

**Minutes of 1093rd Meeting of the
Town Planning Board held on 11.9.2015**

Present

Permanent Secretary for Development
(Planning and Lands)
Mr Michael W.L. Wong

Chairman

Mr Stanley Y.F. Wong

Vice-Chairman

Mr Roger K.H. Luk

Professor S.C. Wong

Professor Eddie C.M. Hui

Dr C.P. Lau

Dr W.K. Yau

Dr Wilton W.T. Fok

Mr Ivan C.S. Fu

Mr. Sunny L.K. Ho

Ms Janice W.M. Lai

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

Assistant Director (Environmental Assessment)
Environmental Protection Department
Mr K.F. Tang (a.m.)

Principal Environmental Protection Officer (Metro Assessment)
Environmental Protection Department
Mr Ken Y.K. Wong (p.m.)

Director of Lands
Ms Bernadette H.H. Linn

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

Principal Assistant Secretary (Transport) 3
Transport and Housing Bureau
Miss Winnie W.M. Wong

Director of Planning
Mr K.K. Ling

Deputy Director of Planning/District
Ms Jacinta K.C. Woo

Secretary

Absent with Apologies

Professor P.P. Ho

Ms Julia M.K. Lau

Mr Clarence W.C. Leung

Mr Laurence L.J. Li

Ms Anita W.T. Ma

Ms Bonnie J.Y. Chan

Professor K.C. Chau

Mr H.W. Cheung

Mr Lincoln L.H. Huang

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

In Attendance

Assistant Director of Planning/Board

Miss Fiona S.Y. Lung

Chief Town Planner/Town Planning Board

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

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

Senior Town Planner/Town Planning Board

Ms Doris S.Y. Ting (a.m.)

Mr Stephen K.S. Lee (p.m.)

Opening Remarks

1. The Chairman noted that it was the first time he chaired the meeting. He expressed his gratitude for Members' contribution and support to the work of the Town Planning Board (the Board) and said that he would continue to work closely with all Members.

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1092nd Meeting held on 28.8.2015

[The item was conducted in Cantonese.]

2. The minutes of the 1092nd meeting held on 28.8.2015 were confirmed without amendments.

Agenda Item 2

[Open Meeting]

Matters Arising

[The item was conducted in Cantonese.]

- (i) Judicial Review Application lodged against the Decision of the Town Planning Board in respect of a Section 12A Application No. Y/H3/6 for Amendments to the Approved Sai Ying Pun and Sheung Wan Outline Zoning Plan No. S/H3/29 (HCAL 130/2015)
-

Declaration of Interest

3. The following Members had declared interests on the item:

Mr Patrick H.T. Lau]	having current business dealings with
Mr Dominic K.K. Lam]	Kenneth To & Associates Ltd., the consultant of the applicant
Professor P.P. Ho	-	his spouse owning a flat in Third Street and a flat in Kui Yan Lane
Mr Clarence W.C. Leung	-	his mother owning a flat in Sai Ying Pun

4. Members noted that the above Members had tendered apologies for not being able to attend the meeting.

The JR Application

5. The Secretary reported that on 17.4.2015, the Metro Planning Committee (MPC) of the Town Planning Board (the Board) rejected a section 12A application (No. Y/H3/6) for proposed amendments to the approved Sai Ying Pun and Sheung Wan Outline Zoning Plan No. S/H3/29 to rezone the application site at 1-7, Tak Sing Lane, Sai Ying Pun from “Open Space” and “Pedestrian Precinct/Street” to “Residential (Group A)23” and stipulate a building height restriction of 120mPD for the zone.

6. On 16.7.2015, a JR application was lodged by Jonnex International Limited against the decision of MPC not to approve the section 12A application. The Applicant was the owner of a major portion of the application site.

7. The major grounds of the JR application were that the considerations taken by MPC were irrelevant; the reasoning adopted was irrelevant and/or irrational; there were material error of fact and procedural impropriety; and the copying of the Planning Department (PlanD)’s reasons for not supporting the application.

8. The Applicant sought relief from the Court (i) to quash the Board’s decision to reject the planning application, and (ii) to order the Board or its committee to reconsider the application. On 7.9.2015, the Court of First Instance granted leave for the JR application. The hearing date of the JR had not yet been fixed.

9. Members noted that leave had been granted for the JR and agreed that the Secretary should represent the Board in all matters relating to the JR in the usual manner.

(ii) Matter Arising (ii)

[Confidential Item] [Closed Meeting]

10. This item was recorded under confidential cover.

Sai Kung and Islands District

Agenda Item 3

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments in respect of the Draft Tseung Kwan O
Outline Zoning Plan No. S/TKO/21
(TPB Paper No. 9989)

[The item was conducted in Cantonese.]

Presentation and Question Sessions

11. The Secretary reported that Mr Lui Man Kwong, C9, had submitted a letter to the Chairman of the Board before the meeting reiterating some comments previously stated in his written submission.

12. The Chairman said that reasonable notice had been given to the representers and commenters inviting them to attend the hearing, but other than those who were present or had indicated that they would attend the hearing, the rest had either indicated not to attend or made no reply. As reasonable notice had been given to the representers and commenters, Members agreed to proceed with the hearing of the representations and comments in their

absence.

13. The following government representatives and the representers/commenter or their representative were invited to the meeting at this point:

- | | | |
|----------------------|---|--|
| Mr Ivan M.K. Chung | - | District Planning Officer/Sai Kung and Islands, Planning Department (DPO/SKIs, PlanD) |
| Ms Lisa L.S. Cheng | - | Senior Town Planner/Tseung Kwan O, PlanD |
| Mr Kenneth P.C. Wong | - | Assistant Town Planner/Tseung Kwan O, PlanD |
| Mr Donald C.K. Mak | - | Chief System Manager (Industry Facilitation) 2, Office of the Government Chief Information Officer (OGCIO) |
| Mr K.W. Chan | - | Contract Senior Project Manager, OGCIO |

R2 – Christine Fong (Sai Kung District Council Member)

R47 – 湯錫嬌

R135 – 趙平

R141 – Yeung Yiu Chi

R170 – Poon Cheuk Bon

R195 – Au Mei Kwan

R206 – Lok Yin Ming

R320 – Yau Joyce

R335 - 甘鴻基

Ms Christine Fong - Representer and representers' representative

R3 - Lai Siu Chee, Alice (日出康城首都業委會委員)

Ms Lai Siu Chee, Alice - Representer

R7 - 張美雄 (專業動力)

R40 - 陳順蓮

張美雄 - Representer and representer's representative

R26 – Zita Hui

Mr Hui Cho Chak - Representor's representative
(Attending only)

R75 – 王少玲

Ms Ho Hai Fung - Representor's representative

R134 – Fong Yu Ching

Mr Fong Yu Ching - Representor

R171 - 陸秀貞

Mr Au Yeung Ho Kwan - Representor's representative

R217 - 陳妙珍

Ms Rebecca Gan - Representor's representative

R383 – Chan Kai Wai (Sai Kung District Council Member)

R384 – Ocean Shores Owners' Committee

Mr Chan Kai Wai - Representor and representor's representative

R385 – Cheung Chin Pang

Mr Cheung Chin Pang - Representor

C9 - Lui Man Kwong

Mr Lui Man Kwong - Commentor

14. The Chairman extended a welcome and explained the procedures of the hearing. He said that to ensure the efficient operation of the meeting, each representor/commentor or their representatives would be allotted 10 minutes for making oral submission. The representors and commentors had been informed about the arrangement before the meeting. There was a timer device to alert the representors/commentors and their representatives 2

minutes before the allotted time was to expire, and when the allotted time limit was up. The Chairman then invited the representative of PlanD to brief Members on the representations.

15. With the aid of a Powerpoint presentation, Mr Ivan M.K. Chung, DPO/SKIs, made the following main points as detailed in the Paper:

Background

- (a) to foster development of data centres in Hong Kong, the Government had earmarked and reserved three sites in Tseung Kwan O (TKO) Area 85 (Sites 1, 2 and 3) for data centre development. Planning application for proposed data centre at Site 1 zoned “Government, Institution or Community (9)” (“G/IC(9)”) was approved by the Rural and New Town Planning Committee on 19.10.2012;
- (b) a consultancy study conducted by OGCIO in 2014 confirmed that Site 3 was feasible for data centre development;
- (c) on 27.2.2015, the draft TKO Outline Zoning Plan (OZP) No. S/TKO/21 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The major amendments, as highlighted below, were to facilitate the proposed high-tier data centre development and to include into the OZP the authorised road scheme of the Tseung Kwan O – Lam Tin (TKO-LT) Tunnel and Cross Bay Link (CBL) which was deemed to be approved under the Ordinance:
 - (i) Amendment Item A : rezoning of a site to the east of Wan Po Road in TKO Area 85 from “Other Specified Uses” annotated “Sewage Treatment Works” (“OU(STW)”) to “G/IC(9)”;
 - (ii) Amendment Item B1 : rezoning of an area along the TKO-LT Tunnel from “Green Belt” (“GB”) to “Other Specified Uses” annotated “Ventilation Building” (“OU(Ventilation Building)”);

- (iii) Amendment Item B2 : rezoning of two areas along Road P2 from areas shown as 'Road' to "Open Space" ("O");
- (iv) to include the use 'Information Technology and Telecommunications Industries (within "G/IC(9)" only)' under Column 1 of the Notes of the OZP for the "G/IC" zone, as a use always permitted within the "G/IC(9)" zone;
- (d) a total of 385 representations and nine comments were received. One representation (R1(part)) supported and 382 representations (R2 to R383(part)) opposed Amendment Item A. R1(part), R383(part) and two representations (R384 and R385) were not directly related to the amendment items;

Representation Site and its Surrounding Areas

- (e) the site under Amendment Item A (the main portion of Site 3), which had formerly been part of the TKO Preliminary Treatment Works, was now vacant. Area to the south (Site 2) zoned "G/IC(9)" was currently used partly as a temporary public car park and partly under short term tenancies for open storage of recycle materials;
- (f) to the immediate south of Site 2 within the same "G/IC(9)" zone was Site 1 with planning permission for data centre development and the site was sold in October 2013. South of Site 1 was the government site reserved for the development of the Radio Television Hong Kong (RTHK) Broadcasting House;

Major Grounds of Representations, Representers' Proposals and Responses

- (g) the major grounds of the representations, representers' proposals, responses to grounds of representations and representers' proposals, as

summarised in paragraphs 4.2, 4.3, 6.2 and 6.3 of the Paper respectively, were highlighted below:

Supportive Representation

- (i) R1(part) supported Amendment Item A and the proposed data centre development in Area 85 as it would help promote Hong Kong as a knowledge-base society and eliminate unauthorized uses on the site;

Adverse Representations (R2 to R383(part))

Car parking Provision

- (ii) as there was a shortage of car parking spaces in Areas 85 and 86 (LOHAS Park), taking back the public car park site at Wan Po Road for data centre development was not appropriate;
- (iii) proposals - to exclude the public car park site (i.e. Site 2) at Wan Po Road from the data centre development. Data centre sites should be used for the provision of community facilities including public parking;
- (iv) the responses to the above grounds and proposals were:
 - the Commissioner for Transport (C for T) had no in-principle objection to terminating the tenancy for the temporary car parks to facilitate the future permanent development;
 - the developments in Areas 85 and 86 had been provided with the required number of parking spaces as stipulated under the Hong Kong Planning Standards and Guidelines (HKPSG) to meet their own needs. Some of the private developments in the area would also provide car parking spaces for public use;

- the Transport Department (TD) would continue to monitor the demand and supply of parking spaces in TKO;

Impacts of Data Centre Development

(v) the land decontamination works for Sites 2 and 3 would not generate pollution and nuisance to the nearby residents;

(vi) the responses to the above grounds were:

- OGCIO had conducted a consultancy study on the feasibility of data centre developments in Area 85. The study also included technical assessments on visual, air ventilation, environmental (noise, air quality and landfill gas), drainage, sewerage, water supply and traffic aspects. The findings of the study and concerned departments' views confirmed that the sites were feasible for data centre development without resulting in adverse impact on the surroundings;
- the Drainage Services Department (DSD) had already confirmed that Site 3 was contamination free and the Director of Environmental Protection (DEP) had no objection to that;
- DEP advised that the relevant parties/consultants would be required to carry out land contamination assessment and any necessary remediation work for Site 2;
- OGCIO advised that the approaches and methods to decontaminate the site, if required, would be conducted to the satisfaction of DEP to ensure minimal pollution and nuisance caused to nearby residents;

(vii) as the proposed data centres were in close proximity to neighbouring residential developments, environmental radiation and traffic impact assessments should be conducted to ascertain the feasibility of the data centre development;

(viii) the responses to the above grounds were:

- OGCIO pointed out that electric and magnetic fields (EMF) radiation generated by computer equipment commonly found in data centres was non-ionizing. According to the National Institute of Environmental Health Science of USA, non-ionizing EMF radiation was generally perceived as harmless to humans;
- Hong Kong had adopted the EMF standards under the International Commission on Non-ionising Radiation Protection Guidelines to ensure public safety and to offer adequate protection against possible acute health effects;
- the Director of Electrical and Mechanical Services and the Director of Health had no objection to the proposed data centre development in TKO Area 85;
- the traffic impact assessment (TIA) indicated that the proposed data centre development would not create adverse traffic impact on the road network in the vicinity of the sites. TD had no in-principle objection to the TIA;

Provision of Government, institution or community (GIC) Facilities

(ix) there was a shortage of eating places and community facilities in the area;

- (x) proposal - to reserve the government land in Area 85 (Sites 2 and 3) for the provision of community facilities, including municipal services building, market, restaurants, public parking, indoor sports centre, etc.;
- (xi) the responses to the above grounds and proposal were:
- there was no apparent shortfall of GIC facilities nor district and local open space provision in TKO;
 - the comprehensive commercial and residential development in Area 86 (LOHAS Park) as approved by the Board would include about 50,000 m² of commercial uses, and various community facilities to serve the area in the vicinity. Moreover, land had also been reserved within LOHAS Park for an indoor recreation centre (IRC) development;
 - the Food and Environmental Hygiene Department (FEHD) had no plan to provide a permanent or temporary public market in TKO Area 85 at present;
 - there were six sports centres in Sai Kung District. The Leisure and Cultural Services Department (LCSD) was now actively planning other projects (including “Sports Centre-cum-Indoor Heated Swimming Pools and a Riverine Park in Area 65 TKO”) to serve the Sai Kung District and meet the local needs;

Other Representers’ Views Not Directly Related to the Amendment Items and Responses (R1(part), R383(part), R384 and R385)

- (h) the representers’ views not directly related to the amendment items and responses to those views, as summarised in paragraphs 4.4 and 6.4 of the

Paper respectively, were highlighted below:

- (i) to retain the car park at Shek Kok Road (government land located to the north of the site);
 - (ii) to identify suitable community use for the government land at Shek Kok Road as soon as possible;
 - (iii) the public facilities in Area 72 such as police station, fire station, clinic and law court should not be delayed due to delays in the development of the TKO-LT Tunnel and CBL projects;
 - (iv) the pedestrian walkway for the Junk Bay Chinese Permanent Cemetery (JBCPC) should not be used as access road for the construction vehicles or transporting of explosives for the TKO-LT Tunnel and CBL project. Any materials or supplies should be transported by sea;
 - (v) as the Ocean Shores owners were responsible for the maintenance of the slopes near O King Road which might fall within 500m of the blasting works, the Government should take back such responsibility before commencement of works;
 - (vi) the proposal to develop a refuse collection point (RCP) in Area 72 should be cancelled;
 - (vii) Tiu Keng Leng Park should be constructed prior to or in parallel with the construction of TKO-LT Tunnel;
- (i) as those views were not directly related to the OZP amendments, they had been conveyed to relevant departments for consideration. Detailed responses could be found at Annex VIII of the Paper;

Comments on Representations and Responses

- (j) the nine comments (C1 to C9) received mainly echoed the views of representations R383(part), R384 and R385 in relation to the implementation of public facilities and Tiu Keng Leng Park in Area 72 and impacts of the implementation of TKO-LT Tunnel and CBL projects. The responses to the concerned representations were relevant;
- (k) C1 to C7 further requested that the landscaped area relating to the TKO-LT Tunnel near Ocean Shores should not be opened for public use to avoid noise and other impacts. The responses to the above comments were that the management of the open space would be separately sorted out by concerned departments;

PlanD's Views

- (l) R1(part)'s support of Amendment Item A was noted; and
- (m) PlanD did not support R1(part), R2 to R385 and considered that the Plan should not be amended to meet the representations.

