

**Minutes of 1095th Meeting of the
Town Planning Board held on 25.9.2015**

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

Ms Julia M.K. Lau

Dr W.K. Yau

Ms Bonnie J.Y. Chan

Mr H.W. Cheung

Dr Wilton W.T. Fok

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Mr Patrick H.T. Lau

Mr Stephen H.B. Yau

Mr F.C. Chan

Mr Peter K.T. Yuen

Mr. Philip S.L. Kan

Dr. Lawrence W.C. Poon

Deputy Director of Environmental Protection
Mr C.W. Tse

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

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

Director of Planning
Mr K.K. Ling

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

Secretary

Absent with Apologies

Professor P.P. Ho

Mr Clarence W.C. Leung

Mr Laurence L.J. Li

Ms Anita W.T. Ma

Professor K.C. Chau

Mr Dominic K.K. Lam

Ms Christina M. Lee

Mr H. F. Leung

Mr David Y.T. Lui

Mr Frankie W.C. Yeung

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

In Attendance

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

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

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

Agenda Item 1

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

Confirmation of Minutes of the 1093rd Meeting held on 11.9.2015

1. The Secretary reported that ‘, and R3836(part)’ should be added after ‘R382’ in paragraph 60(a), ‘R171’ in paragraph 60(b) and ‘R382’ in paragraph 60(c) of the draft minutes. The meeting agreed that the minutes of the 1093rd meeting held on 11.9.2015 were confirmed subject to the incorporation of the amendments.

Agenda Item 2

Matters Arising

[This item was conducted in Cantonese.]

- (i) Judicial Review lodged against the Town Planning Board in respect of the Chek Lap Kok Outline Zoning Plan (HCAL 186/2015)

[Open Meeting]

2. The Secretary reported that the following Members had declared interests on the item for having affiliation/business dealings with the Airport Authority Hong Kong (AAHK):

- | | | |
|---------------------|---|--|
| Mr Dominic K.K. Lam | - | being a member of a committee under AAHK |
| Ms Janice W.M. Lai |] | having business dealings with AAHK |
| Dr C.P. Lau |] | |
| Ms Julia M.K. Lau | - | being a member of Aviation Development and Three-runway system Advisory Committee under the Transport and Housing Bureau (THB) |
| Professor S.C. Wong | - | being the Director, Institute of Transport Studies which had received sponsorship from AAHK for some activities of the institute |

Miss Winnie M.W. Wong - being the representative of the Secretary for
as Principal Assistant Transport and Housing who was a broad
Secretary (Transport), member of AAHK
THB

3. As the item was to report a judicial review (JR) application, the meeting agreed that the above Members could stay in the meeting. Members noted that Mr Dominic K.K. Lam and Miss Winnie M.W. Wong had tendered apology for being not able to attend the meeting while Professor S.C. Wong and Ms Julia M.K. Lau had not yet arrived to join the meeting.

4. The Secretary said that on 8.9.2015, a JR application was lodged by Cheung King Leung against the Town Planning Board (the Board) regarding the statutory representation and comment procedures in respect of the draft Chek Lap Kok Outline Zoning Plan No. S/I-CLK/13 (the draft OZP). The Applicant was a commenter in respect of the draft OZP.

5. The Applicant sought reliefs from the Court to (a) declare that the statutory representation and comment procedures in respect of the draft OZP were unfair; (b) quash the said procedures; and (c) order the Board to recommence the statutory representation and comment procedures in accordance with the Court's judgment.

6. The Court had not yet granted leave to the JR application. Members noted the JR and agreed that the Secretary should represent the Board in all matters relating to the JR in the usual manner.

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

(ii) Judicial Review lodged against the Decision of the Town Planning Board in respect of the Draft Sha Tin Outline Zoning Plan No. S/ST/29 (HCAL 85/2014)

[Open Meeting]

7. The Secretary reported that the following Members had declared interests on the item for owning properties in Sha Tin:

Professor Eddie C.M. Hui - owning a flat in City One in Sha Tin

- Professor K.C. Chau - owning a flat in Royal Ascot
- Mr Clarence W.C. Leung - his spouse owning a flat in Fo Tan
- Ms Christina M. Lee - her spouse owning a flat in Tai Wai
- Mr Frankie W.C. Yeung - co-owning a flat at Sui Wo Road
- Dr Lawrence W.C. Poon - his close relatives living in Sha Tin

8. As the Judicial Review (JR) was concerned with a proposed public rental housing development by the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA), the following Members had also declared interests on this item:

- Mr Stanley Y.F. Wong - being a member of HKHA and its Strategic Planning Committee and Chairman of its Subsidised Housing Committee
- Ms Julia M.K. Lau - being a member of HKHA and its Commercial Properties Committee and Tender Committee
- Professor P.P. Ho - being a member of the Building Committee of HKHA
- Mr H.F. Leung - being a member of the Tender Committee of HKHA
- Mr K.K. Ling - being a member of the Strategic Planning Committee and Building Committee of HKHA
as Director of Planning
- Mr Jeff Y.T. Lam - being a representative of the Director of Lands who was a member of HKHA
as Deputy Director of Lands
- Mr Martin W.C. Kwan - being an alternate representative of the Director of Home Affairs who was a member of the Strategic Planning Committee and Subsidised Housing Committee of HKHA
as Chief Engineer (Works), Home Affairs Department

Dr Lawrence W.C. Poon	-	his spouse being an employee of HD but was not involved in planning work
Ms Janice W.M. Lai]	having business dealings with HKHA
Mr Dominic K.K. Lam]	
Mr Patrick H.T. Lau]	
Mr Ivan C.S. Fu]	

9. As the item was to report the refusal of leave for the JR application, the meeting agreed that the above Members could stay in the meeting. Members noted that Professor K.C. Chau, Mr Clarence W.C. Leung, Ms Christina Lee, Professor P.P. Ho, Mr. H.F. Leung and Mr Dominic K.K. Lam had tendered apologies for being not able to attend the meeting, while Ms Julia M.K. Lau, Mr Frankie W.C. Yeung and Mr Ivan C.S. Fu had not yet arrived to join the meeting.

The JR Application

10. The Secretary reported that on 16.7.2014, a JR was lodged by Mr Fung Woon Ki, a resident of Shek Mun Estate, against the decision of the Town Planning Board (the Board) in respect of the draft Sha Tin Outline Zoning Plan (OZP) No. S/ST/29 9 (the draft OZP).

11. The OZP was gazetted on 22.11.2013 mainly to incorporate amendments to rezone Shek Mun Estate zoned, which was “Residential (Group A)” (“R(A)”), together with a strip of adjoining land zoned “Open Space” (“O”) to “R(A)4” for a proposed public rental housing development. The Applicant submitted a representation (R89) objecting to the amendments.

12. The main JR grounds were (a) the consultation procedure of the Board was unfair; (b) the Planning Department had provided inaccurate documents and reports to mislead the Board and the public; and (c) in agreeing the amendments to the draft OZP, the Board did not consider the air ventilation impact, traffic flow, inadequate provision of open space and the lack of medical facilities in Sha Tin district.

13. The Applicant also sought relief to quash the Board's decision and to stay the submission of the draft OZP to the Chief Executive in Council for approval pending the determinations of the JR.

14. On 6.2.2015, the Court of First Instance (CFI) refused to grant leave to the JR application on grounds that the Board did not err in law or procedure, and the Board's decision was not *Wednesbury* unreasonable. The Applicant appealed against the CFI's decision on 16.2.2015.

15. The appeal was heard by the Court of Appeal (CA) on 2.9.2015. On 23.9.2015, the CA handed down its judgment dismissing the Applicant's appeal and refusing his application for protective cost order. The CA did not accept the Applicant's challenges on facts. As stated by the CA, while the Applicant did not agree to the Board's decision, the court could not lightly disturb or interfere with the Board's decision making. As for the Applicant's complaint about being prevented from making supplemental oral representations at the Board meeting and the relevant minutes failing to record the same, CA considered that the Applicant had already been given the opportunity to make oral representations at the Board's meeting. In any event, he failed to show any further ground that could impugn the Board's decision. The CA had made an order that the Applicant to pay the Board's costs.

