether the previous application No. A/TP/307 complied with the Interim Criteria. Mr C.K. Soh, DPO/STN, said that the Interim Criteria were first promulgated on 24.11.2000 and had been amended four times subsequently on 30.3.2001, 23.8.2002, 21.3.2003 and 7.9.2007. Application No. A/TP/307 was approved with conditions by the RNTPC on 13.12.2002 mainly for the reasons that the proposed Small Houses were generally in compliance with the Interim Criteria in that they were within 'VE' and there was shortage of land within the "V" zone for Small House development. The validity period of the planning permission of Application No. A/TP/307 was extended once in 2006 and had lapsed on 13.12.2010.

193. Noting that the applicants' representatives had claimed that the slopes and those areas alongside roads and flyover were not available for Small House development, a Member asked whether there was still land available within the "V" zone for Small House development. With the aid of a PowerPoint slide, Mr Soh said that there were about 0.3 ha of land available for Small House development within the "V" zone of Lai Chi Shan. Areas of difficult terrain or dense vegetation and those adjoining major roads or the flyover had not been included in the calculation.

194. The same Member asked whether the proposed Small House developments were in compliance with the Interim Criteria and whether there was any existing Small House within the subject “GB” zone. Mr Soh said that the applications were considered in compliance with the Interim Criteria as they were located entirely within in the ‘VE’ and there was a shortage of land within the “V” zone for Small House development. However, the applications were rejected by the RNTPC at the section 16 stage for reasons of being not in line with the planning intention of the “GB” zone and the setting of undesirable precedent. Mr Soh continued to say that there were two similar applications (No. A/TP/305 and A/TP/420) for Small House development within the subject “GB” zone which were approved by the RNTPC in 2002 and 2009 respectively. The proposed Small House under Application No. A/TP/305, which was located partly within the “V” zone and partly “GB” zone to the north of the Sites, had already been completed. It was currently the southernmost house in Lai Chi Shan Village. The proposed Small House under Application No. A/TP/420, which was located to the south of the Sites, was still under processing by the LandsD. There were no existing Small Houses adjoining the Sites.

195. Upon further enquiry of the Chairman and the Member, Mr Soh said that although the site under Application No. A/TP/420 was located within the “GB” zone, the application was approved by the RNTPC on 13.3.2009 based on the prevailing circumstances at that time and the merits of the case. The main reasons of approval were that the proposed development was generally in compliance with the Interim Criteria in that over 50% of its footprint was within the ‘VE’ and there was shortage of land within the “V” zone for Small House development, and that the proposed development was compatible with the rural environment and would not have significant impacts on the surrounding areas. Subsequently, a section 16A application for extension of time limit for commencement of development for the application was approved on 13.3.2013 and the planning permission would remain valid until 13.3.2017.

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

196. In response to the questions of another Member, Mr Soh said that as compared with the Sites, the site under the approved similar application No. A/TP/305

fell partly within the “V” zone and was located on a lower building platform, adjoining an existing Small House. The approved previous application No. A/TP/307 and the subject applications were not submitted by the same applicants. A similar application No. A/TP/578, which also fell within the site of application No. A/TP/307, was rejected by the RNTPC on 6.2.2015 mainly for the reasons that the proposed development was not in line with the planning intention of the “GB” zone and did not comply with the Interim Criteria and TPB PG-No. 10 due to its adverse geotechnical and landscape impacts.

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

#### Deliberation

198. The Chairman said that although a similar application No. A/TP/420 at a site located to the south of the Sites further away from the village cluster and falling partly within the ‘VE’ of Lai Chi Shan Village was approved by the RNTPC in 2009, that application was considered based on different circumstances at that time. Members should consider whether that application should be taken as a precedent for the three current applications in question.

199. The Vice-chairman said that the planning considerations pertaining to application No. A/TP/420 might not be entirely applicable to the current applications. It would be more appropriate to consider the subject applications based on the Interim Criteria, the prevailing planning circumstances and the individual merits of the cases.

200. A Member said that as there was a presumption against development within “GB” zone, a stringent approach should be adopted in considering any development proposal within the zone. The crux of the matter was whether the three applications for Small House development should be approved if the Interim Criteria had been complied



with. That Member said that in cases where the Interim Criteria had been satisfactorily complied with, a consistent approach should be adopted by the Board in considering applications for Small House developments within “GB” zones.