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

R385 – Residential Owners' Sub-committee of Metro Town

17. Mr Cheung Chin Peng made the following main points:

- (a) the site proposed for Tiu Keng Leng Park in Area 72 had been reserved on the OZP since 2001. However, the park had yet to be constructed;
- (b) over the years, local residents were advised by LCSD that the implementation of the proposed Tiu Keng Leng Park had to tie in with the

development of the TKO-LT Tunnel project due to the interface between the two projects. Up till now, there was no definite implementation programme for the park since detailed design of the road project had not yet been finalized;

- (c) other government departments had also claimed that the delay in implementation of those public facilities in Area 72 was due to the delay in the construction of TKO-LT Tunnel. He therefore considered that their request for an early implementation of the Tiu Keng Leng Park was related to the TKO-LT Tunnel project which was the subject of an amendment item of the current OZP;
- (d) with a view to expediting the construction of the proposed park, he urged the Board to reply to the Residential Owners' Sub-committee of Metro Town along the lines that the timing for implementation of public facilities and the Tiu Keng Leng Park in Area 72 was not directly related to the implementation of the TKO-LT Tunnel and associated road work, and to advise DLCS of the same; and
- (e) with the clarification from the Board, local residents could continue to liaise with LCSD and press ahead with the construction of the park.

C9 – Lui Man Kwong

18. Mr Lui Man Kwong made the following main points:

Amendment Item B1

- (a) the rezoning of “GB” to “OU(Ventilation Building)” under Amendment Item B1 would reduce the overall provision of green belt for the TKO area. Consideration should be given to incorporating more landscape and green features into the future design of the ventilation building, similar to the existing electricity substation at Chui Ling Road, so as to minimize the potential adverse impact on the environment;

Amendment Item B2

- (b) the future open space, resulting from the rezoning of two areas along Road P2 from areas shown as 'Road' to "O" under Amendment Item B2, should be properly managed in order to minimize adverse impacts on the nearby residents;
- (c) given that part of Road P2 would be developed into an open space, opportunity should be taken to review comprehensively the provision of GIC facilities in Area 72. The proposal to develop a RCP in the area, which had been planned for more than a decade, should be scrapped having regard that the RCP was incompatible with the surrounding residential developments and would create adverse impact on local residents;
- (d) the proposed Tiu Keng Leng Park in the vicinity of Road P2 was highly compatible with the proposed open space at Road P2. The park should be constructed as soon as possible; and
- (e) the implementation of the proposed open space at Road P2 would hinge on the development programme of the TKO-LT Tunnel project. Efforts should be made to implement the road project the earliest possible such that the proposed open space and other public facilities in Area 72 could also be developed as soon as possible.

19. The Chairman said that as verification of the authorisations provided by Ms Christine Fong (R2) at the meeting had not yet been completed by the Secretariat, he would like to invite Ms Lai Siu Chee, Alice (R3) to make her oral submission first. Ms Fong had no objection to such arrangement.

R3 – Lai Siu Chee, Alice

20. Ms Lai Siu Chee, Alice, made the following main points:

- (a) she was an owner of a residential flat at LOHAS Park and had been living there for six years;
- (b) she expressed dissatisfaction with the lack of essential supporting facilities for LOHAS Park which was a comprehensive residential development of similar scale as Taikoo Shing;
- (c) she was not aware of the landfill nearby when she moved into that area. Worse still, she did not know that there was no commercial nor market facilities to meet the basic needs of local residents. At present, local residents had to travel all the way to visit the markets in Tiu Keng Leng, Hang Hau and Sheung Tak Estate. The infrequent MTR services at 12-minute interval during non-peak hours had caused further inconvenience to local residents. Moreover, the lack of sufficient car parking spaces in the area had also led to illegal on-street parking problem;
- (d) local residents were not objecting to the development of data centres in TKO. There were already 11 data centres in the TKO Industrial Estate (IE) but no municipal building nor market facilities were found in the vicinity of LOHAS Park. The proposed commercial facilities at LOHAS Park would only be completed by 2020 the earliest;
- (e) a government complex comprising market, cooked food centre, sports centre, car park and post office, etc. should be provided in one of the data centre sites in Area 85 to meet the basic needs of local residents; and
- (f) while the need to balance economic needs against social ones was recognised, social needs should take precedence as there were already many data centres in TKO. She urged the Board to allocate the proposed data centre site in the area for the development of a government complex to serve local residents.

R75 – 王少玲

21. Ms Ho Hai Fung made the following main points:
- (a) she had been living in LOHAS Park for more than six years. Over the years, she, together with other residents, had been liaising with various government departments for the early provision of community facilities to meet the basic needs of local residents;
 - (b) noting that there were already 11 data centres in the IE, she did not understand why the Government insisted on providing more data centres instead of some community facilities to serve the local need at the sites in Area 85;
 - (c) MTR Corporation Limited (MTRCL) had delayed the development of LOHAS Park, resulting in a lack of supporting community facilities for local residents. The Government should be responsible for the provision of adequate community facilities to serve the local demand;
 - (d) it was not good planning when LOHAS Park, with a planned population doubled that of Taikoo Shing, was not provided with any eating place nor market, and when the car parking spaces were largely insufficient. It was the responsibility of the Board to ensure the timely provision of supporting and community facilities to tie in with the population intake of the residential developments; and
 - (e) local residents had been suffering for years due to the lack of basic and essential facilities in the vicinity to meet their daily needs. She urged the Board to use the sites in Area 85 for the development of a government complex with the provision of market, cooked food centre, indoor recreation centre, public car park, post office and library, etc. to meet the demand of local residents.

R7 – 張美雄

R40 – 陳順蓮

22. 張美雄先生 made the following main points:

- (a) he would not blindly object to the development of data centres in TKO, but would urge for a comprehensive planning for the local community;

Location of data centres

- (b) the existing residential developments, together with those under construction, such as The Beaumont Phase 2, LOHAS Park Phase 4, and Hemera in Areas 85 and 86, would have a population of about 100,000. The proposed data centre sites in Area 85, which were in close proximity to the residential clusters, were more suitable for the development of community facilities;
- (c) the data centre at Site 1 (SUNeVision) was currently under construction, and the area to its south had been reserved for the development of the RTHK Broadcasting House. It was not necessary to develop additional data centres in Area 85. The proposed data centres should more appropriately be developed within the IE where 11 data centres were already constructed/planned thereat;

Local sentiments

- (d) he had been actively engaged in local community work for years and fully understood the pressing need of local residents for some basic community facilities such as market, car park and municipal services building. They therefore raised strong objection to the development of data centres in Area 85 and submitted hundreds of adverse representations against the rezoning proposal;
- (e) it was unreasonable for the Board to approve the amendments to the OZP

No. S/TKO/18 for landfill extension despite the very strong local objection received. The residents had been suffering for years from adverse impacts generated by the landfill and its extension. At present, about 5,000 vehicle trips of garbage and dump trucks travelled daily on Wan Po Road. The residential developments in Areas 85 and 86 were surrounded by various incompatible land uses such as sewage treatment works, IE, data centres and landfill. Moreover, there was a lack of GIC facilities and car parking spaces to serve local residents. Local residents whose views were being ignored had gradually developed a strong sentiment against the Government. As the subject matter was largely a social issue concerning the livelihood of local residents, the Board should give sympathetic consideration to the genuine need of local residents;

Insufficient car parking spaces

- (f) given the infrequent MTR train services for LOHAS Park, there was a genuine need for local residents to have their own cars. With the closure of the existing car park at Site 2, the remaining two temporary car parks in that area would be insufficient to serve the parking demand of 40,000 residents;
- (g) the inadequate provision of car parking spaces had led to speculation of car parking spaces. According to the latest transaction record, the price of a car parking space at Metro Town and LOHAS Park was \$1.5M and \$1.4M respectively and the average monthly rent was about \$4,000;
- (h) the Government should consider reserving a suitable site in the vicinity of the residential developments for multi-storey car park use;

Concern on radiation impact

- (i) three proposed data centres and the future RTHK Broadcasting House were located in close proximity to the existing residential developments of LOHAS Park and The Beaumont. Local residents had grave concern on the cumulative radiation impact generated by those data centre

developments;

- (j) there was an excessive amount of fine particulate matters (PM 2.5) in the existing landfill which would cause adverse health impact on local residents. Together with the adverse radiation impact of those data centre developments, the strong sentiments of local residents against the Government might be further increased. They might be prone to carry out demonstrations or even violent actions;

Inadequate public consultation

- (k) the public consultation on the OZP amendments was inadequate and the hearing arrangement was unsatisfactory. Since the hearing was held on weekday and the hearing document were lately received, many of the locals were unable to attend the hearing in person to make oral submissions;
- (l) in July 2015, local residents had lodged a complaint on the development of data centres in Area 85 to the Legislative Council (LegCo). The Secretariat of the LegCo would shortly refer the complaint to the Development Bureau, PlanD and LandsD for reply. The Board should take into account the local views as set out in the complaint before making a decision;
- (m) there was no point for PlanD to consult the Sai Kung District Council (SKDC) on the proposed data centre development in Area 85 given that most of the 29 DC members had no local knowledge about the sites and their surrounding area, and did not fully understand the views and concerns of local residents;
- (n) PlanD had not organized or attended any briefing session or consultation meeting to solicit/listen to the views of the Owners' Committees/Owners' Corporation of the residential developments or other stakeholders on the proposed data centre development. The Board should consider

requesting PlanD or OCGIO to carry out a comprehensive public consultation to solicit local views before making a decision;

- (o) in view of the lack of essential supporting facilities such as car park, market, shopping centre, municipal services building, IRC, open space to serve the local community, the proposal to develop data centres at the remaining “G/IC” sites in Area 85 was strongly opposed by local residents. The Board was requested to reject the data centre development on the GIC sites in Area 85; and
- (p) although concerned government departments might not have plans to develop any community facilities at those sites in Area 85 at the moment, the Board should not easily release the “G/IC” sites for data centre development. The views of local residents as set out in their written submissions should be duly considered by the Board;

23. The Chairman said that after verification of the authorizations submitted by Ms Christine Fong, R2, who, apart from being a representer herself, was also the authorised representative of eight representers (R47, R135, R141, R170, R195, R206, R320 and R335), and she should be given a total presentation time of 90 minutes. On the request of Ms Fong, the Chairman indicated that the oral presentations of the representers could be arranged following the sequence of the representation numbers. Ms Fong’s oral presentation would accordingly be grouped into three parts. Ms Fong and other representers raised no objection to this arrangement.

R2 – Christine Fong

R47 – 湯錫嬌

24. Ms Christine Fong made the following main points:

- (a) local residents were not aware of the landfill extension proposal when they purchased their flats in LOHAS Park in 2008. According to the approved OZP at that time, the area in the vicinity of the development

was designated for deep marine industrial uses. When the concerned area was subsequently rezoned to cater for the landfill extension in 2011, there were very strong local objection and thousands of adverse representations on the OZP amendments were received by the Board. That had resulted in an unprecedented hearing lasting for 6 days. Local residents were very disappointed with the Board's decision of approving the landfill extension proposal despite very strong local objection. Since then, local residents had been suffering from the significant adverse environmental and traffic impacts generated by the landfill and its extension. More than 4,000 dump trucks used Wan Po Road every day;

Data centre development

- (b) the existing condition of the proposed data centre sites and the surrounding uses, as shown on Plans H-3a and H-4 of the Paper, were outdated. The proposed RTHK Broadcasting House and the data centre of SUNeVision under construction were not shown on those plans;
- (c) the proposed data centre sites were the only two vacant sites in the vicinity of LOHAS Park in the area. One of them was currently used for open storage of recycled materials and metered car park, and the other was a piece of vacant land previously occupied by the aeration basin of the adjoining Drainage Services Department (DSD)'s Sewage Treatment Works (STW). SKDC had previously passed a motion requesting the Lands Department (LandsD) to have an early termination of the yard. For the ex-STW site, she had closely liaised with DSD on the possible closure of that aeration basin. The facility was demolished in 2011 and after decontamination, the land could now be released for other uses. With the removal of those two incompatible uses, the two sites should be used for GIC facilities serving local residents instead of the proposed data centres;
- (d) she did not object to data centre development in TKO but considered that the sites, which were located within a residential cluster, should be used

for GIC facilities. It was more appropriate to concentrate the proposed data centres within IE;

- (e) when the government departments consulted SKDC on the proposed data centre development in Area 85 in March 2015, those pro-government DC Members, who indicated support to the data centre development, had no idea about the exact location of the proposed data centre sites. Moreover, they had no local knowledge on the strategic importance of the sites for local residents;

Insufficient car parking spaces

- (f) the provision of car parking spaces at LOHAS Park at a ratio of one space per 7 flats, as approved by the Board in 1997, was insufficient to meet the parking demand of local residents. The HKPSG was outdated and should be revised. Moreover, the MTR services for the area, at 15-minute interval, were inadequate. Local residents would prefer to have their own cars;

Lack of supporting facilities

- (g) the phased development of LOHAS Park was not properly planned and implemented by MTRCL. Some basic and essential supporting facilities such as wet market and eating place were not provided in a timely manner. Proper vehicular access was not provided for transportation of goods to the supermarket in LOHAS Park. Moreover, the existing shuttle bus service connecting the development with other parts of TKO was only provided by MTRCL upon her request;
- (h) with the development of LOHAS Park (Phase 8), the shortage in provision of GIC and other supporting facilities for the area would be further aggravated;
- (i) good land use planning was essential to create a pleasant and quality living environment. The Board should not further approve other

residential developments in the area without the provision of ancillary supporting facilities;

- (j) it was unacceptable that the Government did not provide a wet market in the TKO town centre to serve its population of some 460,000 persons. That had resulted in increases in the price of food, and had further increased the financial burden of middle-income families. Even though FEHD did not plan to provide a wet market in the area at the moment, it was considered appropriate for the Board to reserve the site to cater for the long-term community need of the area;
- (k) the day before the meeting, the Housing and Environmental Hygiene Committee of SKDC had agreed to write to the Development Bureau requesting the early provision of GIC facilities in the area to serve local residents; and
- (l) Members were requested to conscientiously consider the optimal use of the proposed data centre sites which would have significant implications on the daily lives of local residents.