16. Members noted the CA's judgment on the appeal in respect of the leave application for JR.

[Dr W.K. Yau and Mr Ivan C.S. Fu arrived to join the meeting at this point.]

(iii) Abandonment of Town Planning Appeal

Town Planning Appeal No. 12 of 2014 (12/14)

Proposed Temporary Open Storage of Vehicles Prior to Sale (for a Period of 3 Years) in "Village Type Development" Zone, Lots 2096 S.B ss.4 S.A, 2097 S.B ss.2, 2097 S.B ss.3 in D.D. 111 and Adjoining Government Land, Pat Heung, Yuen Long

(Application No. A/YL-PH/688)

[Open Meeting]

17. The Secretary reported that an appeal had been abandoned by the Appellant on his

own accord. Town Planning Appeal No. 12/2014 was received by the Appeal Board Panel (Town Planning) (TPAB) on 1.12.2014 against the decision of the Town Planning Board (the Board) on 10.10.2014 to reject on review an application (No. A/YL-PH/688) for a temporary open storage of vehicles prior to sale for a period of 3 years on a site zoned “Village Type Development” on the approved Pat Heung Outline Zoning Plan No. S/YL-PH/11.

18. The appeal was abandoned by the Appellant on 9.9.2015. On 10.9.2015, the TPAB formally confirmed that the appeal was abandoned in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations of the Town Planning Ordinance.

(iv) Appeal Statistics
[Open Meeting]

19. The Secretary reported that as at 24.9.2015, 19 cases were yet to be heard by the Appeal Board Panel (Town Planning). Details of the appeal statistics were as follows:

Allowed	32
Dismissed	139
Abandoned/Withdrawn/Invalid	186
Yet to be Heard	19
Decision Outstanding	0
<hr/> Total	<hr/> 378

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

(v) Approval of Draft Plans
[Open Meeting]

20. The Secretary reported that on 8.9.2015, the Chief Executive in Council approved the following draft plans under section 9(1)(a) of the Town Planning Ordinance:

- (a) Ho Man Tin Outline Zoning Plan (OZP) (renumbered as S/K7/24);
- (b) Luk Wu and Keung Shan OZP (renumbered as S/I-LWKS/2);
- (c) Tai Po OZP (renumbered as S/TP/26);

- (d) Lam Tei and Yick Yuen OZP (renumbered as S/TM-LTY Y/8); and
- (e) Mau Ping OZP (renumbered as S/ST-MP/2).

21. The approval of the above plans was notified in the Gazette on 18.9.2015.

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

(vi) Reference Back of Approved Plan

[Open Meeting]

22. The Secretary reported that on 8.9.2015, the Chief Executive in Council referred the approved Yuen Long Outline Zoning Plan (OZP) and the approved Fanling/Sheung Shui OZP to the Board for amendment under section 12(1)(b)(ii) of the Town Planning Ordinance, and the reference back of the said plans were notified in the Gazette on 18.9.2015 and 25.9.2015 respectively.

(vii) [Closed Meeting]

23. The item was recorded under confidential cover.

(viii) [Closed Meeting]

24. The item was recorded under confidential cover.

[Dr W.K.Yau left the meeting during item (viii).]

Sha Tin, Tai Po and North District

Agenda Item 3

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments in respect of the Draft Ma On Shan Outline Zoning Plan No. S/MOS/21
(TPB Papers No. 9996 and 9997)

[The item was conducted in Cantonese.]

25. The Chairman said that on 28.8.2015, the Town Planning Board (the Board) agreed that the representations and comments in respect of the Draft Ma On Shan Outline Zoning Plan No. S/MOS/21 would be heard in two groups, as set out in TPB Papers No. 9996 and 9997.

Group 1 Hearing (TPB Paper No. 9996)

Representations No. R1, R3 to R20, R683 (part) to R689 (part) and R691 (part) to R698 (part), and Comments No. C3, C4 (part) to C7 (part), C8 to C12, C16 (part), C17 (part), C19 (part), C20 (part), C21, and C22 (part) to C25 (part)

26. The Secretary reported that R3 was submitted by Crown Treasure Investments Limited (a subsidiary of Cheung Kong Holdings Limited) (Cheung Kong) and R4 was submitted by Loyal Pioneer Limited (a subsidiary of Chun Wo Development Holdings Limited and China City Construction (International) Co., Limited) (Chun Wo). The following Members had declared interests on the item for having affiliation/business dealings with Cheung Kong, or Chun Wo or owning properties in Ma On Shan:

Professor P.P. Ho]	having business dealing with Cheung Kong
Mr Ivan C.S. Fu]	
Mr Patrick H.T. Lau]	

- Mr H.F. Leung - having business dealing with Chun Wo
- Mr Dominic K.K. Lam - having business dealing with Chun Wo and his spouse owning two flats at Marbella
- Ms Christina M. Lee - having business dealing with Chun Wo and being Secretary-General of the Hong Kong Metropolitan Sports Events Association which had received sponsorship from Chun Wo
- Dr Lawrence W.C. Poon - his spouse owning a flat in Ma On Shan
- Mr Clarence W.C. Leung - owning a property at Double Cove in Wu Kai Sha

27. Members noted that Professor P.P. Ho, Mr H.F. Leung, Mr Dominic K.K. Lam, Ms Christina M. Lee and Mr Clarence W.C. Leung had tendered apologies for being not able to attend the meeting. As the property of Dr Lawrence W.C. Poon's spouse had no direct view of the representation site, the meeting agreed that he could stay in the meeting. As the interests of Mr Ivan C.S. Fu and Mr Patrick H.T. Lau were direct, the Meeting agreed that they should be invited to leave the meeting temporarily.

[Mr Ivan C.S. Fu and Mr Patrick H.T. Lau left the meeting at this point.]

Presentation and Question Sessions

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

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

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

Mr Kenny C.H. Lau - Senior Town Planner/Sha Tin, PlanD

Miss Bonnie K.C. Lee - Town Planner/Sha Tin, PlanD

R3- Crown Treasure Investments Limited

Mr Eric Lam] Representers' Representatives

Ms Elizabeth So]

Ms Amber Leung]

Ms Pauline Lam]

Ms Camille Lam]

Mr Kenneth To]

R4- Loyal Pioneer Limited

Mr Chan Kim On] Representers' Representatives

Mr Kelvin Chan]

Mr Leung Tak On, Jason]

Mr Leung Chi Fai, Jeff]

30. The Chairman extended a welcome and explained the procedures of the hearing. He then invited DPO/STN to brief Members on the background of the representations.

31. With the aid of a Powerpoint presentation, Mr C.K. Soh, DPO/STN, made the following main points as detailed in the Paper :

Background

(a) on 27.3.2015, the draft Ma On Shan Outline Zoning Plan (OZP) No. S/MOS/21 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 699 valid representations and 25 valid comments were received. Among those, 34 representations and 19 comments were related to the rezoning of a site to the east of Yiu Sha Road from "Government, Institution or Community" ("G/IC") to "Residential (Group C) 3" ("R(C)3") for private housing

development (Amendment Item A) and were collectively considered as Group 1 by the Board;

Representation Site and Its surrounding

- (b) the site (0.46 ha) was a piece of government land located in the southeastern part of Whitehead headland near Starfish Bay. The proposed “R(C)3” zone was subject to a maximum plot ratio (PR) and maximum building height (BH) of 2.4 and 40mPD respectively. The site was previously used as a temporary works area and currently formed and vacant with some trees in its periphery;
- (c) there were three “Comprehensive Development Area” (“CDA”) zones nearby. The “CDA(1)” zone was subject to a maximum domestic PR of 3, a maximum non-domestic Gross Floor Area (GFA) of 10,000 m² and maximum building height restrictions (BHRs) of 105/120/130 mPD. The “CDA(2)” and “CDA(3)” zones were subject to GFA controls equivalent to PRs of 1.06 and 1.26 respectively, and BHR of 50 mPD. The “Recreation” (“REC”) zone to the further north was subject to BHR of 30 mPD. The Wu Kai Sha MTR Station and the topside high-rise property development (Lake Silver) zoned “Other Specified Uses” (“OU”) annotated “Railway Station and Public Transport Interchange with Commercial/Residential Development” located to the further south about 500 m away was subject to a maximum domestic GFA control equivalent to PR of 5, a maximum non-domestic GFA of 4,000 m², and BHR of 185 mPD. A footbridge was provided from the MTR Wu Kai Sha Station to Yiu Shan Road to facilitate pedestrians. The “G/IC” zone on the other side of Starfish Bay was occupied by Li Po Chun United World College (United World College) and subject to BHR of 42mPD;