201. The Secretary said that as confirmed by DPO/STN, the current applications were generally in compliance with the Interim Criteria, and PlanD had no objection to the applications at the section 16 stage. However, at the RNTPC meeting held on 2.1.2015, some Members noted that within the subject “GB” zone, there were no similar applications for Small Houses approved by RNTPC apart from the two applications (No. A/TP/305 and A/TP/420) approved in 2002 and 2009 respectively, and the latter had not been taken up for implementation. The RNTPC also noted that the subject “GB” zone currently formed a green buffer among the various “V” zones of Lai Chi Shan, Sheung Wun Yiu, Cheung Uk Tei and San Uk Ka, and approval of the subject applications might set an undesirable precedent to encourage encroachment of Small House developments onto that part of the “GB” zone. The RNTPC considered that there should be a longer-term view on how to safeguard that part of the “GB” zone and that the Small House developments should be contained in the “V” zone of Lai Chi Shan since there was still land available in the “V” zone. The applications were therefore rejected by the RNTPC on grounds of being not in line with the planning intention of the “GB” zone and setting of an undesirable precedent.

202. A Member said that the Interim Criteria were formulated to facilitate the consideration of planning applications for NTEHs/Small Houses outside “V” zones. If the proposed Small House developments were considered in compliance with the Interim Criteria, the contravention of the planning intention of “GB” zone might not be a valid reason for rejecting the applications. Given that the proposed Small House developments under application were not very far away from the “V” zone of Lai Chi Shan and a piece of land to the east of the Sites had recently been rezoned from “GB” to “R(B)8” on the Tai Po OZP, it appeared that there were no strong reasons to reject the applications.

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

203. A Member said that apart from the Interim Criteria, individual circumstances

of each application should be taken into account. Despite that application No. A/TP/420 was approved by the RNTPC in 2009, the planning permission had not yet been taken up for implementation. The subject “GB” zone served as a green buffer among the various “V” zones of Lai Chi Shan, Sheung Wun Yiu, Cheung Uk Tei and San Uk Ka as well as the “R(B)8” site to the east. Approval of the current applications might set precedents to encourage further encroachment of Small House developments onto that part of “GB” zone and the buffering function of the “GB” would be weakened. That Member also said that a similar “GB” buffer also existed between the “R(B)8” site and an existing private residential development, namely the Paramount, to its east.

204. The Vice-chairman said that since a piece of land to the east of the Sites had recently been rezoned to “R(B)8” on the Tai Po OZP for private residential use, the development context of the Sites would be subject to change and the buffering function of the subject “GB” zone might be weakened. As the proposed Small House developments were considered in compliance with the Interim Criteria, sympathetic consideration might be given to the applications.

205. A Member considered that the value of the subject “GB” zone as green buffer was not as significant as those “GB” zones in the more rural and remote areas. Since part of the “GB” zone had already been rezoned to “R(B)8” and the proposed Small Houses had complied with the Interim Criteria, there might not be strong reasons to reject the applications on ground of being not in line with the planning intention of the “GB” zone.

206. A Member said that although the Sites were located not far away from the existing village cluster of Lai Chi Shan, they were situated on a higher platform within the “GB” zone. Should the applications be approved, they might become precedents for other similar cases for Small House developments in that part of “GB”. Thus, the cumulative effect should also be considered.

207. Another Member said that in assessing planning applications for NTEHs/Small Houses within “GB” zone, fulfilment of the Interim Criteria would only be one of the considerations. For the current applications, the need to preserve the subject “GB” as a green buffer between the “V” zone and the “R(B)8” site, and the cumulative

effect of approving the applications would also be relevant considerations.

208. The Vice-chairman said that during the consideration of representations in respect of the Tai Po OZP, the Board noted that the boundary of the “R(B)8” site was delineated with reference to the ‘VE’ of Lai Chi Shan Village. The crux of the issue would be whether that part of the “GB” zone should be considered for village expansion or retained as a green buffer. He also said that while there was inadequate land within the “V” zone to meet the Small house demand, the 10-year Small House demand forecast figures would be subject to variations over time and would not be verified until the application stage for Small House grant. In the current cases, there was still adequate land available within the “V” zone to meet the outstanding Small House applications of the village.