R134 – Fong Yu Ching

25. Mr Fong Yu Ching made the following main points:

- (a) he was a resident of LOHAS Park;
- (b) he was dissatisfied with the insufficient provision of public transport and community facilities to meet the daily needs of local residents;
- (c) there was only one temporary supermarket within LOHAS Park which was inadequate to serve the existing large population. The lack of provision of eating place, market, shopping facilities or municipal services building had caused much inconvenience to local residents;

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

- (d) due to the lack of basic and essential supporting facilities in the area, local residents had to take MTR or minibus to other parts of TKO, such as the markets at The Grandiose or at Hau Tak Estate, to buy food;
- (e) the residential area should be comprehensively planned with the provision of basic infrastructure and community facilities. Additional public transport facilities should be provided to improve connectivity with other parts of TKO; and
- (f) the Government should consider whether it was necessary to develop three data centres in the area when alternative sites were available elsewhere. The sites in that residential area should be reserved for the development of basic community facilities such as market, shopping centre, so as to improve the living environment of the local community.

R171 – 陸秀貞

26. Mr Au Yeung Ho Kwan made the following main points:

- (a) he was a member of the Owners' Committee of Park Central;
- (b) he agreed with the points made by other representers that the Board should consider rescheduling the hearing on weekend such that more representers could attend the meeting in person. Moreover, the representers were not given sufficient time to prepare their responses as the TPB Paper was only received a few days before the hearing. As compared with the public consultation carried out by the Government in 2006/2007, there was a delay in dissemination of information at the district level;

Overall planning of TKO

- (c) local residents were very concerned about the delay in the implementation of the proposed GIC facilities such as clinic, police facilities and fire station, and Tiu Keng Leng Park in Area 72. Those facilities should be implemented as soon as possible to serve the existing population of some 200,000 in TKO (South);
- (d) with the completion of the proposed TKO-LT Tunnel and CBL projects, the vehicular traffic along Po Shun Road adjacent to Park Central would increase substantially. As no noise barrier was provided along Po Shun Road, local residents in that area would be exposed to adverse traffic noise and environmental impacts. Since the concerned department had not incorporated the appropriate environmental mitigation measures, the road project should not be approved by the Board;

Inadequate local consultation

- (e) he had a mixed feeling on whether he should attend the hearing as the Board had all along been perceived by the public as a rubber stamp with no regard to the views expressed by the public;
- (f) the public consultation conducted by the Government was largely inadequate and local residents were not properly consulted. Citing the planning application for minor relaxation of building height restrictions for permitted government office development in Area 67 as an example, local residents of Park Central, being a major stakeholder in that area with more than 4,500 flats, were not consulted on the application;
- (g) under the existing consultation mechanism, only SKDC would be consulted on various government projects and proposals. The locals would have to rely on the concerned DC member for relevant information about those proposals. Such means of consultation was inadequate and ineffective;

- (h) the locals were not adequately informed of the planning proposal in their surrounding areas. While the building height restriction of the adjacent government site in Area 67, as stipulated on the OZP, had remained to be 75m for more than 10 years, the locals were not consulted on the proposal to increase the building height restriction of the site to 100m; and
- (i) consideration should be given to increasing the transparency and procedure of conducting public consultation.

R135 – 趙平

R141 – Yeung Yiu Chi

27. Ms Christine Fong made the following main points:

- (a) Plans H-3a and H4 of the Paper were displayed to show the location of the proposed data centre sites and the surrounding land uses. She reiterated that the proposed data centre sites in Area 85 were the only “G/IC” sites available in the area for future development of GIC facilities to serve the local needs;

Inappropriate location of data centres

- (b) when the SKDC was consulted on the proposed data centre developments in Area 85 in September 2014, she had already clearly pointed out that the site, released by DSD in 2009, should be reserved for community facilities for the benefits of the local community or the wider district of TKO. An opinion survey was conducted to solicit views from more than 1,000 local residents on the future land use options for the sites. The respondents unanimously opined that the sites should be used for GIC facilities as a data centre had already been proposed in the adjacent site (Site 1);
- (c) TKO residents were rational in that they had not raised objection to the planning application for the proposed data centre in Site 1 which was

subsequently approved by the Board and sold to SUNeVision;

- (d) given that the proposed data centres would not generate a lot of employment opportunities, there was no strong reason for the proposed data centre to be located in close proximity to the residential developments. The proposed data centres should be developed within the IE;
- (e) the building mass of the proposed data centre developments and the future RTHK Broadcasting House would create adverse visual impact on the surrounding areas;
- (f) she had doubts about the government department's advice that the radiation generated by the proposed data centres would not be significant. There was concern about the cumulative adverse health impact of those data centres and RTHK Broadcasting House, with large-scale radio transmitter and electronic installations, on local residents;

Lack of Provision of IRC and Open Space

- (g) according to LCSD, there were six IRCs in Sai Kung district to meet local demand. However, none of those IRCs was located in the neighbourhood of LOHAS Park;
- (h) it was unreasonable that no IRC nor sports ground was planned in the area to serve the residential developments of LOHAS Park and The Beaumont in Areas 85 and 86, with an estimated total population of about 100,000 persons. The quality of living of the residents of those private residential developments was worse than that of the public housing development as the latter was normally comprehensively planned with the provision of necessary community facilities;
- (i) according to the latest approved MLP, an IRC would be provided within the LOHAS Park at a site adjacent to Wan Po Road. The proposed IRC

together with other existing/planned high-rise residential developments of LOHAS Park and The Beaumont, mostly of more than 70 storeys high, along Wan Po Road would create an undesirable canyon effect. The IRC site should be developed into a landscaped open space for the enjoyment of local residents;

- (j) although an open space with active recreational facilities would be provided in LOHAS Park, there was no definite implementation of that open space and only landscaping was provided at the site at the moment. Coupled with the lack of other recreational or sports facilities in the area, the health and well-being of local residents, in particular children, might be affected; and
- (k) local residents already had a strong sentiment against the Government for approving the landfill extension. Priority should be accorded by the Government to the provision of basic community facilities to meet the daily needs of local residents so as to relieve their dissatisfaction to some extent.

[The meeting was adjourned for a break of 5 minutes.]

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

R217 – 陳妙珍

28. Ms Rebecca Gan made the following main points:

- (a) she was a resident of The Beaumont and would like to share with the Board the problems encountered by local residents in their daily lives;
- (b) the area was not well served by public transport. The walking distance between The Beaumont and the MTR LOHAS Park Station was about 15 minutes. Residents could also take minibus at a fare of \$3.5;

- (c) the small supermarket in LOHAS Park was inadequate to serve the daily needs of the large population. Residents had to travel by minibus to the market at Hau Tak Estate to buy their food. The high traveling expenses of local residents had further increased the financial burden of those middle-income group whose average monthly household income was about \$30,000; and
- (d) development of data centre in the area would not bring any benefit to the local community. On the contrary, the construction of a municipal services building on those sites would be beneficial in that the relationship between the Government and local residents would be improved and the travelling expenses of local residents would be reduced; and the adverse impact of the hegemony of commercial and market facilities provided by developer could be mitigated.

R383 – Chan Kai Wai

R384 - Ocean Shores Owners' Committee

29. Mr Chan Kai Wai made the following main points:

Lack of GIC facilities

- (a) the TKO New Town was not properly planned in that there was a lack of ancillary GIC facilities to serve the area. The valuable land resources had been used for residential and industrial developments to cater for the housing and economic needs of Hong Kong. However, no land was reserved for the provision of necessary community facilities;
- (b) it was unfair that the basic needs of TKO residents for GIC facilities were ignored by the Government when the community had borne the social responsibility of tolerating the development of landfill and data centres in the district;

TKO-LT Tunnel and CBL project

- (c) he objected to the use of the pedestrian walkway of JPCPC as access road for construction vehicles or the transportation of explosives for the road project as it would create noise and dust impacts on, and endanger the life of, surrounding residents;
- (d) according to his understanding, during the construction of the TKO-LT Tunnel and CBL projects, the pedestrian access originally planned for morning trail would be partially closed for 10 months in a year and the access road, with its width to be reduced to about 2m, was not suitable for use by more than 100 heavy vehicles per day. To minimize the risk of road accidents, construction materials should be transported by sea;
- (e) the use of the pedestrian access for the transportation of explosives was also undesirable since residential developments were found in the surrounding areas. As previously agreed by CEDD, the concerned departments should make every effort to transport the explosives by sea as far as practicable;

Tiu Keng Leng Park and other public facilities in Area 72

- (f) although the proposed Tiu Keng Leng Park had been reserved on the OZP since 2001, LCSD had yet to formulate a definite implementation programme. Moreover, the development of the planned public facilities in Area 72 such as the police facilities, fire station, clinic, and magistracy had been delayed for a long time;
- (g) while it was stated in the Paper that the timing for the implementation of public facilities in Area 72 was not directly related to the implementation of the TKO-LT Tunnel and associated road works, the concerned departments had informally advised that due to the interface between the proposed park development and the road project, the implementation of the park would be contingent on the finalisation of the detailed design of the road project;

- (h) as illustrated by a record high in the daily book movement of the recently opened TKO library, the community had a very strong demand for basic GIC facilities to meet their needs;
- (i) the Board was urged to request the concerned departments to expedite the implementation of public facilities under their purview;

RCP in Area 72

- (j) the proposed RCP in Area 72 should be deleted as the use was considered incompatible with the surrounding park and residential uses. As most of the private residential developments had their own refuse collection facilities, the site was no longer required to be used for RCP, and the land use of the site should be further reviewed;

Maintenance of Slopes along O King Road

- (k) as the Ocean Shores owners were responsible for the maintenance of the slopes near O King Road which might be affected by the blasting works, the Government should take back the maintenance responsibility of the slopes within 500m from the tunnel portal before commencement of works;
- (l) according to the land lease, the slopes along O King Road were to be managed, maintained and controlled by the Ocean Shores. The maintenance cost of the slopes along O King Road (about 2 km) was very high;
- (m) a few letters were displayed showing the exchange of correspondence between the Ocean Shores Owners' Committee and concerned departments. While the relevant government department said that the concerned area would not be affected by the road project and hence there was no need to resume the slopes, there was grave concern that the underground blasting works of the tunnel, which ran directly under O King Road at a vertical clearance of 100m, would damage the slopes. It

was unreasonable for the owners of Ocean Shores to be responsible for the maintenance of the slopes when the slopes would be affected by the government road project;

- (n) it was also unfair that in the event that damage was done, the owners of Ocean Shores would be required to prove that the damage was caused by the underground blasting works conducted by the Government;
- (o) he could not understand why the Government had refused to take back the slopes within 500m of the tunnel portal which did not involve any payment to Ocean Shores. There were previous cases that the Government had taken back slopes from some private developments, including those in association with the construction of the pedestrian access of the JBCPC in 2006 and the construction of railway facilities near Royal Ascot;
- (p) he quoted an example that the owners of the Ocean Shores had once been requested by LandsD to carry out repair works for a sitting-out-area along O King Road which were neither constructed nor managed by them. Based on such past experience, he would like to voice out his worry at an early stage;
- (q) he quoted another incident that although a service reservoir was included in the site boundary of Ocean Shores under the lease, the Water Supplies Department, after negotiation, had agreed to take back the maintenance responsibility for the service reservoir area;
- (r) they were not objecting to the construction of TKO-LT tunnel and CBL, and only requested the Board to impose a condition requiring the concerned department to take back the affected slope areas along O King Road before the commencement of road works;

Landscaped deck of Road P2

- (s) the landscaped deck of the section of Road P2 near Ocean Shores should remain as an amenity area and should not be open to the public to avoid creating security and environmental hygiene impacts on local residents. There was concern that the owners of Ocean Shores would be required by the Government to carry out management and maintenance of that public open space in future; and
- (t) the Board was urged to state clearly that the landscaped deck should not be open to the public should it decide to approve the construction of the TKO-LT Tunnel and CBL projects.

30. Noting that the representations received were related to Amendment Item A under the current OZP amendment, a Member asked the Secretary to clarify if the points raised in Mr Chan's oral submission were related to Amendment Item A. In response, the Secretary said that the current OZP amendment involved Amendment Items A and B. The points presented by Mr Chan were partly related to the road project of Amendment Item B.

31. The Chairman reminded the representers that their oral submission should focus on those grounds and views which were related to the amendment items.

32. The Chairman invited Ms Christine Fong to proceed with the oral submissions on behalf of the five remaining representers with a total presentation time of 50 minutes. However, Ms Fong counter-proposed staggering her oral presentation so that she could have a break and Members would be given sufficient time to digest their views and requests presented in her oral submission.

33. To ensure the efficient operation of the meeting, the Chairman suggested that Ms Fong be given a total presentation of 30 minutes first, followed by another 20 minutes. He might consider giving a short break after the first part of the presentation, if required.