Grounds of Representations

- (d) the grounds of representations as detailed in paragraph 2.2 of the Paper were summarized below:

Supportive Representations (R1)

- (i) the development intensity and building height of the proposed development were similar to those of the surrounding developments;

Adverse Representations (R3 to R20, R683 (part) to R689 (part) and R691 (part) to R698 (part))

- (ii) the proposed residential development would have adverse impacts on the ecological, environmental, traffic, visual and air ventilation aspects to the surrounding areas including the nearby “Conservation Area” and Starfish Bay;
- (iii) the maximum PR and BH of the proposed residential development were too high when compared with those of the surrounding developments and could not blend in with the stepped height profile descending from the inland to the waterfront;
- (iv) the rezoning proposal would result in the loss of a “G/IC” site in the district and the increase in population would exacerbate the current lack of GIC facilities, open spaces as well as retail facilities and eating places;
- (v) it was a small site which could only produce a limited number of high-class flats. It would not help address the housing shortage problem;

Representers’ Proposals

- (e) the “G/IC” zone should be retained for the provision of Government, institution or community (GIC) uses (such as educational, recreational and community facilities), or GIC uses should be incorporated into the proposed residential development;
- (f) the maximum PR and BH of the proposed residential development should be reduced. Two alternative development schemes were put forward, one with a PR of 1.53 and a BH of 24 mPD and the other one with a PR of 2.4

and a BH of 24 mPD. The PR and BH were proposed to be reduced to 0.75 and 12 m (3 storeys), or 5 storeys or below; and

- (g) the requirements for peripheral non-building area (NBA) of 10 m and building separation of not less than 15 m were suggested to be incorporated into the site;

Comments on Representations

- (h) a total of 19 comments were received objecting to the rezoning. The ground of the comments were similar to the representations;

Responses to the Grounds of Representations and Representers' Proposals

- (i) the responses to grounds of representations and representers' proposals as detailed in paragraphs 6.2 to 6.3 of the Paper were summarized below:

Impacts on the Surrounding Areas

- (i) technical assessments had been carried out to confirm that the proposed development would not cause any insurmountable problems on the ecological, environmental, traffic, visual and air ventilation aspects to the surrounding areas;
- (ii) *Preliminary Environmental Review (PER)* - the proposed development would not cause any adverse ecological impact on the site and the "CA" zone as the proposed development was confined to the formed site and would not encroach onto the "CA" zone. Drainage and sewerage facilities would be provided;
- (iii) *Noise Impact Assessment (NIA)* - the traffic and rail noise impact from the nearby roads and Ma On Shan Line to the proposed development was insignificant;
- (iv) *Traffic Impact Assessment (TIA)* - the site was currently only accessible via a local road leading to Lok Wo Sha Lane. The Government would construct a roundabout junction to connect the local road with Yiu Sha Road to its west and Lok Wo Sha Lane to its

south. With the implementation of the proposed roundabout junction and associated works, Yiu Sha Road would become the primary access to the site. The site was close to MTR Wu Kai Sha Station. The proposed development would not generate adverse traffic impact on the area. Sufficient car parking facilities would be provided according to the requirements of the Hong Kong Planning Standards and Guidelines (HKPSG). The Transport Department would review the public transport services in view of the actual situation before completion of the proposed development and arrange necessary improvement measures;

- (v) *Air Ventilation* - according to the Air Ventilation Assessment (Expert Evaluation) (AVA(EE)), Yiu Sha Road, Lok Wo Sha Lane and the building separations in the nearby developments in the “CDA” zones were the major wind corridors in the locality. The low-rise profile of the proposed development at 40mPD and adoption of building separation within the site would not result in significant air ventilation impact;
- (vi) *Visual Appraisal* - the proposed maximum BH of 40mPD could blend in with the overall setting and preserve the stepped height profile descending towards the waterfront. Consideration would be given to reflecting the requirement for periphery landscape planting in the lease conditions;

Provision of GIC Facilities, Open Spaces and Other Supporting Facilities

- (vii) the planned provision for various GIC facilities and land reservation were generally adequate to meet the need of the planned population of Ma On Shan according to HKPSG. While there was a shortfall of hospital beds in the whole Sha Tin (including Ma On Shan) district, the provision was determined within a regional context. The Education Bureau (EDB) had no objection to the proposed development to meet the housing need but requested a primary school site in another location in the area to accommodate the future population growth;

- (viii) there was still a surplus of about 26 ha of open space in the Ma On Shan OZP planning area as a whole after excluding 0.59 ha of the “Open Space” (“O”) site proposed to be rezoned to “R(A)10” under Amendment Item B of the draft OZP;
- (ix) regarding the provision of supporting facilities such as retail facilities and eating places, the site was rezoned to “R(C)3” for pure residential development. Commercial facilities were conveniently available in the commercial podium under MTR Wu Kai Sha Station and “CDA(1)” site;

Contribution to Housing Supply

- (x) the proposed residential development, with an estimated production of about 180 units, would contribute to the Government’s effort in meeting the pressing need for increasing housing land supply;
- (xi) the Government had to plan for different types of housing to meet the housing demand. A public housing site was proposed under Amendment Item B;

Response to Representers’ Proposals

- (j) there were no planned and proposed GIC facilities in the area required by the relevant government departments that needed to be accommodated at the site;
- (k) though lower BH and/or PR as proposed would reduce the physical bulk of the proposed development, it would compromise the development potential of the site. In view of the scarce land resources and the acute demand on land for housing, there was a need to optimize the development potential of housing sites and the proposed reduction in PR and BH was not supported;
- (l) consideration would be given to reflecting the requirement for peripheral landscape planting in the lease conditions. Besides, the future developer

would be required to follow Sustainable Building Design Guidelines in formulating the development scheme;

Responses to the Grounds of Comments

- (m) as the grounds of the related comments objecting to Amendment Item A were similar to those of the representations, the responses to the representations made in the above paragraphs were relevant; and

PlanD's Views

- (n) PlanD noted the views of R1, and did not support R3 to R20, R683 (part) to R689 (part) and R691 (part) to R698 (part) and considered that the draft OZP should not be amended to meet the representations.

32. The Chairman then invited the representers' representatives to elaborate on the representations. He said that to ensure the efficient operation of the meeting, each representer would be allotted 10 minutes for making oral submission. The representers' representatives had been informed about the arrangement before the meeting. There was a timer device to alert the representers' representatives 2 minutes before the allotted time was to expire, and when the allotted time limit was up.