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

209. Ms Bernadette H.H. Linn said that the Board had previously approved planning applications for Small House developments within “GB” zone which complied with the Interim Criteria. If planning permissions were not granted to the subject applications, there should be overriding factors for doing so and one such factor might be the need to preserve the subject “GB” zone. However, since several “GB” areas, some more densely vegetated than the Sites, had recently been rezoned for residential use on the Tai Po OZP, the applicants would consider it unfair if the subject “GB” zone was to be protected from Small House developments. Members noted that the Sites were generally flat land with no trees, while dense hillside woodland was found to the northeast and southeast of the Sites within the “GB” zone.

210. Mr K.K. Ling said that since the northern part of the “V” zone of Lai Chi Shan Village was mainly slopes and roads and hence not available for Small House developments, sympathetic consideration could be given to the applications. He was mindful that should the applications be approved, they might become precedents for other similar applications for NTEH/Small House developments within the same “GB” zone. However, by making reference to the topography and vegetation pattern of the “GB” zone, he estimated that only some 10 to 12 NTEHs/Small Houses could potentially be accommodated on the relatively flat and unvegetated areas within the “GB” zone.

Consideration should therefore be given to whether such a scale of development within the “GB” zone was compatible with the surrounding environment.

211. A Member said that since the proposed Small House developments were in compliance with the Interim Criteria and similar applications had been approved in the “GB” zone, there might not be strong reasons to reject the applications. The potential further development of some 10 to 12 houses within the subject “GB” zone was considered compatible with the rural setting and the future developments in the surrounding area.

212. A Member said that the potential further development of some 10 to 12 Small Houses within the “GB” zone was considered generally acceptable provided that the potential visual impact of those houses could be minimised. Another Member agreed. Members noted that stilt structures would not be required for the NTEHs/Small Houses and the development would be visually compatible with the village setting of the area.

213. The Chairman summed up Members’ views that the applications were considered in compliance with the Interim Criteria, and that there was a shortage of land within the “V” zone of Lai Chi Shan Village for Small House developments. Taking into account that the Sites were located close to the existing village cluster and the scope of further proliferation of NTEHs/Small Houses within the subject “GB” zone would be limited, sympathetic consideration could be given to the three applications.

214. After deliberation, the Board decided to approve the applications, on the terms of the applications as submitted to the Board. The permissions should be valid until 24.4.2019, and, after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. Each of the permission was subject to the following conditions:

- “(a) the provision of septic tank, as proposed by the applicant, to the satisfaction of the Director of Lands or of the Town Planning Board;
- (b) the submission and implementation of landscape proposal to the

satisfaction of the Director of Planning or of the Town Planning Board; and

- (c) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board.”

215. The Board also agreed to advise each of the applicants on the following:

- “(a) to note the comments of the District Land Officer/Tai Po, Lands Department (DLO/TP, LandsD) that if and after planning approval has been given by the Board, DLO/TP will process the Small House application. If the Small House application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD. There is no guarantee to the grant of a right of way to the Small House concerned or approval of the emergency vehicular access thereto;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that there is no public drain maintained by DSD in the vicinity of the site. The applicant is required to maintain his own stormwater systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by a failure of the system. Public sewerage connection is available in the vicinity of the site. The applicant should follow the established procedures and requirements for the connecting sewers from the site to the public sewerage system. A connection proposal should be submitted to DSD for approval beforehand. Moreover, the sewerage connection will be subject to technical audit, for which an audit fee will be charged. The

relevant guidelines can be downloaded from DSD web site at <http://www.dsd.gov.hk>. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the development and the provision of septic tank;

- (c) to note the comments of the Commissioner for Transport that the existing village access connecting the site is not under Transport Department's jurisdiction. The land status, management and maintenance responsibilities of the village access should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (e) to note the comment of the Director of Fire Services that the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (f) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant should make necessary submission to the LandsD to verify if the site satisfies the criteria for the exemption for site formation works as stipulated in PNAP APP-56. If such exemption is not granted, the applicant shall submit site formation plans to the Buildings Department in accordance with the provisions of the

Buildings Ordinance;

- (g) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures:
- (i) for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier is necessary;
  - (ii) prior to establishing any structure within the site, the applicant and/or their contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
  - (iii) the ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines; and
- (h) to note that the permission is only given to the development under the application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning

permission from the Town Planning Board where required before carrying out the road works.”

**Agenda Item 18**

[Open Meeting]

**Any Other Business**

216. There being no other business, the meeting was closed at 5:00 p.m.