34. Noting that the oral submissions made by some representers' representatives were not an elaboration of the representers' written submissions, a Member enquired if it was

procedurally proper for them to do so. The Chairman clarified that if the representers' representatives were making oral submission on behalf of the representers, their presentations should be an elaboration of the written submissions of the concerned representers. He reminded all the representers' representatives to be mindful of this in their oral presentations.

R170 – Poon Cheuk Bon

R195 – Au Mei Kwan

R206 – Lok Yin Ming

35. Ms Christine Fong made the following main points:

- (a) she was authorised by other representers to present their views from different perspectives which might not be purely based on their written submissions. Although many local residents had submitted standard letters objecting to the OZP amendments, they had other views not written therein;

Environmental radiation impact

- (b) she considered the responses to grounds G2b, as stated in the summary table at Annex VIII of the Paper, not convincing. The conclusion that the non-ionizing EMF radiation was generally perceived as harmless to humans was not substantiated as no comprehensive EIA nor medical assessment had been carried out by the concerned department;
- (c) prior to designation of the sites for data centre developments, comprehensive EIA and medical assessment should be conducted to ensure that the health of local residents would not be adversely affected;
- (d) while previous technical assessments carried out for the landfill had demonstrated that no insurmountable adverse impacts on the environment was anticipated, significant adverse environmental impacts was generated by the landfill during its operation. For example, the direct disposal of batteries at the landfill had resulted in leakage of mercury and lead.

However, the Government had no effective mechanism to monitor such situation;

- (e) the EMF standards under the International Commission on Non-ionising Radiation Protection Guidelines, as quoted by the concerned government department, were irrelevant and might not be applicable to the Hong Kong situation. She recalled that when the Government proposed the landfill extension project, she had also quoted the World Health Organisation's finding that PM 2.5 was carcinogenic to support her objection. Yet, her views were ignored and the landfill extension project was approved;
- (f) in the absence of a comprehensive EIA to demonstrate the acceptability of data centre at that location, the Board's decision to approve the data centre development would be considered by the public as unjust and biased;

Provision of IRC and landscaped area

- (g) there was a shortage of IRC and landscaped garden to serve local residents. Even if the proposed IRC within LOHAS Park was constructed after 10 years, the demand of the residents of The Beaumont for such recreational facilities would remain unmet since the proposed IRC would not be available for public use. The Government should provide IRC and landscaped public open space along Wan Po Road in order to improve the greening of the area;
- (h) she was disappointed to learn that the proposal to provide more potted plants along Wan Po Road to improve the greenery of the road had been rejected by the District Office;

Inadequate public transport

- (i) the MTR services at the LOHAS Park area were poorly planned and this had caused much inconvenience to local residents. At present, train

services at every 7 to 8 minutes during peak hours and every 15 minutes during non-peak hours were inadequate. The situation was worsened as the area was not served by basic facilities such as market and kindergarten and local residents relied heavily on MTR for commuting to other parts of the district;

- (j) the existing shuttle bus service between LOHAS Park and TKO town centre could not address the demand for more efficient public transport facilities for the area;

Insufficient car parking space

- (k) it was not unreasonable for the middle-income families in LOHAS Park to own a car for daily commuting or leisure driving. However, the car parking provision for LOHAS Park, at a rate of 1 space for 7 flats, was insufficient to meet the parking demand of local residents. The Capitol, which had a total of 2,096 flats, was only provided with 300 private car parking spaces and 67 bicycle parking spaces. Due to the severe shortage in car parking spaces, the monthly rental for a car parking space had increased to about \$4,000. On-street overnight parking was common;

Others

- (l) there was a shortage of kindergarten in LOHAS Park to meet demand. Recently, the Board had approved a planning application for an increase of about 5,000 flats in the development but only one additional kindergarten was proposed. The provision standard of kindergarten facilities as set out in HKPSG should be reviewed to ensure that a sufficient number of kindergartens was provided within a local area instead of within the larger TKO district as a whole;
- (m) in 1997, when the Government decided to develop an eco-town in TKO, those obnoxious and polluting uses such as landfill should not be planned in its vicinity. To overcome the problem of waste disposal, Singapore

had adopted a visionary planning concept by constructing an off-shore island known as Semaku Island for waste disposal;

Conclusion

- (n) while other government-led new town developments in Sheung Shui, Kwu Tung and Ma On Shan were comprehensively planned with provision of sufficient infrastructure and community facilities to serve the needs of residents, the LOHAS Park area with a planned population of about 100,000, which was comparable to that of a new town development, was poorly planned. There was a mismatch in the timing of provision of GIC facilities and population intake. It was unacceptable that the provision of basic GIC facilities in the area had been delayed for seven years;
- (o) MTRCL's delay in the implementation of the community facilities of LOHAS Park had caused much inconvenience to local residents. The Government, being the largest shareholders of MTRCL, should be held responsible for the company's poor planning; and
- (p) the Board should perform the role of a gatekeeper and should redress the planning mistake by reserving "G/IC" sites at suitable location to meet the basic needs of local residents.

36. The Chairman invited Ms Fong to take a short break and continue with her oral submission pursuant to the remaining two authorisations.

37. In response to Ms Fong's questions on the meeting arrangement and procedure, the Chairman said that the Q&A session would start right after the completion of Ms Fong's oral submission. The Q&A session was for Members to ask questions or seek clarifications from the government representatives, representers/commenter or their representatives, but not for the representers/commenter or their representatives to raise questions to Members or government representatives, or to debate with them.

[Dr C.P. Lau returned to join the meeting at this point.]

R320 – Yau Joyce

R335 - 甘鴻基

38. Ms Christine Fong made the following main points:

- (a) she reiterated that as there were alternative sites for data centre such as land within IE or Area 137, those sites in close proximity to residential developments should be reserved for provision of GIC facilities to serve local residents;
- (b) she reiterated her disagreement to the government department's response regarding the environmental radiation impact generated by the data centres as no comprehensive EIA nor medical assessment was conducted to demonstrate that the proposed data centre development would not cause adverse health impact on nearby residents;

Footbridge provision

- (c) currently, the residents of The Beaumont would prefer to commute to the MTR LOHAS Park Station by minibus which was environmentally unsustainable;
- (d) according to the approved MLP of LOHAS Park, two footbridges were proposed to connect the development with other sites to its east across Wan Po Road. While the southern one would be constructed by the future developer of the residential development to the east of Wan Po Road, the party responsible for the construction of the northern footbridge was yet to be worked out;
- (e) the Government should consider developing a municipal services building comprising an IRC, a public car park as well as other GIC facilities at the "G/IC" site at Shek Kok Road currently occupied by a

temporary metered car park (location plan was displayed). Moreover, the Government should also be responsible for constructing the northern footbridge such that a comprehensive footbridge system would be provided;

- (f) the construction of the footbridges across Wan Po Road would provide a continuous footbridge connection between The Beaumont and the MTR Station which would provide a convenient access for the residents as well as the workers of IE;
- (g) according to the approved development scheme of LOHAS Park in 1997, MTRCL was required to provide a public pedestrian access linking the MTR station through Phase 1 of the development. As stipulated under the lease, the owners of the Phase 1 development were required to bear 97% of the maintenance cost of the public pedestrian access including the elevators and escalators. The owners of the Phase 1 development, who only knew about such arrangement recently, were aggrieved and had lodged a complaint to the Legislative Council;

Conclusion

- (h) while the residents in Areas 85 and 86 had been suffering from adverse environmental impact generated from the existing landfill, the lack of ancillary and supporting community facilities including market, eating place, recreational facility and landscaped open space to serve their basic needs had further degraded their quality of life;
- (i) the use of the remaining two sites in Area 85 to meet the need for GIC facilities of local residents should take precedence over data centre development. Although the concerned departments might not have any plan for provision of public facilities in the area at the moment, it was important that suitable sites should be reserved for GIC uses first. Otherwise, the sites might be lost to other competing uses such as data centres; and

- (j) the Board was urged to request the concerned departments to plan and implement the GIC facilities under their purview as soon as practicable.

[Miss Winnie M.W. Wong left the meeting at this point.]

39. As the presentation from the representers/commenter or their representatives was completed, the Chairman invited questions from Members.

40. The Vice-chairman had the following questions:

Car parking provision

- (a) the number of car parking spaces in the temporary car park at Site 2;
- (b) whether the information stated in the Paper, i.e. upon full development, LOHAS Park would provide more than 5,000 residential car parking spaces and 300 public car parking spaces, was correct. Moreover, how many car parking spaces were provided in the existing development and the reason why the existing car parking provision was inadequate;
- (c) whether there was any specific requirement on provision of public car parking spaces in the future data centre development to address the shortage in car parking spaces of the area;

Data centre development

- (d) the estimated demand and supply of land for data centre developments in Hong Kong;
- (e) the rationale for concentrating data centres in TKO and the reason for locating the proposed data centres in Area 85 but not IE;
- (f) whether there were circumstances under which the non-ionising EMF radiation generated by the data centre would be harmful to humans; and

- (g) whether it was necessary to conduct technical assessments to demonstrate that the proposed data centre would not cause adverse health impacts.

41. In response to Vice-chairman's questions on car parking provision, Mr Ivan M.K. Chung, DPO/SKIs, made the following points:

- (a) there was at the moment no information on the number of parking spaces in the temporary car park;
- (b) details on the provision of car parking spaces for LOHAS Park upon full development were set out at Annex XI of the Paper. According to the latest approved MLP, LOHAS Park would provide 4,500 residential car parking spaces and 333 visitors car parking spaces. LOHAS Park, with an area of more than 30 ha, was a large-scale comprehensive development to be implemented by phases. Currently, there were about 1,580 car parking spaces within the existing developments; and
- (c) due to security reasons, it was unlikely that the car parking spaces within the future data centres would be open to the public.

42. Mr Donald C.K. Mak, Chief System Manager (Industry Facilitation) 2, OCGIO, made the following responses to the Vice-chairman's questions on data centre development:

- (a) with the rapid economic development in recent years, in particular for the financial, information and communications technology, e-commerce and media sectors, there was a drastic increase in demand for data centres. According to a consultancy study commissioned by his office in 2011, the estimated land requirement for data centre development in Hong Kong between 2011 to 2015 was about 5 ha. However, with rapid technological advancement over the past few years, there was a keen demand of data centres and 7 ha of land were taken up by the market between 2011 and 2013 in TKO IE alone, and the demand was on the rise. Based on the aforementioned consultancy study, it was estimated that

there would be on average an annual increase of 10% in demand of land for data centre development in Hong Kong;

- (b) in general, high-tier data centres had demanding site requirements including reliable supply of electricity power and water. More importantly, data centres required a very high security standard. It was unlikely that the car parking spaces within a data centre development could be open to the public;

- (c) TKO had an added locational advantage as there were a few major submarine cable landing stations next to the IE which was conducive to the provision of robust telecommunications infrastructure essential to data centre development. Over the years, territorial site search for data centre sites had been carried out by PlanD but only three sites in TKO had so far been identified. Currently, there was a cluster of 11 existing/planned high-tier data centres in TKOIE under the management of Hong Kong Science and Technology Park Corporation (HKSTPC). It was understood that after a recent review of the future development of IEs conducted by HKSTPC, the land in IE would no longer be granted to individual enterprises for data centre uses. Moreover, the restriction on subletting within IE was unable to fully meet the operational needs of many data centres. In that regard, provision of suitable data centre sites outside IE was necessary; and

- (d) radiation came from different sources and naturally existed in the environment. The impacts of radiation on humans would be contingent on the types and intensity of radiation. EMF radiation generated by computer equipment commonly found in data centres (i.e. computer servers) was non-ionizing and of very low intensity. According to the National Institute of Environmental Health Science of USA, non-ionizing EMF radiation was generally perceived as harmless to humans. The level of radiation would reduce rapidly with distance and should be lower than the mobile phones we were carrying. Besides, the data centre was a

self-enclosed structure. The spill-over effect of radiation to the outside environment would be extremely low.

43. Noting that LOHAS Park would provide a total of about 5,000 residential car parking spaces upon full development, a Member asked whether such provision was based on the ratio of 1 per 7 flats, and whether such ratio was universally applicable to all public and private housing developments.

44. Mr Ivan M.K. Chung said that according to the latest approved development schedule of LOHAS Park, the provision of car parking spaces for the development was based on a ratio of 1 per 5 to 7 flats, and this had been agreed to TD. In considering the appropriate car parking ratio for a specific development, TD would take into account factors such as average flat size of the residential development and its distance from MTR station. As LOHAS Park was a property development above the MTR station, it was TD's policy that local residents should rely on MTR as their major mode of transport and private cars would only play a supplementary role.

45. The same Member asked whether government departments had any plan to develop a wet market or other basic facilities at an accessible location to serve the daily needs of the existing and planned population of the local area. Mr Chung said that according to the latest approved development scheme, a commercial area of about 50,000m², including 1,800m² for supermarket use, would be provided within LOHAS Park. On the provision of wet market, FEHD was consulted and advised that building a new public market involved both land and public money and the Government would have to duly assess the demand for the market. FEHD had no plan to provide a wet market in Area 85 at present.

46. In response to a Member's enquiry on the timing of completion of those commercial facilities in LOHAS Park, Mr Chung said that the commercial facilities/shopping mall of the development was tendered successfully by MTRCL but he had no information on the latest implementation programme of the commercial facilities.

47. A Member asked whether the sites in Area 85 were the only available sites for data centre and whether alternative sites could be further identified. Mr Donald C.K. Mak

said that they had been working closely with PlanD in identifying suitable sites for data centre development in the past 4 to 5 years. Only the three sites in TKO were identified as suitable for data centre development. There were no alternatives at the moment.

48. On the understanding that sufficient ancillary and supporting facilities were planned in LOHAS Park to serve local residents and the main problem was a delay in the implementation of those supporting facilities to serve the present need of local residents, a Member asked if it was possible to develop some temporary community uses at the sites in Area 85 prior to the development of data centres in the long term.

49. Mr Chung said that a number of GIC facilities including IRC had been planned in LOHAS Park and such facilities would be implemented by phases to serve local residents. Currently, a community hall had been provided in the development. As temporary uses not exceeding 5 years on land within the OZP boundary were always permitted, it was possible to provide some community facilities at the sites on a temporary basis subject to support from concerned government departments and bureaux.

50. As the representers/commenter and the representer's representatives had finished their presentations and Members had no further question to raise, the Chairman said that the hearing procedures had been completed and the Board would deliberate on the representations in their absence and would inform them of the Board's decision in due course. The Chairman thanked them and the government's representatives for attending the hearing. They all left the meeting at this point.