R3 – Crown Treasure Investments Limited

33. Mr Kenneth L.K. To said that as the site was located within an environmentally and visually sensitive area, the representer objected to the rezoning of the site from "G/IC" to "R(C)3" with PR of 2.4 and BHR of 40mPD. The representer considered that it was feasible to accommodate the proposed PR of 2.4 with a lower BHR. With the aid of a Powerpoint presentation, Ms Pauline Lam made the following main points:

- (a) the site should not be developed as it abutted the "CA" zone adjoining Starfish Bay which was an important area for the public to understand and enjoy the nature. As stated in the Explanatory Statement of the OZP, the coastal areas of the Whitehead headland included patches of dense, undisturbed and mature plantations which supported a number of bird species. Starfish Bay had long been recognized as a site of ecological

interest, and was important both as a natural resource asset and because of its educational and scientific values. The “CA” zone at Starfish Bay together with the Nai Chung Site of Special Scientific Interests (SSSI) would form a continuous conservation belt along the coastline. The site was only 30m away from Starfish Bay. The proposed residential development at the site would threaten the ecological and natural environment at the “CA” zone and Starfish Bay;

- (b) the site should be retained as a buffer between the inland developments and Starfish Bay. Before 2003, the zoning of the site was “Undetermined”. The site and the area to its west were then rezoned to a large “CDA” zone upon completion of the Feasibility Study for Housing Development in Whitehead and Lee On in Ma On Shan. In 2012, the site was rezoned to “G/IC” with BHR of 2 storeys with the remaining portion subdivided into 3 “CDA” sites;
- (c) the site was more appropriate to provide GIC use like nature education centre to promote the surrounding ecological and natural environment of Starfish Bay, and “CA” and “SSSI” zones;
- (d) given the site was in close proximity of the natural coastline, the proposed PR of 2.4 was considered excessive, in particular taking into account that the nearby “CDA(2)” and “CDA(3)” zones had lower PRs of 1.06 and 1.53 respectively;
- (e) the intended housing type was not suitable for the site. Based on the proposed development parameters, the site would have 180 flats with an average size of 60m². Based on the proposed flat size, 1 private car parking space for 8 to 13 flats would be required according to the HKPSG. As the site was about 800m away from MTR Wu Kai Shan station requiring 15-minute walking time, it would be more appropriate to provide larger flats that could allow provision of more car parking spaces;
- (f) the visual appraisal for the proposed rezoning did not include the important viewpoint at Starfish Bay. The development (58mPD) in the

“CDA(3)” site together with the proposed development (40mPD) at the site would adversely affect the visual environment of Starfish Bay;

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

- (g) the study undertaken by the representer indicated that BHR could be lowered to 24mPD (5 storeys) to achieve PR of 2.4 and 180 flats as well as a design and layout that could avoid the flats in the proposed development overlooking each other. With a lower BH of 24mPD at the site, a more distinct stepped height profile could be created, and as illustrated in the photomontages prepared by the representer, the development would be less intimidating when viewed from Starfish Bay;
- (h) the representer proposed to (1) revert to the “G/IC” zone with BHR of 2 storeys; (2) lower PR of the proposed “R(C)3” zone from 2.4 to a range similar to the nearby “CDA(2)” or “CDA(3)” zones, i.e. PR of 1.06 to 1.53, and BHR from 40mPD to 2 storeys; or (3) lower BH of the “R(C)3” zone from 40mPD to 24mPD (5 storeys). The representer’s proposal (3) was a win-win solution as it could meet the pressing need for housing supply, was more compatible with the surrounding development, and would not compromise the development potential of the site; and
- (i) a video to illustrate the visual environment of the area with the proposed development at lower BHR was shown.

[Actual speaking time : 12 minutes]

R4- Loyal Pioneer Ltd

34. With the aid of a Powerpoint presentation, Mr Chan Kim On made the following main points :

- (a) the representer objected to the proposed “R(C)3” zone under Amendment Item A on the Plan of the OZP and the proposed PR and BH restrictions of 2.4 and 40mPD under Amendment Item (b) for the Notes of the OZP;

- (b) the site had been part of a large “CDA” zone since 2003. In 2012, it was rezoned to “G/IC” to cater for the long-term need for GIC facilities in the district;
- (c) with the recently approved planning applications to allow the increase in PR at “CDA(3)” zone and the provision of 2,168 student quarters in “CDA(1)” zone, the total population including students in the area would be about 15,000. With the large “REC” zone and the “CA” zone nearby, the original “G/IC” zoning was most appropriate and more people-oriented. The current rezoning had deviated from the good planning principle and concept;
- (d) he doubted whether the proposed development with a maximum PR of 2.4 and BHR of 40mPD could be considered as low-density, low-rise. In other OZPs, for the “R(C)” zones abutting the conservation-related zones, their PRs were in the range of 0.25 to 0.75 and the BHR was generally 3 storeys including car park. The PR and BHR of the “R(C)” zone in other OZPs should have been determined with a view to balancing the development and conservation needs. Without a strong ground for deviation, the development parameters at the proposed “R(C)3” zone would set an undesirable precedent. If such development parameters were agreed, amendments should be made to the HKPSG and other “R(C)” zones for consistency and to avoid ambiguity;
- (e) comparing to the BHR of 2 storeys in the original “G/IC” zone, the proposed BHR of 40mPD with PR of 2.4 for the site was considered excessive, in particular it was located close to a very ecologically and visually sensitive area at Starfish Bay. When viewed from the United World College, the proposed development with BHR of 40mPD was more visually prominent when compared with the original BHR of 2 storeys;
- (f) the TPB paper stated that according to the PER, the proposed development would not cause any adverse ecological impact on the “CA” zone. However, as compared with the environmental assessments required by the Environmental Protection Department (EPD) for planning applications,

the PER was not comprehensive. For planning applications with developments affecting ecologically sensitive area, EPD would require the applicants to conduct a comprehensive ecological impact assessment spanning dry and wet seasons and to propose mitigation measures for the construction and operational phases of the development. The Board should not have double standards for the requirements of environmental assessment; and

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

- (g) the representer proposed to (1) incorporate a NBA of 10m-wide within the site along the “CA” zone for landscaping and a northwest-southeast running visual/wind corridor of 15m wide; (2) revert to “G/IC” zone; and (3) incorporate GIC facilities (such as nature education centre) in the “R(C)3” zone with the development parameters reduce to PR of 0.75 and BH of 8m (3 storeys), and allowing applications for minor relaxation of the development restrictions.

[Actual speaking time : 10 minutes]

35. As the presentation from PlanD’s representatives and the representers’ representatives had been completed, the Chairman invited questions from Members.

36. In response to a Member’s enquiry on the development scale of “CDA(2)” and “CDA(3)” zones, Mr C.K. Soh, DPO/STN, said that according to the approved schemes, there would be 67 houses and 4 towers in the “CDA(2)” zone and 19 houses and 5 towers in the “CDA(3)” zone.

37. A Member asked the rationales for proposing a higher PR at the subject site while the “CDA(2)” and “CDA(3)” zones had lower PRs but higher BHs. In response, Mr C.K. Soh said that there were slopes in the “CDA(2)” and “CDA(3)” zones which would impose constraints on the developments. Higher BHs and lower PRs for “CDA(2)” and “CDA(3)” zones were to avoid substantial slope cutting or site formation. Regarding the subject site, it was on piece of a flat land, and different development schemes had been formulated to derive the most appropriate development parameters currently proposed. Regarding the proposed

BHR, the United World College on the opposite side of Starfish Bay was 42mPD which was on par with the BHR of 40mPD at the subject site. Unlike the “R(C)” zones in other OZPs, the proposed BHR for the subject site was comparable with the BHRs of 36mPD and 56mPD at the nearby “R(C)1” and “R(C)2” zones respectively on the same OZP.

38. As the representers’ representatives had finished their representations and Members had no further questions to raise, the Chairman said that the hearing procedures had been completed and the Board would deliberate on the representations and the comment in their absence and would inform them of the Board’s decision in due course. The Chairman thanked them and PlanD’s representatives for attending the hearing. They all left the meeting at this point.

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

Deliberation Session

39. The Chairman invited Members to consider the representations and comments taking into account the written and oral submissions. A Member noted that there were variation of BHs in the area with some higher than the proposed BH of 40mPD at the site, in particular, the “CDA(3)” zone to the north of the site would have towers up to 58mPD. Even though the proposed PR of 2.4 might be accommodated in a lower BH, the proposed higher BH could allow flexibility to incorporate air ventilation enhancement measures in the development. A 15-minute walking distance to the MTR station was not too far. It might not justify the provision of larger flats for the purpose of increasing the car parking spaces at the site.

40. The Vice-chairman concurred with the view that lower BH might not necessarily be beneficial to air ventilation. The proposed PR of 2.4 and BHR of 40mPD would unlikely result in massive walled development. The developer would more likely build up to 40mPD to maximize the seaview which would minimize the site coverage, with wider building gaps, NBA and landscape areas.

41. Members noted PlanD’s responses to the representations and comments as stated in paragraphs 6.2 to 6.4 of the Paper, and agreed that the proposed development would not result in adverse impact on the visual quality, air ventilation and environment of the area, and

there were no strong justifications in the written and oral submissions of the representers/commenters to propose amendments to the OZP.

42. After deliberation, Members decided to note the supportive views of R1. Members also decided not to uphold R3 to R20, R683 (part) to R689 (part) and R691 (part) to R698 (part) and that the Plan should not be amended to meet the representations on the following grounds:

- “ (a) land suitable for development in Hong Kong is scarce and there is a pressing need for increasing housing supply. As the subject site is suitable for low-density housing development, it is considered appropriate to rezone the site for residential use to meet the housing needs of the community (R12, R14, R18 and R696 (part));
- (b) technical assessments have been conducted to ascertain the feasibility of the proposed development. The proposed rezoning to residential use with appropriate development restrictions will not have significant impacts on ecological, environmental, traffic, infrastructural, air ventilation and visual aspects to the surrounding areas (R3 to R5, R7 to R9, R11 to R14, R16, R18 to R20, R683 (part) to R689 (part), R691 (part) to R693 (part), R696 (part) and R698 (part));
- (c) the proposed residential development with a maximum plot ratio of 2.4 and a maximum building height of 40 mPD under the “Residential (Group C)3” zone are considered appropriate to ensure that the future development at the site will be compatible with the surrounding areas and to optimize the development potential of the site (R3 to R5, R7 to R9, R11 to R14, R16, R18 to R20, R683 (part) to R689 (part), R691 (part) to R693 (part), R696 (part) and R698 (part)); and
- (d) there is no need for the provision of Government, institution or community (GIC) facilities at the site as sufficient land has been reserved for the provision GIC facilities and open spaces in Ma On Shan to meet the needs of the population (R3 to R4, R6, R8 to R18, R687 (part), R689 (part), R691 (part) to R698 (part)). ”

[The meeting was adjourned for a 5-minute break.]

[Ms Julia M.K. Lau, Ms Janice W.M. Lai and Dr Lawrence W.C. Poon left the meeting at this point. Dr Wilton W.T. Fok returned to the meeting at this point.]

Group 2 Hearing (TPB Paper No. 9997)

Representations No. R2, R21 to R682, R683 (part) to R689 (part), R690, R691 (part) to R698 (part), R699, C1, C2, C4 (part) to C7 (part), C13 to C15, C16 (part), C17 (part), C18, C19 (part), C20 (part), C22 (part) to C25 (part)

43. The Secretary reported that Amendment Item B was for a proposed public housing development undertaken by the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA). The following Members had declared interests on the item:

- | | |
|--|---|
| Mr Stanley Y.F. Wong
(Vice-chairman) | - being a member of the HKHA and its Strategic Planning Committee, and Chairman of the Subsidised Housing Committee of HKHA |
| Ms Julia M.K. Lau | - being a member of HKHA and its Commercial Properties Committee and Tender Committee |
| Professor P.P. Ho | - being a member of the Building Committee of HKHA |
| Mr H.F. Leung | - being a member of the Tender Committee of HKHA |
| Mr K.K. Ling
(as Director of
Planning) | - being a member of the Strategic Planning Committee and Building Committee of HKHA |

- Mr Jeff W.T. Lam - being a representative of the Director of
(as Deputy Director of Lands who was a member of HKHA
Lands)
- Mr Martin W.C. Kwan - being an alternative representative of the
(as Chief Engineer Director of Home Affairs who was a
(Works), Home Affairs member of the Strategic Planning
Department) Committee and Subsidised Housing
Committee of HKHA
- Mr Ivan C.S. Fu] having business dealings with HKHA
Ms Janice W.M. Lai]
Mr Patrick H.T. Lau]
- Mr Dominic K.K. Lam - having business dealings with HKHA and
his spouse owning two flats at Marbella
- Dr Lawrence W.C. Poon - his spouse being an employee of the
Housing Department but not involved in
planning work, and owned a flat in Ma On
Shan
- Mr Clarence W.C. Leung - owning a property at Double Cove in Wu
Kai Sha

44. Members noted that Professor P.P. Ho, Mr H.F. Leung, Mr Dominic K.K. Lam, Ms Christina M. Lee and Mr Clarence W.C. Leung had tendered apologies for being not able to attend the meeting, while Ms Julia M.K. Lau, Mr Ivan C.S. Fu, Ms Janice W.M. Lai, Mr Patrick H.T. Lau and Dr Lawrence W.C. Poon had left the meeting. As the interests of Mr Stanley Y.F. Wong, Mr K.K. Ling, Mr Jeff W.T. Lam and Mr Martin W.C. Kwan were direct, the Meeting agreed that they should be invited to leave the meeting temporarily for the item.

[Mr Stanley Y.F. Wong, Mr K.K. Ling and Mr Martin W.C. Kwan left the meeting temporarily for this item. Mr Jeff W.T. Lam left the meeting at this point]

Presentation and Question Sessions

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

46. The following PlanD's representatives and representers, commenters and their representatives were invited to the meeting at this point:

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

Mr Kenny C.H. Lau - Senior Town Planner/Sha Tin, PlanD

Miss Bonnie K.C. Lee - Town Planner/Sha Tin, PlanD

R22- Yeung Man Yui

Mr Yeung ManYui - Representer

R23 – Yung Ming Chau, Michael

Mr Yung Ming Chau, Michael - Representer

R26 – Kenneth Ip

Mr Kenneth Ip - Representer

R133 - 陳雲龍

Mr Pang Kam Lok - Representer's representative

R134 – Lo Wai

Ms Lo Wai Representer

R187 – Yeung Man Kwan

Mr Yeung Man Kwan - Representer

R222 – Cheng Yuk Kan

Ms Cheng Yuk Kan - Representer

R245 - Mr To Kai Yu

Mr To Kai Yu - Representer

C1- Mr Yung Ming Chau, Michael

Mr Chan Pui Ming - Commenter's representative

47. The Chairman extended a welcome and explained the procedures of the hearing. He then invited DPO/STN to brief Members on the background of the representations.

48. With the aid of a Powerpoint presentation, Mr C.K. Soh, DPO/STN, made the following main points as detailed in the Paper :

Background

- (a) on 27.3.2015, the draft Ma On Shan Outline Zoning Plan (OZP) No. S/MOS/21 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 699 valid representations and 25 valid comments were received. Among them, 680 representations and 18 comments were related to the rezoning of a site at Hang Kin Street from "Open Space" ("O") and an area shown as 'Road' to "Residential (Group A)10" ("R(A)10") for public housing development (Amendment Item B) and were considered collectively as Group 2 by the Board;

Representation Site and Its Surroundings

- (b) the site (about 0.59 ha), which occupied the northern part of an "O" zone at the junction of Hang Kin Street and Hang Ming Street, was a piece of government land originally reserved for open space/recreational uses. The proposed "R(A)10" zone was subject to a maximum plot ratio (PR) and building heights (BHs) of 6 and 120mPD respectively, which would provide about 750 flats for some 2,250 people. The site was currently formed and occupied by a temporary fee-paying public car park;
- (c) the site was in close proximity to the MTR Heng On Station (about 5-minute walking distance) and well served by public transport and other facilities. The site was located near the waterfront and Ma On Shan

Promenade and within a neighbourhood of mixed residential, Government, institution or community (GIC) and open space uses;

- (d) to the northeast and southeast of the site were the public housing developments of Heng On Estate, Yan On Estate and Kam On Court which were subject to BH restrictions (BHRs) of 120/140mPD, and maximum domestic PRs of 5/6. To the north was a GIC cluster comprising two existing schools, an electricity substation and a site reserved for a complex for clinic and social welfare facilities. Along the waterfront, there were public and private residential developments subject to BHRs ranging from 80mPD to 120mPD and maximum PR of 5;

Grounds of Representations

- (e) the grounds of representations as detailed in paragraph 2.2 of the Paper were summarized below:

Supportive Representation

- (i) R2 supported the rezoning because the site was proposed for Home Ownership Scheme (HOS) development to meet the pressing housing need;