Deliberation Session

51. Members noted that Dr C.P. Lau had left the meeting temporarily during the representers' presentation. After deliberation, Members agreed that Dr Lau should be allowed to stay in the meeting as the grounds raised by the representers or their representatives during his absence were similar to those raised by other representers, some of which had also been recapped during the question and answer sessions.

52. A Member, though sympathetic to the representers' grievances on the lack of

facilities to meet their basic needs, noted that there would be sufficient provision of community and car parking facilities to serve local residents in the long term upon full development of LOHAS Park. The Member considered that the issue was an implementation problem, rather than a planning problem, which was outside the purview of the Board. The sites in Area 85 were considered appropriate for data centre development having regard to its specific requirement of robust telecommunications infrastructure and submarine cable landing station, etc. as explained by OGCIO. Consideration should be given by concerned government departments to the provision of some community facilities to serve local residents in the interim.

53. Members noted that a main focus of discussion would be whether the sites in Area 85 were considered suitable for data centre development taking into account a number of considerations including land use compatibility, provision of transport and infrastructure, and potential impacts of the proposed development on the surrounding area. On those issues concerning the implementation of public facilities to serve local residents, PlanD would be prepared to convey the Board's views to concerned departments for consideration.

54. Mr K.K. Ling, Director of Planning, agreed with the Member's view that the existing issue was an implementation issue and Members' concern on the early implementation of public facilities would be conveyed to relevant departments for consideration. According to the latest development scheme approved by the Board, sufficient GIC facilities and car parking spaces would be provided in LOHAS Park and the level of provision was agreed by concerned government departments. LOHAS Park was a large-scale comprehensive residential development to be implemented by phases, and it would not be appropriate for the Board to control the implementation details of each phase. He noted that the proposed commercial facilities/shopping mall of the development had been successfully tendered out. On the lack of footbridge provision to connect the residential developments to the east of Wan Po Road and MTR station as raised by the representer (R2), two proposed footbridge links were already indicated on the approved MLP and the implementation details would need to be sorted out.

55. A Member remarked that the opposing views expressed by the representers in their oral and written submissions were mainly stemmed from the delayed implementation of

supporting facilities by MTRCL. Having regard to the existing/planned land uses in the vicinity of the sites including the proposed RTHK Broadcasting House and the IE to its south, it was considered that the sites in Area 85 were virtually an extension of the IE, and hence were suitable for data centre development. Regarding the representers' concern on the adverse health impact of the proposed data centres on local residents, the Member noted that, according to international standard, non-ionizing EMF radiation generated from the data centres was generally perceived as harmless to humans, and concerned departments had no objection to the proposed data centre development in TKO Area 85. No strong ground had been put forth to demonstrate that the above assessments were not acceptable. As most of the concerns raised by the representers were related to the implementation of public facilities which were not directly related to the amendment items under the OZP, those views should be conveyed to concerned departments for their consideration. Another Member shared the views and considered that it was not necessary to amend the Plan.

56. A Member agreed that the issues raised by the representers was not a land use planning problem but a mismatch in the timing of the provision of GIC facilities to serve the existing population. As sufficient GIC facilities had been planned in LOHAS Park to serve local residents, there was no strong justification to reserve the sites in Area 85 for provision of GIC facilities. However, the Member was sympathetic to local residents and opined that temporary footbridges might be constructed to improve the connectivity of the area and the vacant sites might be used for temporary market or car park uses to meet the demand of local residents. Although the provision of such temporary facilities was outside the ambit of the Board, the Board's views could be conveyed to concerned departments for follow up.

57. Another Member considered that the use of the sites in Area 85 for data centre development was acceptable and there was no strong justification to amend the Plan. Notwithstanding this, the provision of some GIC facilities in the long run but not in the near future could further increase the resentment of local residents towards the Government. To minimise confrontation, efforts should be made to address the basic needs of the local community as far as practicable. Concerned government departments should be requested to review the provision of GIC facilities under their purview and speed up the implementation of the planned facilities.

58. The Chairman recapped the main points of deliberations by Members as follows:
- (a) regarding the shortage of car parking spaces, Members noted that TD had no in-principle objection to terminating the tenancy for the temporary car parks. The residential developments in Areas 85 and 86 had been provided with the required number of parking spaces as stipulated under HKPSG and additional public car parking spaces would also be provided within the residential developments;
 - (b) regarding land contamination, Members noted that Site 3 was contamination free. Relevant parties/consultants were required to carry out land contamination assessment and take any necessary remediation work for Site 2 in compliance with relevant legislations;
 - (c) regarding environmental radiation and traffic aspects, Members noted that the non-ionizing EMF radiation generated by the data centre was generally perceived as harmless to humans. Moreover, detailed TIA had been conducted which indicated that the proposed data centre development would not create adverse traffic impact;
 - (d) regarding provision of GIC facilities, Members noted that there was no apparent shortfall of planned GIC facilities, or planned district and local open space provision in TKO. The comprehensive commercial and residential development in Area 86 (LOHAS Park) would provide some 50,000 m² of commercial uses and various community facilities including IRC to serve the local need. The commercial facilities/shopping mall was tendered successfully by MTRCL;
 - (e) Members also noted that the representers' views on the government land at Shek Kok Road, implementation of public facilities and Tiu Keng Leng Park in Area 72 and impacts of the implementation of TKO-LT Tunnel and CBL Projects, which were not directly related to the OZP amendments, had been conveyed to relevant departments for

consideration; and

- (f) Members generally considered that the sites in Area 85 were suitable for data centre development. They were, however, sympathetic to the representers' concerns on the current lack of GIC facilities to meet their immediate needs. While the concern was an implementation issue outside the ambit of the Board, Members considered that concerned departments should be requested to review and expedite the implementation of GIC facilities to meet the needs of local residents. The provision of such facilities on a temporary basis should also be considered.

59. Members then went through the suggested reasons for not upholding the representations as detailed in paragraph 8.2 of the Paper.

Representations No. R1 to R385

60. After deliberation, the Board noted Representation No. R1(part)'s support of Amendment Item A and decided not to uphold Representations No. R1(part), R2 to R385, and considered that the Plan should not be amended to meet the representations. The reasons were:

- “ (a) Sites 2 and 3 in Area 85 have been reserved for data centre development to foster development of data centres in Hong Kong and implement the Policy Address. These two sites are not required for the provision of public parking as the provision of car park facilities within the developments in Areas 85 and 86 will meet the provision standards as stipulated under the Hong Kong Planning Standards and Guidelines (HKPSG) (R1(part)), R2 to R382, and R383(part));
- (b) technical assessments for Sites 2 and 3 have confirmed that both sites are feasible for data centre developments without resulting in adverse environmental and traffic impacts on the surrounding areas. Site 3 is

contamination free and no decontamination is required whereas the contamination assessment and decontamination for Site 2 would be implemented, if necessary, in compliance with relevant legislation (R1(part), R2 to R171, and R383(part));

- (c) the existing and planned provision of Government, Institution or Community (GIC) facilities in Tseung Kwan O is generally sufficient to meet the demand of the planned population in accordance with the requirements of HKPSG. The sites (Sites 2 and 3) in Area 85 reserved for data centre developments are not required for other GIC uses (R2 to R382, and R383(part)); and
- (d) other views of R1(part), R383(part), R384 and R385 regarding the government land at Shek Kok Road, implementation of public facilities and Tiu Keng Leng Park in Area 72 and impacts of the implementation of Tseung Kwan O-Lam Tin Tunnel and Cross Bay Link Projects are not directly related to the amendments items and have been conveyed to relevant departments for consideration.”

61. Members also agreed that PlanD should be requested to convey to concerned government departments the views of the Board that the public facilities and public open space in TKO Area 72 should be implemented as far as practicable. Moreover, consideration should also be given by concerned government departments to providing some temporary facilities in Areas 85 and 86 to serve the need of the residents pending the permanent development of other GIC facilities in the area.

62. The meeting was adjourned for a lunch break at 1:35 p.m.

63. The meeting was resumed at 2:45 p.m.

64. The following Members and the Secretary were present at the resumed meeting:

Mr Michael W.L. Wong Chairman

Mr Stanley Y.F. Wong Vice-chairman

Mr Roger K.H. Luk

Professor S.C. Wong

Professor Eddie C.M. Hui

Dr W.K. Yau

Mr Ivan C.S. Fu

Ms Christina M. Lee

Mr H.F. Leung

Mr F.C. Chan

Mr David Y.T. Lui

Mr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Director of Lands
Ms Bernadette H.H. Linn

Principal Environmental Protection Officer (Metro Assessment)
Environmental Protection Department
Mr Ken Y.K. Wong

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

Director of Planning
Mr K.K. Ling

Hong Kong District

Agenda Item 4

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/H5/402

Proposed Hotel in “Residential (Group A)” zone, 209-219 Wan Chai Road, Hong Kong
(TPB Paper No. 9991)

[The meeting was conducted in Cantonese]

65. The following members had declared interests on the item:

Mr Patrick H.T. Lau]	having business dealings with
Mr Dominic K.K. Lam]	Lanbase Surveyors Ltd (consultant of the applicant)
Ms Julia M.K. Lau	-	owning two flats on Star Street
Mr Laurence L.J. Li	-	co-owning a flat near St. Francis Street with spouse
Mr Clarence W.C. Leung	-	co-owning a property on Queen’s Road East with spouse
Mr David Y.T. Lui	-	owning a flat on Star Street
Miss Winnie M.W. Wong	-	owning a flat on Kennedy Road, Wan Chai
Mr K.K. Ling	-	owning a flat on Queen’s Road East
Mr Stephen H.B. Yau	-	having his office at Southorn

Centre

66. Members noted that Miss Winnie M.W. Wong and Mr Stephen H.B. Yau had already left the meeting and Mr Patrick H.T. Lau, Mr Dominic K.K. Lam, Ms Julia M.K. Lau, Mr Laurence L.J. Li, and Mr Clarence W.C. Leung had tendered apologies for being unable to attend the meeting. As the properties of Mr David Y.T. Lui and Mr K.K. Ling had no direct view of the application site, Members agreed that they should be allowed to stay in the meeting.

Presentation and Question Sessions

67. The following representatives of the Planning Department (PlanD) and the applicant's representative were invited to the meeting:

Ms Ginger K.Y. Kiang	-	District Planning Officer/Hong Kong (DPO/HK), PlanD
Ms Josephine Y.M. Lo	-	Senior Town Planner/Hong Kong 3 (STP/HK3), PlanD
Mr Roy Cheung	-	Applicant's representative

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

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

69. With the aid of a Powerpoint presentation, Ms Ginger K.Y. Kiang, DPO/HK, PlanD presented the application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission for hotel use, which

involved additional hotel floor space by conversion of E&M facilities on 3/F and addition of three storeys on top of the existing 24-storey hotel building at the application site (the Site), which fell within an area zoned “Residential (Group A)” (“R(A)”) on the draft Wan Chai Outline Zoning Plan;

- (b) on 22.5.2015, the Metro Planning Committee (MPC) of the Town Planning Board (the Board) decided to reject the s.16 application for the reasons that the proposed hotel development, with a plot ratio (PR) of 14.997, was considered excessive and incompatible with the development density and building bulk within the “R(A)” zone, and approval of the application would set an undesirable precedent for similar hotel developments within the “R(A)” zone;

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

- (c) the applicant had not submitted any further written justifications in support of the review application;
- (d) departmental comments – comments from relevant government departments were detailed in paragraph 4 of the Paper. The Transport Department commented that the 58 additional guestrooms would not cause significant traffic impact on the nearby road network and assessment on traffic generation during construction stage was required. The Environmental Protection Department (EPD) advised that the traffic generated by the small number of additional guestrooms would unlikely cause air and traffic noise pollution. Relevant approval conditions in relation to sewerage impact, drainage impact and landscaping were required by EPD, the Drainage Services Department and PlanD respectively should the application be approved. Other concerned departments had no objection to or no comment on the review application;

- (e) the previous and similar applications were detailed in paragraphs 3.3 and 3.4 of the Paper;
- (f) public comments - two objecting comments by the locals were received on grounds that the proposed hotel would affect the neighbouring kindergarten in traffic terms and aggravate the traffic situation of the area; and the area around the Site was a traditional residential neighbourhood and hence the Site should not be developed for hotel use;
- (g) PlanD's Views - did not support the review application based on the planning considerations and assessments in paragraph 6 of the Paper, which were summarized below:
 - (i) the Site was rezoned from "Commercial/Residential" to "R(A)" in 2010 to reflect the existing predominant residential use of the area;
 - (ii) the proposed hotel development, involving increase in hotel floor space for an existing 24-storey hotel, was not considered incompatible with the surroundings in terms of land use;
 - (iii) since mid-2007, the Board had taken the view that a PR of about 12 was generally acceptable for hotel developments within "R(A)" zones on Hong Kong Island as the development intensity was more compatible with the residential developments with permitted PR up to 8 to 10; and
 - (iv) for the Wan Chai area, no hotel applications with a PR exceeding 12 within "R(A)" zone had been approved by the MPC, except three applications which involved in-situ conversion of existing commercial/office buildings to hotels without any increase in PR, site coverage and building height

of the existing buildings.

70. The Chairman then invited the applicant's representative to elaborate on the review application. Mr Roy Cheung made the following main points:

- (a) as there was no adverse departmental comment on the application, the proposed development was technically feasible; and
- (b) there were commercial developments with a PR of 15 to the opposite side and in the vicinity of the hotel. The proposal was compatible with the surroundings in terms of land use and development intensity. The approval of the subject application would not set a precedent as the proposal only involved addition and alteration of an existing hotel, which would be a unique case. Owing to the lease restrictions and other development constraints, the number of applications to be submitted in future for hotel developments in the "R(A)" zone with a PR of more than 12 would be very few. In order to avoid setting a precedent, relevant approval conditions could be imposed to specify that the approval was for addition and alteration of the existing hotel only but not for redevelopment.

71. As the presentation of the applicant's representative was completed, the Chairman invited questions from Members.

72. In response to a Member's question, Ms Kiang said that according to the Buildings Ordinance, the Site could be developed up to a PR of 15 if it was zoned "Commercial" ("C").

73. As Members had no further questions, the Chairman noted that the hearing procedures for the review application had been completed. The Board would further deliberate on the review application in the absence of the applicant's representative and inform the applicant of the Board's decision in due course. The Chairman thanked the representatives of PlanD and the applicant's representative for attending the meeting.

They all left the meeting at this point.

Deliberation

74. A Member said that the land use in the area was generally delineated by Wan Chai Road with the commercial area to the north and the residential area to the south. The subject hotel was situated in the residential area where the development intensity was, in general, restricted to a PR of 8 to 10. It was considered by MPC during the s.16 application stage that allowing the Site to be developed to a PR of nearly 15 would be tantamount to rezoning the Site to “C” without going through the plan making procedures and would set an undesirable precedent for other similar developments in the residential area. Another Member considered that there was no new justification provided by the applicant in the review application that would warrant a departure from the decision of MPC.

75. Members then went through the suggested reasons for rejection as detailed in paragraph 7.1 of the Paper. After deliberation, the Board decided to reject the application on review. The reasons for rejection were:

- “(a) the proposed hotel development, with a plot ratio of 14.997, is considered excessive and incompatible with the development density and building bulk within the “Residential (Group A)” (“R(A)”) zone; and
- (b) the approval of the application will set an undesirable precedent for similar hotel developments within the “R(A)” zone.”

Kowloon District

Agenda Item 5

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/K18/311

Proposed School (Kindergarten and Nursery) with Ancillary Staff Quarters in
“Residential (Group C) 3” zone, 4 Derby Road, Kowloon Tong, Kowloon
(TPB Paper No. 9992)

[The meeting was conducted in Cantonese]

76. The following Members had declared interests on the item:

- | | | |
|------------------------|---|--|
| Mr Michael W.L. Wong | - | having family member studying in Kowloon Tong |
| Mr Patrick H.T. Lau |] | having business dealings with |
| Mr Dominic K.K. Lam |] | Kenneth To & Associates Ltd
(consultant of the applicant) |
| Ms Julia M.K. Lau | - | having family members living in Waterloo Road, Kowloon Tong and being the director of a company that owned a property in Kowloon Tong |
| Mr Clarence W.C. Leung | - | living on La Salle Road |
| Ms Christina M. Lee | - | owning two blocks and six parking spaces at Durham Road and her close relative owning a property on Cumberland Road leased to a kindergarten |

Mr David Y.T. Lui	- owning a flat in Yau Yat Chuen
Ms Janice W.M. Lai	- spouse and herself each owning a flat on Earl Street
Mr H.W. Cheung	- owning a flat at Parc Oasis
Mr Peter K.T. Yuen	- co-owning with spouse a flat at Parc Oasis
Dr Lawrence W.C. Poon	- living in the quarters of the City University of Hong Kong in Kowloon Tong

77. Since the interests of the Chairman and Ms Christina M. Lee's close relative were direct, Members agreed that they should leave the meeting temporarily for the item. The Vice-chairman took up chairmanship of the meeting at this point.

[Mr Michael W.L. Wong and Ms Christina M. Lee left the meeting temporarily at this point.]

78. Members noted that Ms Janice W.M. Lai had already left the meeting and Ms Julia M.K. Lau, Mr Clarence W.C. Leung, Mr H.W. Cheung, Mr Patrick H.T. Lau and Mr Dominic K.K. Lam had tendered apologies for being unable to attend the meeting. As the properties of Mr David Y.T. Lui, Mr Peter K.T. Yuen and the quarters in which Dr Lawrence W.C. Poon lived had no direct view of the application site, Members agreed that they should be allowed to stay in the meeting.

Presentation and Question Sessions

79. The following representatives from government departments and the applicant's representatives were invited to the meeting at this point:

Mr Tom C.K. Yip	-	District Planning Officer/Kowloon, Planning Department (DPO/K, PlanD)
Mr Franky C.W. Wong	-	Patrol Sub-Unit 1 (Enforcement & Control Division) (Traffic Kowloon West), Hong Kong Police Force (HKPF)
Ms Florence Tracy Wong	-	Patrol Sub-Unit Commander 3 (Kowloon City Division), HKPF
Mr Ng Chuen Ming	-	Officer-in-charge, District Traffic Team, Kowloon City District, HKPF
Mr Patrick C.W. Cheung	-	Engineer/Kowloon City, Transport Department (E/KC, TD)
Mr Kenneth To	}	
Ms Gladys S.N. NG	}	Applicant's representatives
Mr Kim Chin	}	

80. The Vice-chairman extended a welcome and explained the procedure of the review hearing. He then invited DPO/K, PlanD to brief Members on the review application.

81. With the aid of a Powerpoint presentation, Mr Tom C.K. Yip, DPO/K, PlanD, presented the application and covered the following main points as detailed in the Paper:

- (a) the applicant proposed to develop a school (kindergarten and nursery) of 13 classes (8 for kindergarten and 5 for nursery) for 600 students (300 each in the am and pm sessions) with ancillary staff quarters at the application site (the Site), which was occupied by a 3-storey

vacant building and was zoned “Residential (Group C)3” (“R(C)3”) on the draft Kowloon Tong Outline Zoning Plan (OZP);

- (b) on 17.4.2015, the Metro Planning Committee (MPC) of the Town Planning Board (the Board) decided to reject the application and the reasons were that the applicant had failed to provide the requested information for thorough assessment on the traffic impact; there were uncertainties on the implementability and enforceability of the traffic mitigation measures; the traffic congestion problem in the area was serious; and approval of the application would set an undesirable precedent for similar applications;

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

- (c) the justifications put forth by the applicant in support of the review application were that the applicant would strictly follow the traffic mitigation policies; the “implementability and enforceability” of the mitigation measures had been shown viable in two kindergartens; the Sensitivity Test Report concluded that with a maximum non-compliance rate of 4%, no foreseeable traffic congestion problem was anticipated; and the applicant was prepared to accept an approval condition which required the submission of a quarterly monitoring report to demonstrate that the traffic mitigation measures were implemented strictly and effectively;
- (d) departmental comments – comments from relevant government departments were detailed in paragraph 5 of the Paper and they were summarized as follows:

TD

- (i) the traffic impact due to kerbside pick-up/drop-off activities would reduce the effective capacity of the surrounding streets;

- (ii) significant traffic impact was unlikely to be caused if the proposed mitigation measures were effectively implemented;
- (iii) the applicant needed to explain to the Board how the mitigation measures would be effectively implemented;
- (iv) the applicant was required to submit bi-monthly monitoring reports;

HKPF

- (v) traffic at Derby Road, Waterloo Road, Oxford Road and the nearby area was very busy due to pick-up/drop-off activities by school buses and private cars;
- (vi) it was the liberty of the students to choose their mode of transportation;
- (vii) as the proposal might impose negative impact on the traffic flow, they maintained their reservation on the application;

Education Bureau (EDB)

- (viii) the imposition of conditions on the school registration for termination of the kindergarten was not supported;
- (ix) benefits of the students would be adversely affected for a termination of the school operation in the middle of a school year in case the planning permission was revoked;

Lands Department (LandsD)

- (x) suitable conditions might be imposed for the traffic mitigation measures during the lease modification stage if the application was approved although tailor-made conditions were not preferred;
- (xi) lease enforcement actions, e.g. re-entry of the premises, could be taken if the lease was in breach of;

Urban Design & Landscape Section, PlanD

- (xii) setting back the basement carpark to allow tree planting along Chester Road and Derby Road should be considered;

Other concerned departments

- (xiii) they had either no in-principle objection to or no comment on the application;
- (e) public comments - during the s.16 application stage, 82 objecting public comments were received, while 88 objecting comments were received in the s.17 review stage. Their major views were summarised as follows:
- (i) the supply of schools in the area was excessive;
 - (ii) the increase of schools would aggravate the noise and traffic issues and cause uncontrollable situations;
 - (iii) there was only one entrance to the area from Flint Road. The circuit could not possibly cope with more traffic from a new kindergarten;
 - (iv) the application could not be compared with York International

Kindergarten and German Swiss International School as the proposed school differed in geographical environment, school ethos and quality;

- (v) the proposed traffic mitigation policies would face difficulties in implementation and regulation;
 - (vi) the applicant's proposal in submitting quarterly monitoring report was useless in solving the traffic issues in the area; and
 - (vii) the validity of the traffic impact assessment (TIA) and Sensitivity Test was questionable in terms of the data collected and the assumptions made;
- (f) PlanD's view - did not support the review application based on the planning considerations and assessments as set out in paragraph 7 of the Paper, which were summarized below:

Traffic Impacts

- (i) TD maintained its reservation on the proposal, noting that whether there would be significant traffic impacts depended on how effective the mitigation measures were implemented;
- (ii) the Commissioner of Police (C of P) maintained his reservation on the proposal which would worsen the already saturated traffic condition in the vicinity of the Site;

Implementability and Enforcement Issues

- (iii) the applicant had not satisfactorily addressed the concerns of C of P. As the proposal was for a permanent kindergarten, the applicant should demonstrate beyond doubt that the traffic

impact of the proposed development would be acceptable, instead of merely relying on compliance of relevant approval conditions;

Undesirable Precedent

- (iv) since 2001, there was only one similar application No. A/K18/310 for temporary school (kindergarten) approved in the Kowloon Tsai area to the east of Waterloo Road due to its special condition. Approval of the application without satisfactorily addressing the traffic problem would set an undesirable precedent for similar applications; and

Public Comments

- (v) the 88 public comments received all objected to the application. They were concerned about the possible adverse traffic impacts and the effectiveness, implementability and enforceability of the proposed traffic mitigation measures.

82. The Vice-chairman then invited the applicant's representatives to elaborate on the review application. With the aid of a Powerpoint presentation, Mr Kenneth To and Mr Kim Chin made the following main points:

- (a) the applicant, the New Loyal (China) Limited, had operated the 'Wisdom Anglo-Chinese Kindergarten & International Play School' in Tsuen Wan for 26 years and was about to open an international nursery in end 2015. The proposed kindergarten under review application in a self-owned property of the applicant would be operated, managed and monitored by the applicant directly;
- (b) the Site was situated to the east of Waterloo Road. Unlike the area to the north of Lancashire Road, which was predominantly occupied

by residential developments, the Site on the southern side of Lancashire Road was situated in the midst of a Government, Institution and Community (GIC) cluster. Pictures taken at 8:00 am in the morning of 11.9.2015 (i.e. the date of the Board's meeting) on Derby Road showed that traffic was not as busy as perceived;

- (c) noting that there were kindergartens, schools and churches in the vicinity of the Site, it was stated in the MPC Paper of the s.16 application of the subject case that the proposed use was considered not incompatible with the surrounding land uses;
- (d) instead of converting the existing building into a kindergarten, the building on the Site would be demolished and a new tailor-made building would be built with a basement for parking of school buses;
- (e) the applicant's responses to the rejection reason for the s.16 application with respect to the implementability and enforceability of the three proposed traffic mitigation measures were as follows:

Staggered school hours

- (i) the school starting time at 8:00 am and 1:00 pm for the morning and afternoon sessions respectively was determined after taking into account the starting time of the five schools in the vicinity of the Site. There was no overlapping of the starting and finishing time of the proposed kindergarten with any school nearby and a traffic survey showed that the number of vehicles parked at Chester Road was the least at the proposed starting and finishing time of the proposed kindergarten;

School-bus-only policy

- (ii) three schools, namely the Hong Kong Preschool, the German

Swiss International School and the York Kindergarten had implemented the school-bus-only policy. In the promotion pamphlet of the Hong Kong Preschool, students must use school bus services unless they walked to school;

- (iii) the non-compliance rates of the Hong Kong Preschool on 15.4.2015 and the German Swiss International School on 8.1.2014 were 0.8% and 0.7% respectively. As for the York Kindergarten, the non-compliance rate had decreased from 4% in 2012 to 0.2% in 2013. As such, the school-bus-only policy was implementable and its success hinged on the applicant's determination;

In-campus pick-up/drop off

- (iv) other than two taxi parking spaces on the ground floor of the school, the nine school bus parking spaces were provided in the basement;
- (v) as requested by TD, a sensitivity test had been undertaken to test the effectiveness of the proposed traffic mitigation measures and whether the relevant sections of Chester Road would be adversely affected in case of non-compliance of the school-bus-only policy. A video clip was shown to illustrate the kerbside activities along the relevant sections of Chester Road from 7:35 am to 8:10 am on 10.9.2015;
- (f) TD had indicated that the traffic impact generated from the school operation would unlikely be significant with the effective implementation of the proposed mitigation measures and if the measures were effective to curb the potential traffic congestion problem, approval of the application would not set an undesirable precedent for similar applications;

- (g) the applicant was prepared to accept the proposed approval conditions (a), (b) and (h) as stated in paragraph 8.2 of the Paper in respect of the implementation of the traffic mitigation measures, the submission of bi-monthly monitoring reports and revocation of the approval for non-compliance with approval conditions (a) and (b);
- (h) it had been demonstrated that through the special school design and the implementation of the mitigation measures, there would not be traffic congestion problems and the situation could be monitored through the submission of bi-monthly reports. The sensitivity test also proved that the maximum allowable non-compliance rate was 4%;
- (i) to address the concerns of PlanD that non-compliance of relevant approval conditions would lead to revocation of planning approval in the middle of a school year, it should be noted that the proposed school was a substantial investment to the applicant and they would at all cost avoid a cancellation of the school licence due to revocation of planning permission. They would strictly enforce the school-bus-only policy and would decline the enrolment applications of students if their parents refused to sign the school-bus-only agreement.

[Mr Martin W.C. Kwan left the meeting at this point.]

83. As the presentation of the applicant's representatives was completed, the Vice-chairman invited questions from Members.

84. The Vice-chairman asked how the non-compliance rate of 4% of a school quoted in the presentation was derived; and whether the calculation included only those students committed to take school bus to school or all students including those who walked to the school. As the school would start early in the morning at 8:00 am

and school bus usually detoured to pick up students in different districts, parents might choose to drive and drop their kids close to the school for them to walk to the school so that their kids would not need to get up too early to catch the school bus. That would get around the school-bus-only policy. The Vice-chairman asked whether there were measures to prevent that happening. In response, Mr Kim Chin said that staff would be stationed at the school entrance to count the number of students who got aboard or alighted from school buses and deployed along the access road some 50 to 100m from the school to count the students who walked to school. As Flint Road was a narrow road allowing no parking of cars, with the aid of a plan shown on the Powerpoint, Mr Chin said that the survey on student who walked to school would be carried out on the section of Chester Road bounded by Derby Road on the north and Flint Road on the south.

85. In response to a Member's question on how the flow of nine school buses in and out of the campus be possible, with the aid of a plan on the Powerpoint, Mr Chin illustrated school buses came into the campus through the run-in at Chester Road and then got out through the run-out at Derby Road. The Member also asked how the PR of 1.5 of the proposed development was derived, noting that there would be a basement car park and another three storeys, including one for staff residence, above-ground. In response, Mr Kenneth To said that subject to the Buildings Department's views, the basement carpark would be exempted from calculation of the Gross Floor Area.