Adverse Representations (R21 to R682, R683 (part) to R689 (part), R690 and R691 (part) to R698 (part)) and Representation Providing Comment (R699)

- (ii) the proposed residential development would have adverse impacts on the air ventilation, visual and landscape, environmental, traffic and infrastructural aspects to the surrounding areas. The BHR of 120mPD of the proposed residential development was too high when compared with those of the surrounding developments of about 80/100mPD. It was inappropriate to develop high-rise public housing on a small plot of land at a waterfront location surrounded by private housing developments. It would also affect the vista of nearby buildings and the green corridor of the area;

- (iii) the site fell within an area with underground cavities and utility facilities, and its northern boundary was designated for drainage reserve. The proposed development would lead to ground settlement and pose threat to the underground utility facilities. That would affect the safety of the nearby buildings and the affected owners would have to bear expensive repair costs;
- (iv) the rezoning proposal would lead to the loss of an “O” site. The increase in population would exacerbate the current lack of open spaces/GIC facilities as well as retail facilities and eating places in the area;
- (v) the site was small and could only produce a limited number of public housing units. It would not help address the housing shortage problem. The Government should explore the feasibility of using other sites for residential use, e.g. (i) the “Government, Institution or Community” (“G/IC”) and “Other Specified Uses” annotated “Petrol Filling Station” (“OU(PFS)”) sites next to Yan On Estate; (ii) the sites which were currently occupied by cycle park and community farm along Ma On Shan Road; and/or (iii) the “G/IC” site next to Horizon Suite Hotel. The Government should also consider or should have considered increasing the population intake in the already planned/committed public housing developments such as Yan On Estate Phase II, Ma On Shan Road HOS site or the future housing developments along Ma On Shan Tsuen Road and Ma On Shan Bypass;
- (vi) local residents had not been consulted on the rezoning proposal;

Representers’ Proposals

- (f) the “O” zone should be retained or the site should be used for the provision of GIC facilities;

- (g) the BH of the proposed public housing development should be reduced or the site should be used for the provision of low-rise low-density private housing development or low-rise public car park;

Comments on Representations

- (h) a total of 18 comments were received which objected to the rezoning. The grounds of the comments were similar to the representations;

Responses to the Grounds of Representations

- (i) the responses to grounds of representations and representers' proposals as detailed in paragraphs 6.2 to 6.3 of the Paper were summarized below:

Impacts on the Surrounding Areas

- (i) technical assessments had been carried out to confirm that the proposed development would not cause any insurmountable problems on the air ventilation, visual and landscape, environmental, traffic and infrastructural aspects to the surrounding areas;
- (ii) *Air Ventilation Assessment (Expert Evaluation) (AVA (EE)) and AVA (Computational Fluid Dynamics (CFD))* – according to the AVA (EE) conducted for the whole Ma On Shan in 2009, the site was located within an air path running in an east-west direction from the mountain backdrop to the shoreline of Tide Cove/Tolo Harbour. According to the CFD, given the insignificant scale and blocking of the proposed development and the retention of an open space network running in an east-west direction serving the function of an air path (at least 70 m), it was unlikely that the proposed development would have adverse air ventilation impacts on the surrounding areas. The CFD study had taken account of the existing and known developments in the vicinity and the special design elements of the proposed development.
- (iii) *Visual and Landscape* - the BHR of 120mPD had taken into account the variation of BHRs in the waterfront area (80 – 120mPD) and the

inland area (120 – 140mPD). The proposed development was below the Ma On Shan ridgeline and would blend in with the overall height profile in the vicinity;

- (iv) *Traffic Impact* - the site was in proximity to MTR Heng On Station and well-served by public transport facilities and well-connected to adjacent developments by the existing walkway and pedestrian crossing facilities. The Traffic Review confirmed that the four junctions and the three road links in the vicinity would operate satisfactorily with spare capacity and the proposed development would not cause any significant traffic impact on the surrounding road networks. The existing and future pedestrian flow arising from the developments in the area, the existing entrances at MTR Tai Shui Hang Station and Heng On Station were adequate to meet the need of existing and future pedestrian flow. Sufficient car parking facilities would be provided according to the requirements of the Hong Kong Planning Standards and Guidelines (HKPSG). The Transport Department (TD) would review the public transport services in view of the actual situation before completion of the proposed development and arrange necessary improvement measures;

- (v) *Environmental and Infrastructure* - it was anticipated that the proposed development would not cause any insurmountable problems on the environmental aspect, especially traffic/rail noise aspect. HD would conduct relevant technical assessments at detailed design stage and implement noise mitigation measures as appropriate. HD would monitor the works contractors to comply with the relevant ordinances and guidelines to minimize environmental nuisance to nearby residents during the construction period;

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

Site Constraints

- (vi) the Geotechnical Engineering Office of the Civil Engineering and Development Department (CEDD) advised that although the site fell within Scheduled Area No. 4 Ma On Shan where the ground conditions were complex, through proper geotechnical design of the foundation, there would not be insurmountable geotechnical constraint to prevent the site from development;
- (vii) HD advised that based on the current ground investigation information, there was no underground cavities within the development portion of the site and confirmed the site suitable for housing development. The proposed public housing layout and disposition had taken into account the underground utilities and the possible fault zone at the western side of the site. HD would achieve a safe and efficient design and develop the public housing project under the principle of optimal utilization of land resources while achieving the most cost-effective and sustainable development;

Adequate Provision of GIC Facilities, Open Spaces and Other Supporting Facilities

- (viii) the planned provision for various GIC facilities and land reservation were generally adequate to meet the need of the planned population of Ma On Shan according to HKPSG. Regarding the shortfall in the provision of hospital beds in Sha Tin district (including Ma On Shan), the provision was determined within a regional context. As for the provision of primary school, whilst there was a deficit of about 98 classrooms, the Education Bureau (EDB) advised that in the 2014/15 school year, there was still an existing surplus of 60 primary school classrooms. EDB had no objection to the proposed development to meet the housing need but requested a primary school site in another location in the area to accommodate the future

population growth. The relevant departments had no requirement for provision of GIC facilities at the subject site;

- (ix) there was still a surplus of about 26 ha of open space in the Ma On Shan OZP planning scheme area as a whole after excluding 0.59 ha of the “O” zone at the site;
- (x) with regard to the provision of supporting facilities such as retail facilities and eating places, the future population could be served by the existing retail facilities in the vicinity (e.g. the shopping centres in Heng On Estate and Chung On Estate), and the planned retail facilities to be provided in Yan On Estate Phase II and the “Commercial” site at Po Tai Street;

Contribution to Housing Supply

- (xi) land suitable for development in Hong Kong was scarce and there was a need to optimize the use of land available to meet housing demand. The site was a piece of formed government land with infrastructure provision and supporting facilities nearby. The site was not required for open space development. The proposed high-density residential development at the site was compatible with the surrounding residential clusters, and would contribute to the pressing need for increasing housing land supply;
- (xii) the Government had to plan for different types of housing to meet the housing demand. In the same round of OZP amendment, a private housing development was proposed under Amendment Item A;
- (xiii) regarding the proposed alternative housing sites, the “G/IC” and “OU(PFS)” zones near Yan On Estate had been reviewed in the last round of OZP amendment conducted in 2014 and part of the original “G/IC” zone had been rezoned for Yan On Estate Phase II development and re-alignment of Hang Tai Road (the “R(A)8” zone and an area designated as ‘Road’ on the current OZP). The sites which were currently occupied by cycle park and community

farm along Ma On Shan Road had already been rezoned to “R(A)9” for HOS development. The “G/IC” site next to Horizon Suite Hotel at On Chun Street had been reserved for the provision of social welfare facilities;

Lack of Proper Consultation

(xiv) in accordance with the Ordinance, the OZP was exhibited for public inspection and submission of representations and comments. Prior to the gazettal of the OZP, the Development and Housing Committee of Sha Tin District Council (STDC) was consulted on 5.3.2015. All the representers/commenters had been invited to the hearing held by the Board;

Responses to Representers’ Proposals

- (j) provision and land reservation for open space and GIC facilities were generally adequate to meet the demand of the existing and planned population of Ma On Shan. No GIC facilities were required by relevant government departments at the site;
- (k) the proposed residential development, with a maximum PR of 6 and maximum BH of 120mPD, was appropriate in the site context and compatible with the surrounding developments. Technical assessments had confirmed that the proposed development would not cause insurmountable problems on air ventilation, visual and landscape, environmental, traffic and infrastructural aspects on the surrounding areas. In view of the scarce land resources and the acute demand on housing land, there was a need to optimize the development potential of the site;

Responses to the Grounds of Comments

- (l) as the grounds of the related comments objecting to Amendment Item B were similar to those of the representations, the responses to the representations made in the above paragraphs were relevant; and

PlanD's Views

- (m) PlanD noted the supportive views of R2 and the comment of R699; and did not support R21 to R682, R690 and the remaining part of R683 to R689 and R691 to R698 and consider that the Plan should not be amended to meet the representations.

49. The Chairman then invited the representers, commenter and their representatives to elaborate on their representations and comment. He said that to ensure the efficient operation of the meeting, each representer/commenter or their representatives would be allotted 10 minutes for making oral submission. The representers and commenters had been informed about the arrangement before the meeting. There was a timer device to alert the representers/commenters and their representatives 2 minutes before the allotted time was to expire, and when the allotted time limit was up.

R22 - Mr Yeung Man Yui

50. Mr Yeung Man Yui, the Chairman of the Development and Housing Committee of STDC, made the following main points:

- (a) STDC previously supported a number of large housing developments in Sha Tin including Shui Chuen O Estate, second phase of Shek Mun Estate and Au Pui Wan Estate which together would provide more than 10,000 units. Some of the housing developments such as those at Tai Shui Hang were initiated by STDC which indicated that STDC supported the Government in providing housing land;
- (b) population in Sha Tin would continue to increase rapidly given the housing developments in the pipeline and the proposed relocation of the Sha Tin Sewage Treatment Works to rock cavern for housing development. The Government should not set aside the existing long-term planning framework of the area and hastily rezone a site for housing use just because it was readily available. The presence of underground cavities in Area 90B, where the site was located, was generally known, and high construction and repair costs were required to overcome such constraint. It would result in high selling price of the units and high

maintenance/management costs which might not be affordable to future owners;

- (c) it was doubtful that the proposed development would not cause any significant traffic impact. Otherwise, the MTR Corporation Limited (MTRCL) would not undertake extension works for the Ma On Shan Line, and CEDD would not study the feasibility of a highway bypass between Ma On Shan and Kowloon;
- (d) the site was currently used as a temporary car park for light and medium goods vehicles which was in great demand in the district. The Government only indicated that effort would be made to search for suitable replacement sites without putting forward a definite proposal;
- (e) although sites were reserved for GIC use according to the HKPSG, the GIC facilities were still in deficit as they had not been implemented. Moreover, some of the standards in the HKPSG, such as the provision of a community hall, were formulated 30 years ago which should be reviewed to catch up with the current community's aspiration;
- (f) when PlanD consulted STDC on the proposed housing development at the site, STDC members expressed various views and the STDC Chairman requested PlanD to shelf the rezoning proposal given that no consensus had been reached by the local communities. There were 11 proposed housing sites in Sha Tin, and priority should be given to develop the less controversial ones, such as the site near Shek Mun Estate, before considering the subject site; and
- (g) when sports activities were previously promoted, local support was sought to develop a 7-a-side soccer pitch at the site. At present, the site was proposed to be rezoned for residential use to meet the urgent housing need. While the need to increase housing supply was well recognised, it was necessary to further consider the suitability of the site for housing development.

[Actual speaking time : 9 minutes]

R26 – Mr Kenneth Ip

51. With the aid of a Powerpoint presentation, Mr Kenneth Ip made the following main points:

- (a) Ma On Shan was densely developed with Ma On Shan Sports Ground and its vicinity serving as a major open area. The site was located within a wind corridor for the southwesterly winds from the river towards the Ma On Shan Sports Ground located inland;
- (b) the BHR of Oceanaire in the vicinity of the site was 80mPD. The proposed BHR of 120mPD at the site was visually incompatible with the surrounding environment. According to Chapter 11 of the HKPSG, out-of-context ‘sore thumb’ development should be avoided in the urban fringe areas;
- (c) to mitigate the blocking of wind penetration, PlanD proposed, as stated in paragraph 8.3 of the Explanatory Statement (ES) of the OZP, to impose a 16m-wide strip of land with a 2-storey BHR across Heng On Estate/Kam On Court. However, according to the AVA (EE) study conducted by the Chinese University of Hong Kong in 2009, the width of the air path should be in the order of 25m to 40m. The width of the proposed building gap was far below the recommended width in the AVA(EE) study and also the building gap was blocked by Yan On Estate at one end;
- (d) according to the minutes of the 394th Rural and New Town Planning Committee meeting held on 29.5.2009, in relation to the then proposed amendments to the OZP, PlanD stated that in planning of the new town, the ‘green fingers’ concept was incorporated in the form of open space running in an east-west direction in the Ma On Shan OZP to serve as visual corridors and buffers between developments, which could also facilitate air ventilation. The proposed housing development at the site was located in one of the three green corridors;
- (e) he doubted that the proposed rezoning of the site to residential use with appropriate development restrictions would not have significant impacts

on the surrounding areas. Three schools were located within 100m of the site and the air quality of those schools would be affected. Future residents at the site would also be subject to the noise impact of above 80dB generated from the school activities and the railway operation. It had deviated from the guidelines of avoiding to locate residential development within 150m of uncovered MTR lines as set out in Chapter 9 of the HKPSG;

- (f) the underground cavities and its ground settlement issues, and the drainage reserve at the site would increase construction and maintenance costs;
- (g) the proposed development would aggravate the traffic congestion in the area. At present, private cars parked along both sides of Hang Kin Street to drop off and pick up students had already tailed back to Hang Ming Street and Sai Sha Road;
- (h) the site was previously reserved for a 7-a-side soccer pitch. He doubted that there was no need for providing open space at the site was equivalent to there was no need for providing a 7-a-side soccer pitch at the site. The project for the 7-a-side soccer pitch ranked third in the priority for development by ex-Urban Services Council and fifth by the Leisure and Cultural Services Department in both 2005 and 2009. The need for a soccer pitch should have then been established. While the population in Sha Tin had increased from around 200,000 - 300,000 to 600,000, the soccer pitch had not been provided and the site was rezoned for housing development;
- (i) in relation to paragraph 8.2 (a), (b), (d) to (f) of the Paper, he considered that there were adequate justifications to file a Judicial Review in the current rezoning in that (1) it violated the Government's commitment and the procedural fairness; (2) a concrete environmental assessment report had not been provided; (3) it did not follow the established town planning procedures and principles; (4) the proposed development deviated from the cost-effectiveness principle; and (5) the district council had not yet undertaken local consultation;

- (j) the need to increase housing supply was supported, but Area 90B where the site was located was not suitable for housing development for various reasons. It was proposed to (1) increase the PR of other housing sites such as Yan On Estate Phase II and the new developments around Whitehead; and (2) identify other housing sites such as the site near Shek Mun reserved for columbarium use; and
- (k) the Board was requested to reject the rezoning.

[Actual speaking time : 10 minutes]

R23 – Mr Yung Ming Chau, Michael

52. With the aid of the visualizer, Mr Yung Ming Chau, Michael, made the following main points:

- (a) when the housing site at Hang Kin Street was proposed, 8 other housing sites in Sha Tin were already under study to cater for the short, medium and long-term needs. It was not appropriate to abruptly rezone the site at Hang Kin Street to meet short-term need;
- (b) regarding the air ventilation impact, the assessment in paragraph 6.2.1 (b) of the Paper was not consistent with that in paragraph 6.2.1 (d). The former stated that the proposed development would not have adverse air ventilation impact, while the later stated that it was unlikely to have significant adverse air ventilation impacts. He asked what would be regarded as significant adverse air ventilation impact;
- (c) in paragraph 6.2.3 (d) of the Paper, EDB requested a primary school site be identified in another location in the area to cater for future population growth. However, all the reserved school sites in Sha Tin were already used for housing development and he doubted whether there were still sites available for future school use;
- (d) over the years, there were deficit in G/IC facilities such as clinic, community hall and sports centre while the population in Sha Tin kept

increasing. He considered it not appropriate to provide more housing sites without providing the required GIC facilities; and

- (e) instead of spending public money on such a small and difficult site at Hang Kin Street which would affect the air ventilation of the whole area, he proposed to increase the PR of a housing site near Ma On Shan Road (the green area as shown on Plan H-6 of the Paper) from 5.5 to 6 to take advantage of the synergy effect.