86. A Member noted that a large staff quarters and a swimming pool for the Principal was included in the proposal and asked whether the Principal of the school would be responsible for the subject school of 600 students alone or for some other schools as well. In response, Mr To said that he could not answer on behalf of the applicant on that question. He said that instead of renting a place for the proposed kindergarten development, the applicant chose to use the site he/she owned for a school as well as a place to live in. In response to the Member's question on the ratio of students living within and outside Kowloon Tong, Mr To said that the applicant would not preset such a ratio.

87. As Members had no further questions, the Vice-chairman indicated that the hearing procedures for the review applications had been completed. The Board would further deliberate on the review application in the absence of the applicant's representatives and inform the applicant of the Board's decision in due course. The Vice-chairman thanked the representatives of the government departments and the applicant's representatives for attending the meeting. They all left the meeting at this point.

Deliberation

88. A Member said that the applicant had not addressed the concerns of the MPC. Even if the Site was in a GIC cluster, it did not justify changing the Site from residential use to school use, otherwise the traffic problems found on the western side of Waterloo Road would be repeated in this part of Kowloon Tong. It was estimated that about 50% of the kindergartens in the Kowloon City district were found in Kowloon Tong. Most of those kindergartens served students living outside the area. Besides, the proliferation of kindergartens in Kowloon Tong had changed the character of the Kowloon Tong Garden Estate, which was intended primarily for residential use. Even if the approval of a single kindergarten in the area might not generate significant traffic impacts, the concern was on the cumulative impacts and the setting of an undesirable precedent for similar applications if the application under review was approved. As the Board had been adopting a more cautious approach in approving applications for kindergarten on the western side of Waterloo Road, the same approach should apply to consideration of applications on the eastern side of Waterloo Road.

89. The Vice-chairman considered that provision of GIC facilities, such as schools, should be commensurate with the population of the area. Sufficient schools should be made available in each district to meet the local demand. Provision of kindergartens in Kowloon Tong was extremely excessive and there was no planning intention of turning the area into a kindergarten cluster. No application for new kindergarten in Kowloon Tong to the west of Waterloo Road had been approved since the traffic problems caused by the rampant proliferation of kindergartens in the area

were noted. Renewal of temporary approval would only be considered under exceptional circumstances and only if appropriate traffic mitigation measures were in place. Further proliferation of kindergartens in Kowloon Tong which served mainly students outside the area should be discouraged.

90. A Member considered that the most direct routing to the proposed kindergarten from Boundary Street was through Ho Tung Road and Flint Road. These roads were narrow and could hardly support the traffic to be generated by the proposed nine school buses. Besides, approval for two vehicular ingress and egress points for a site was rare and the applicant had not provided sufficient information to justify the staff quarters of the proposed development and how the traffic issues could be tackled. Four other Members agreed that the access road to the Site was too narrow to support the proposal. Double parking along the existing road was already very serious and any incident could block the smooth flow of the school buses. Another Member also considered that there was difficulty in implementing the staggered school hours policy. A change of the school hours of the nearby schools might render the policy ineffective. In summary, the Vice-chairman said that Members generally had reservation on allowing uses that would adversely affect the traffic in the area and had doubts on the effectiveness of the three proposed traffic mitigation measures.

91. Members then went through the suggested reasons for rejection as detailed in paragraph 8.1 of the Paper. After deliberation, the Board decided to reject the application on review. The reasons for rejection were:

- “(a) the proposed development is located on Derby Road/Chester Road with narrow width and busy traffic at school peak hours. It has not been demonstrated that the traffic impact of the proposed development on the area is acceptable. Besides, there are uncertainties on the implementability and enforceability of the traffic mitigation measures proposed by the applicant; and
- (b) the traffic congestion problem in the area is already serious at school peak hours. The approval of the application will set an undesirable

precedent for similar applications in the area. The cumulative effect of approving such similar applications will aggravate the traffic congestion problem of the area at school peak hours.”

[The meeting was adjourned for a short break of 5 minutes.]

[Mr David Y.T. Lui, Mr Frankie W.C Yeung and Mr H.F. Leung left the meeting while Mr Michael W.L. Wong and Ms Christina M. Lee returned to the meeting at this point.]

Sha Tin, Tai Po and North District

Agenda Item 6

[Open meeting (Presentation and Question Sessions only)]

Consideration of Representation and Comments in respect of the Draft Sha Tin Outline Zoning Plan No. S/ST/31
(TPB Paper No. 9990)

[The meeting was conducted in Cantonese.]

92. The following Members had declared interests on the item:

- | | |
|--------------------------|--|
| Mr Clarence W.C. Leung | - his spouse owning a flat at Fo Tan |
| Mr Frankie W.C. Yeung | - co-owning a flat with spouse at Sui Wo Road, Sha Tin |
| Professor K.C. Chau | - owning a flat at Royal Ascot |
| Professor Eddie C.M. Hui | - owning a flat at Shatin City One |
| Ms Christina M. Lee | - her spouse owning a flat at Mei Tin Road, Tai Wai |

Dr Lawrence W.C. Poon - having parents, brothers and sisters living in Sha Tin

Mr Ken Y.K. Wong - his spouse owning a property at Lai Ping Road, Kau To Shan

93. Since the property of Mr Ken Y.K. Wong's spouse was close to one of the representation sites, his interest was direct and Members agreed that Mr Wong should leave the meeting temporarily for this item. Members noted that Mr Frankie W.C. Yeung had already left the meeting, and Mr Clarence W.C. Leung and Professor K.C. Chau had tendered apologies for being unable to attend the meeting. As the properties of Professor Eddie C.M. Hui, Ms Christina M. Lee's spouse and Dr Lawrence W.C. Poon's family members had no direct view of the representation sites, Members agreed that they should be allowed to stay in the meeting.

[Mr Ken Y.K. Wong left the meeting at this point.]

Presentation and Question Sessions

94. The Chairman said that reasonable notice had been given to the representer and commenters to invite them to attend the hearing. Members agreed to proceed with the hearing of the representation in the absence of the other representer and commenters who had indicated that they would not attend or made no reply to the invitation to the hearing.

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

Mr C.K. Soh - District Planning Officer/Shau Tin, Tai Po and North, Planning Department (DPO/STN,

PlanD)

Mr C.K. Tsang - Senior Town Planner/Shan Tin (STP/ST), PlanD

Mr John T.T. Kwok - Senior Landscape Architect, Tree Unit, Lands
Department (SLA/TU, LandsD)

C3-環保觸覺

Mr Tam Hoi Pong - Commenter's representative

96. The Chairman extended a welcome and explained the procedures of the hearing. He then invited the representatives of PlanD to brief Members on the background to the representation.

[Mr Philip S.L. Kan left the meeting at this point.]

97. With the aid of a Powerpoint presentation, Mr C.K. Tsang, STP/ST, PlanD, made the following main points as detailed in the Paper:

Corrigendum

- (a) 'paragraph 5' as stated in paragraph 8.1 of the Paper should read 'paragraph 6';

Introduction

- (b) on 17.4.2015, the draft Shan Tin Outline Zoning Plan (OZP) No. S/ST/31 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The amendments were:

- (i) rezoning of a site at Au Pui Wan Street from “Industrial” (“I”) to “Residential (Group A)5” with stipulation of a building height restriction (BHR) of 140mPD (Item A1);
- (ii) rezoning of a site at Sham Mei Street from “I” to “Other Specified Uses” annotated “Petrol Filling Station” (Item A2);
- (iii) rezoning of a site at Lai Ping Road (Site B) from “Green Belt” (“GB”) to “Residential (Group B)2” (“R(B)2”) with stipulation of a BHR of 140mPD (Item B);
- (iv) rezoning of a site north of To Shek Reservoir (Site C) from “GB” to “R(B)2” with stipulation of a BHR of 120mPD (Item C);
- (v) rezoning of a site near Tai Po Road – Sha Tin Heights (Site D) from “GB” to “Residential (Group B)3” (“R(B)3”) with stipulation of a BHR of 160mPD (Item D); and
- (vi) amendments to the Notes of the Plan;

Representation and Comments

- (c) one representation submitted by Designing Hong Kong Limited (R1) and three comments submitted by Kadoorie Farm & Botanic Garden Corporation (C1), an individual (C2) and Green Sense (C3) were received. The representation objected to Amendment Items B to D of rezoning “GB” for private housing developments. The three comments supported the representation;

Grounds of Representation (R1) and Responses

- (d) the main grounds of the representation were summarized in paragraph

2.2 of the Paper. Concerned government bureau and departments had been consulted on the representation and comments and their latest assessments were set out in the responses summarized in paragraph 6.2 of the Paper. The main grounds of representation and departmental responses were highlighted below:

Government policies and housing land supply

- (e) rezoning of “GB” for development was contrary to the planning intention of the “GB” zone;
- (f) the responses to the above ground were:
 - (i) land suitable for development was scarce in Hong Kong and there was a need to optimize the use of land available to meet the increasing housing demand;
 - (ii) the subject sites locating in or near the fringe of developed area with infrastructure and supporting facilities nearby and having less buffering effect and been formed/partially formed were considered suitable for housing developments;

Public consultation and planning procedures

- (g) a public consultation on rezoning “GB” as a whole should be conducted first;
- (h) the responses to the above ground were:
 - (i) following the established procedures, relevant government departments and the Development and Housing Committee (DHC) of Sha Tin District Council (STDC) had been consulted and their views had been reported to the Rural and New Town Planning

Committee (RNTPC) to facilitate the consideration of the rezoning proposals;

- (ii) upon exhibition of the draft OZP, the public could submit representations and comments on representations in accordance with the provisions of the Ordinance. All presenter/commenters were invited to the meeting to present their views. The statutory and administrative procedures in consulting the public on the zoning amendments had been duly followed;

Preservation of “GB” zone, tree felling, landscape impact and ecological value of “GB” zone being underplayed

- (i) rezoning land reserved for conservation uses for development would directly affect the surroundings. Some of the concerned areas were covered with vegetation which had matured through natural succession and connected to well-wooded green belt. The ecological value of “GB” should not be underplayed;
- (j) the responses to the above ground were:
 - (i) no sites of conservation interest were located within or in proximity to the sites and the Director of Agriculture, Fisheries and Conservation (DAFC) had no objection to the proposals;
 - (ii) according to the tree surveys conducted, there were 58, 278 and 100 trees on Sites B, C and D respectively. Trees found in those sites were mainly exotic or common species and there was no registered Old and Valuable Trees or Potentially Registrable Trees. Two trees of particular value (i.e. an *Ixonanthes reticulata* and an *Aquilaria sinensis*) were found at Site C; and

- (iii) tree preservation clause would be considered in the land grant documents of the three sites as appropriate;

Lack of technical assessments and adverse impacts

- (k) no approval should be granted without thorough assessments on the environment, traffic, noise, air ventilation, geotechnical and landscape aspects, etc;
- (l) the responses to the above ground were:
 - (i) technical reviews were conducted by relevant government departments. They confirmed that the proposed private housing developments would not cause insurmountable problems on the traffic, environmental, drainage, sewerage and water supplies aspects;

Visual and Landscape Aspects

- (ii) the visual appraisal conducted by PlanD had examined the possible visual impact of the proposed developments in terms of scale and spatial relationship with the surrounding environment, and concluded that the proposed medium-density private housing developments would not be visually incompatible with the surrounding areas;

Air Ventilation Aspect

- (iii) as the sites were located in upland open areas, the proposed developments would not result in major adverse impact on air ventilation;

Risk Assessment

- (iv) it was confirmed in the Quantitative Risk Assessment for the proposed residential development at Site D with regard to the Sha Tin Water Treatment Works in the vicinity that the risk level was acceptable;

Site B

- (m) the slope and road works for development at the site would affect the slopes outside the rezoning boundary, hence the impact on “GB” would be far more than expected;
- (n) the response to the above ground was that Head, Geotechnical Engineering Office, Civil Engineering and Development Department confirmed that there was no geotechnical problem arising from the proposed development. The site was partly formed and no tree of particular value had been identified;

Site C

- (o) it was located next to a reservoir and might not be able to accommodate more infrastructure including drainage and sewerage pipes;
- (p) the response to the above ground was that it was concluded in the technical review conducted by relevant departments that the proposed housing development would not cause insurmountable problem on infrastructural (including drainage and sewerage) aspects. Drainage connection would be provided along the access road to the site;

Site D

- (q) a planning application (No. A/ST/743) near the site was rejected previously due to the concerns on adverse impact on the adjacent “GB”

and such consideration should be applicable to the current rezoning;

- (r) the response to the above ground was that application No. A/ST/743 was for a private garden (ancillary to the adjoining houses) on a piece of government land accessible to serve as a passive recreational outlet for public enjoyment. The applicant had not provided strong justifications to substantiate the proposed private garden. The circumstances and planning considerations were totally different from those of Site D;

Comments on representation

Grounds of Comments and Responses

- (s) commenters C1 and C3 supported the representation R1 on grounds similar to those raised in the representation and the above responses to the representation were relevant;
- (t) in addition, commenter C1 considered that the Government should fully respect the principles of the Convention on Biological Diversity (CBD) including the protection and conservation of natural habitats;
- (u) the response to the above ground was that DAFC advised that Hong Kong's existing nature conservation policy and measures were generally in line with the objectives of the CBD. Development/rezoning proposals that complied with the relevant requirements would not be considered as contravening the objectives of the CBD;
- (v) commenter C2 opposed against Amendment Items B, C and D in view of the inadequacy of medical /healthcare facilities in the area;
- (w) the response to the above ground was that three clinics/polyclinics in

Sha Tin and two sites at Areas 2B & 25 of Tai Wai had been reserved for clinic development. The provision was adequate to meet the planned population of Sha Tin. There were plans for development of a teaching hospital in the Chinese University of Hong Kong and expansion of the Prince of Wales Hospital;

PlanD's view

- (x) PlanD's views of not supporting R1 and the reasons that the Plan should not be amended were summarized in paragraph 8 of the Paper.

98. The Chairman then invited the commenter's representative to elaborate on their comment.

C3 – 環保觸覺

99. With the aid of a Powerpoint presentation and the visualizer, Mr Tam Hoi Pong made the following main points:

Rezoning "GB" sites

- (a) Green Sense objected to the large-scale Stage 2 rezoning of "GB" sites for housing. The Government proposed to rezone 70 "GB" sites, half of which were for public housing and another half for private luxury housing;
- (b) such "GB" rezoning had been extended from Tuen Mun to Tai Po and currently to Sha Tin. Despite repeated requests, the Chief Executive (CE) and the Secretary for Development made no response to invitations of the Green Groups for discussion on the rezoning exercise and the Green Groups were not consulted on the rezoning. PlanD only consulted District Councils (DCs) on a piecemeal basis and that was unacceptable;

- (c) an example of more proper consultations and planning would be the planning for Tung Chung New Town Extension. Multi-staged public consultations were undertaken and refinements to the proposals (including preservation of Ma Wan Chung village) were made in response to public views. Similarly, in the case of the study on reclamation outside the Victory Harbour, there were various stages of public consultations to set the direction for actions, identify the potential sites and shortlist the sites for detailed studies;

- (d) for the current large-scale rezoning of “GB” sites, the CE unilaterally announced the exercise without consulting the public. No technical assessment reports for the 70 sites had been published and only DCs were consulted at a late stage. Except two sites in Tai Po, the Board had agreed to all the rezoning proposals. It was disappointing that the rezoning of a site in Stanley, which was densely covered with trees, for residential use had been agreed in the last meeting of the Board. The standard set by the Agriculture, Fisheries and Conservation Department (AFCD) that only species of particular value were to be preserved could not provide adequate protection against tree felling;

- (e) the site in Stanley and the subject three representation sites in Sha Tin were for luxury housing. Rezoning of these sites was not in public interest. While Green Sense had no objection to the rezoning of abandoned and formed “GB” sites, tree felling involved in other “GB” sites should only be considered based on overriding public interest;

Impracticability of LandsD’s Practice Note No. 7/2007 on “Tree Preservation and Tree Removal Application for Private Projects” (PN 7/2007)

- (f) PN 7/2007 was intended to give general guidelines for site development, it was not applicable to sites densely covered with

vegetation;

- (g) the impracticability of PN 7/2007 was demonstrated by a case in Ho Man Tin for luxury residential development. The tree experts in the Government had to yield to the developer's request for felling all the 450 trees of the site, save only two for transplanting. If PN 7/2007 was not effective in preserving trees in the Ho Man Tin site, it would be useless for the subject representation sites which were densely covered by trees;
- (h) Hong Kong Property Review 2015 revealed that the vacancy rate of large residential units was 7.9%. In view of the high vacancy rate, there was no reason for the Government to proceed with the site in Stanley and the three representation sites in Sha Tin, which were densely covered with trees. Such developments were for luxury residential development, not for public interest;

The three representation sites

- (i) all the three representation sites were for luxury residential development and should be objected to;

Site B

- (j) as the site was not very densely vegetated, consideration should be given to setting back the northern boundary of the site by some 5 to 10m to minimize the number of trees to be affected;

Site C

- (k) he would have no objection if the site, which was close to Shui Chuen O Estate, was for public housing. Development of the site for private housing would yield no public benefits;

- (l) the rezoning of the site was objected to since there were no technical assessment reports available for public inspection and the site was close to AFCD's New Territories South Animal Management Centre and Sha Tin Plant Quarantine Station. These facilities were likely to attract a lot of complaints from the future residents of the site. Besides, it was mentioned in paragraph 6.2.2 of the Paper that there were two trees of particular value, i.e an *Ixonanthes reticulate* and an *Aquilaria sinensis* within the site, which were shown as T18 and T278 on Plan H-2B of the Paper. Since T18 was in the middle of the site, it was doomed to be felled and although T278 was at the fringe, the chance of it being felled was still high. It was considered that the felling of hundreds of trees for private housing was unjustified;

Site D

- (m) there was strong objection to the rezoning of the site since it was densely covered by trees. Developing vegetated land for luxury residential development yielded no public benefit;

Further Observations

- (n) given the high percentage of official Members in the Board, it would constitute a conflict of interest for those official Members when items relating to government policy were discussed;
- (o) Members should have a planning vision and be impartial in making planning decisions. The agreement of the Board for rezoning the site in Stanley was unreasonable and he would file a judicial review (JR) against the Board's decision;
- (p) it was a vicious cycle whereby the public would object to, but the Board would still approve, the rezoning, and the public would then

lodge JR against the Board's decision. There had been seven JR cases so far representing a 'collective waste of time' in handling the cases; and

- (q) if the Board approved the rezoning of the sites for private residential developments, relying on the ineffective PN 7/2007 and ignoring the potential loss of the two trees of particular value in Site C, it would be a wrong planning decision.

100. As the presentation of C3 was completed, the Chairman invited questions from Members. As Members raised no question, the Chairman said that the hearing procedure had been completed and the Board would deliberate on the representation in the absence of the commenter's representative and would inform the representer and commenters of the Board's decision in due course. The Chairman thanked the representatives of the government departments and the commenter's representative for attending the hearing. They all left the meeting at this point.

Deliberation

101. A Member said that the proposal of the commenter's representative of adjusting the boundary of Site B to avoid encroachment onto an area densely covered by trees could be further considered at a later stage when the exact boundaries of the sale site were drawn up. Although the objectives of the "GB" rezoning exercise were well appreciated, the request for more information on trees being affected should be noted. Relevant departments might consider providing more information in that aspect in future when rezoning of "GB" sites was considered.

102. The Vice-chairman said that it appeared that some representers or commenters would tend to object to rezoning proposals if the sites were not used for public housing. It should be noted that the provision of private housing was also in the public interest. He also observed that the three representation sites in general complied with the assessment criteria of the second stage "GB" review.

103. A Member considered that the use of the three representation sites, which were relatively less convenient, for private housing might help to allow sites better served by public transport to be set aside for public housing. He agreed with the Vice-chairman's view that making land available for private housing development was also in public interest.

104. Mr K.K. Ling, Director of Planning, said that the rationale of providing different types of housing was to meet the needs of different people. There were some 15,000 hectares of land zoned "GB" on the OZPs and only 1% of those areas, which were less vegetated, previously disturbed and close to existing roads and infrastructure, had been identified for housing development. If trees of particular preservation value were found in those sites, they would either be preserved in-situ or transplanted. Each identified site had been carefully assessed by departments concerned before it was put up for consideration by the Board. Although boundary adjustment of sites might be possible in the land sale stage, it should be noted that some of the representation sites, e.g. Site B adjacent to Lai Ping Road, had been disturbed by former slope stabilization works and the existing trees on site were no longer native species.

105. Two Members considered that to meet the housing needs of the community, felling of trees for housing development was sometimes inevitable. It was a balancing exercise. If felling of trees was strictly prohibited, the Ronald McDonald House, which was formerly a wooded area, at To Shek could never be realized. Even in USA, building houses in the countryside was sometimes unavoidable. However, in view of the strong public sentiment against rezoning of smaller sites for private housing, it might be worthwhile to consider processing the large housing sites first to show the Government's determination to address the housing problem, and leaving the smaller sites to be processed at a later stage.

106. Members generally agreed that the rezoning of the three representation sites were in line with the criteria of the Stage 2 "GB" Review and the boundary for Site B could be refined at the land sale stage. The Chairman noted that Members generally agreed that the grounds of representation and comments had adequately been responded to in paragraph 6 of the Paper.

107. Members then went through the suggested reasons for not upholding the representation as detailed in paragraph 8.1 of the Paper.

108. After deliberation, the Board decided not to uphold representation R1 and considered that the Plan should not be amended to meet the representation. The reasons were:

- “(a) land suitable for development in Hong Kong is scarce and there is a pressing need for increasing housing supply. Rezoning of “Green Belt” sites is one of the multi-pronged approaches to meet housing and other development needs. As the sites are suitable for housing development, it is considered appropriate to rezone the sites for residential use to meet the housing needs of the community;
- (b) the identified sites, though vegetated, have relatively little buffering effect and low conservation value and are located in proximity to existing urbanized development and infrastructures. They are considered suitable for residential development to meet the pressing needs for housing. If tree felling is necessary, the future developer will be required to carry out tree survey and take appropriate mitigation measures in accordance with the existing guidelines and tree preservation mechanism;
- (c) various technical assessments/reviews have been conducted for the amendment items to ascertain the feasibility of the housing development proposals. Relevant departments have assessed the proposed development in accordance with the established mechanism to ensure that the zoning amendments would not generate unacceptable impacts in terms of traffic, environmental, infrastructural, air ventilation, risk hazard and visual and landscape aspects on the surrounding areas;

- (d) the statutory and administrative procedures in consulting the public on the proposed zoning amendments have been duly followed and the public was given opportunity to provide comment on the proposed amendments. The exhibition of Outline Zoning Plan for public inspection and the provisions for submission of representations/comments form part of the statutory consultation process under the Town Planning Ordinance;

Additional rejection reasons on specific grounds

Site B

- (e) geotechnical problem will not arise from the proposed development and the construction works will meet the requirements of the relevant departments and ordinances;

Site C

- (f) the proposed development would not cause insurmountable problem with regard to infrastructural (including drainage and sewerage) aspects. Drainage connection would be provided along the access road to the site; and

Site D

- (g) the site circumstances and planning considerations related to the rejection of planning application No. A/ST/743 for the provision of a private garden by the Town Planning Board on review on 30.9.2011 are different from those of the zoning amendment for the site which is intended for private housing development to meet the housing needs of the community.”

Procedural Matters

Agenda Item 7

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Further Representations on proposed Amendments to the Draft Lai Chi Wo, Siu Tan and Sam A Tsuen Outline Zoning Plan No. S/NE-LCW/1 Arising from Consideration of Representations and Comments on the Draft Lai Chi Wo, Siu Tan and Sam A Tsuen Outline Zoning Plan No. S/NE-LCW/1

(TPB Paper No. 9993)

[The meeting was conducted in Cantonese.]

109. The following Members had declared interest on this item:

Professor S.C. Wong - having a colleague of his Department in which he was Head involved in a project in Lai Chi Wo with a non-governmental organization

Dr W.K. Yau - being Director of a conservation trust which involved in agricultural rehabilitation works in Lai Chi Wo

110. Members noted that Professor S.C. Wong had no association with the project of his colleague and that the item was procedural in nature, and agreed that both Professor Wong and Dr W.K. Yau should be allowed to stay in the meeting.

111. The Secretary said that a replacement page for page 2 of Annex II of the Paper had been sent to Members for reference before the meeting and reported that on 22.8.2014, the draft Lai Chi Wo, Siu Tan and Sam A Tsuen Outline Zoning Plan (OZP) No. S/NE-LCW/1 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 114 representations and

five comments had been received.

112. After consideration of the representations and comments on 15.5.2015, the Town Planning Board (the Board) decided to partially uphold 108 representations (R1 to R108) by rezoning three parcels of land located to the south-west and south of Lai Chi Wo Village from “Green Belt” (“GB”) to “Agriculture” (“AGR”) (Proposed Amendment Item A). The proposed amendments to the draft OZP were exhibited for public inspection on 5.6.2015. Upon expiry of the three-week exhibition period, a total of 815 further representations (FRs) were received.

The FRs

113. Among the 815 FRs received, one further representer (F1) supported and 812 FRs (F2 to F813) opposed the proposed amendments, while two FRs (F814 and F815) did not indicate whether they supported or opposed the proposed amendments.

114. Three of the FRs (F1, F812 and F813) were submitted by the Hong Kong Countryside Foundation Limited (R106), village representative (VR) of Mui Tsz Lam (R9) and an individual (C1), who were the original representers or commenter whose representations and comment were the subject of consideration by the Board when the proposed amendments were proposed. F815 was not related to the proposed amendments. The four FRs were thus considered invalid and should be treated as not having been made. On 14.8.2015, an individual (F410), submitted an e-mail to the Board stating that he had not made any representation or any FR with respect to the Plan. In view of the above, the remaining 810 FRs, i.e. F2 to F409, F411 to F811 and F814, would be submitted to the Board for consideration.

Meeting Arrangement

115. As the representations were considered by the full Board on 15.5.2015, it was considered more appropriate for the full Board to hear the FRs. The hearing

could be accommodated in the Board's regular meeting and a separate hearing session would not be necessary. The arrangement would not delay the completion of the representation consideration process.

116. As the FRs were all related to the proposed amendments of rezoning three parcels of land from "GB" to "AGR", it was suggested to consider the FRs collectively in one group. Consideration of the FRs by the full Board under section 6F was tentatively scheduled for October 2015. All the original representers and commenters and the further representers F2 to F409, F411 to F811 and F814 would be invited to the hearing.

117. In view of the large number of original representations and comments as well as FRs received, and to ensure efficiency of the hearing, it was recommended to allot a maximum of 10 minutes presentation time to each original representers and commenters as well as further representers in the hearing session.

118. After deliberation, the Board agreed that:

- (a) FRs F1, F812, F813, F410 and F815 were considered invalid;
- (b) the valid FRs should be considered by the Board itself; and;
- (c) the Chairman would, in liaison with the Secretary, decide on the need to impose a 10-minute presentation time for each representer, commenter and further representer, taking into account the number of representers, commenters and further representers who would attend the hearing.

Agenda Item 8

[Open Meeting]

Submission of the Draft Ting Kok Outline Zoning Plan No. S/NE-TK/18A under section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval

(TPB Paper No. 9994)

[The meeting was conducted in Cantonese.]

119. Dr W.K. Yau had declared interests related to Representations R2 and R3 submitted by Tai Po Rural Committee and a member of Tai Po District Council for being an executive member of the Tai Po Rural Committee and a member of Tai Po District Council. As the item was procedural in nature, Members agreed that Dr Yau should be allowed to stay in the meeting.

120. The Secretary briefly introduced the Paper. On 9.1.2015, the draft Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/18, incorporating amendments to the OZP for land in the vicinity of Shan Liu, was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 31 representations and no comment on the representations was received. After giving consideration to the representations under section 6B(1) of the Ordinance on 10.7.2015, the Board decided not to propose any amendment to the draft OZP to meet the representations under section 6B(8) of the Ordinance. Since the representation consideration process had been completed, the draft OZP was now ready for submission to the Chief Executive in Council (CE in C) for approval

121. After deliberation, the Board:

- (a) agreed that the draft Ting Kok OZP No. S/NE-TK/18A and its Notes at Annexes I and II of the Paper respectively were suitable for submission under section 8 of the Ordinance to the CE in C for approval;

- (b) endorsed the updated Explanatory Statement (ES) for the draft Ting Kok OZP No. S/NE-TK/18A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board; and

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

Agenda Item 9

Any Other Business

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

122. There being no other business, the meeting was closed at 5:20 p.m.