[Actual speaking time : 10 minutes]

[Ms Bonnie J.Y. Chan left the meeting at this point.]

R222 – Ms Cheng Yuk Kan

53. Ms Cheng Yuk Kan made the following main points :

- (a) she was a resident of Ocean View and objected to the proposed rezoning;
- (b) despite there was a pressing need to provide more housing sites, the Government should not overlook other issues, for example, the high development and repair costs due to the presence of underground cavities at the site;
- (c) although PlanD said that the proposed development would have no adverse impacts on the area, local residents or representers had pointed out that the existing transport infrastructures, GIC facilities and retail facilities were insufficient. Moreover, people deserved a quality living environment which should have sufficient breathing and air ventilation spaces;
- (d) the proposed housing development was located in a wind corridor that allowed air flow from the sea into the schools and housing developments in the inland. She doubted whether the Government had considered the need of wind corridors in view of the global warming problem. It was not worthwhile to let all the residents in Ma On Shan to suffer for a proposed development with just about 800 flats;

- (e) with the increase in housing developments and population in Sha Tin, the transport and GIC facilities became insufficient when compared with the situation when she first moved into Ma On Shan 12 years ago. Her husband worked in Sha Tin which was not far away from Ma On Shan but needed to leave 1.5 hours earlier to take a special bus route to work, and there was no overnight public transport services in the area; and
- (f) she considered that a lot of public complaints would be aroused if the Board insisted to proceed with the rezoning.

[Actual speaking time : 5 minutes]

R245 - Mr To Kai Yu

54. Mr To Kai Yu made the following main points :

- (a) he was a resident of Oceanaire. He considered that the Government should not violate its own planning principles in achieving the housing target;
- (b) the Government had knowledge of the presence of underground cavities at the site which would incur high management/maintenance costs to future residents. The Government had increased the BHR of the site in order to produce more flats such that more residents could share the high management cost. That deviated from the existing BH profile of 80mPD at the waterfront in the area and blocked the seaview of the inland developments. It would set an undesirable precedent;
- (c) sports activities could enhance the coherence of the community. The planned 7-a-side soccer pitch was taken away from the area without any reprovisioning site. Only a small soccer pitch would be provided at the adjacent "O" zone which could not be used for proper soccer training. The Government should not go against its policy to foster sports activities and nurture talents for the provision of just about 800 flats;
- (d) the two existing schools in the vicinity had already caused traffic congestion at Hang Kin Street. TD had no adverse comments as they

relied on the Police to take enforcement action. That approach should not be regarded as good planning and no housing development should be added to aggravate the traffic congestion in the area;

- (e) in addition to the reasons pointed out by other representers, the site was considered not suitable for housing development due to the high ozone concentration which was revealed during the equestrian events held in Hong Kong sometime ago. He doubted whether the Government had assessed if the proposed housing development would aggravate the ozone concentration problem; and
- (f) the Board was requested to consider if it was worthwhile to violate so many planning principles for just about 800 flats, while better alternative sites were suggested by other representers.

[Actual speaking time : 7 minutes]

C1- Mr Yung Ming Chau, Michael

55. With the aid of the visualizer, Mr Chan Pui Ming made the following main points :

- (a) he represented the Office of Yung Ming Chau Michael Shatin District Councillor. He had lived in Sha Tin for 27 years, and knew the area well and understood the local concerns;
- (b) he was very disappointed that the government departments had not properly discharged their duties. For example, the TIA report for Yan On Estate completed in 2007 had recommended 8 bus routes and an additional exit/entrance at MTR Station to serve the development, and up to now, only 5 routes were provided. The Board should take note that not all the improvement measures in the assessments submitted to the Board in the rezoning proposal would be implemented eventually;
- (c) the proposed development was located in a wind corridor and would affect air flow into housing developments and Ma On Shan Sports Ground located in the inland. AVA carried out by HD was incomplete as it had

not included 9 new blocks in Yan On Estate and two developments along Sai Shan Road. The proposed development with a BH of 120mPD was only 50m away from the adjacent school which violated the requirement of Practice Notes for Authorized Persons, Registered Structural Engineers and Geotechnical Engineers (PNAP) APP- 151. HD would need to shift the block layout further south into the wind corridor to meet the requirement, further blocking the wind flow, which had also not been reflected in the AVA;

- (d) the proposed development was only 30m to 40m away from the platform of the MTR Heng On station. He understood that the MTRCL had no plan to provide noise barrier along its railway in the area. The Paper only stated that HD would liaise with the Environmental Protection Department (EPD) without making any commitment to build noise barrier at the MTR station nor within the site. Complaints on the railway noise were already received from Ocean View and Vista Paradiso. As the proposed housing development was closer to the MTR station than those developments, severe railway noise impact was anticipated;
- (e) from his experience, the Board agreed to other rezoning proposals in view of the overriding housing need despite the environmental quality and traffic conditions would be compromised. However, no compromise should be made in the current case as it would affect the air ventilation of the whole Ma On Shan area. When air ventilation corridors were first incorporated into the Ma On Shan OZP No. S/MOS/15, Kam On Court and Yan On Estate were located in the wind corridors blocking the wind flow but that could not be rectified in the near future. That should not be repeated in the current case, especially the area was more crowded with the proposed new housing sites accommodating a total of about 50,000 people. He doubted whether it was worthwhile to scarify the environment for a housing development accommodating just about 2,000 people;
- (f) the traffic at Ma On Shan Road was smooth in the past, but they got stuck in a traffic jam for 10 minutes at Shek Mun Interchange at the southern end of Ma On Shan Road when they came to the meeting on the day.

Two years ago, TD informed STDC that driving along Ma On Shan Road was 4 to 10 minutes faster than that along A Kung Kok Street, but last year, the time saved was shortened to about 2 minutes. It reflected that the transport infrastructure was overstrained beyond its capacity with the increase in population in Ma On Shan over the years; and

- (g) in the past, the local communities would support a housing proposal if their concerns were resolved. In the current case, local communities clearly objected to the housing development and requested the Board to reject the rezoning.

[Actual speaking time : 11 minutes]

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

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

57. A Member enquired about the provision of car parking spaces in the area, and the railway noise impact on the proposed housing development. In response, Mr C.K. Soh said that the provision of car parking spaces in a development was determined according to the HKPSG as well as TD's advice taking into account the housing type, flat size and the proximity to the railway station. The site together with the adjoining "O" site was currently used as a temporary car park providing about 500 car parking spaces and the rezoning would take away about 250 such spaces. Nevertheless, as the car park was provided on a temporary basis, it would be displaced upon development of the planned use. TD had been liaising with STDC to search for other possible sites for temporary car park use, but the opportunity was not high with the increasing demand for sites for development. The MTRCL had submitted a representation, and HD was well aware of the railway noise issue and would take appropriate mitigation measures such as building disposition and design to address the possible impact. EPD considered that there would be no insurmountable problem in respect of the railway noise.

58. Another Member asked PlanD to clarify whether there was any inconsistency regarding the two paragraphs of the Paper as pointed out by R23, and asked Ms Cheng Yuk Kan (R222) how long it would take for her husband to ride on MTR to his office in Sha Tin.

In response, Mr C.K. Soh said that paragraph 6.2.1(b) was a general statement on the assessment of the air ventilation impacts arising from the proposed development while paragraph 6.2.1(d) set out the findings of the AVA (EE) in more details. The AVA(EE) was not a quantitative study, it gave a preliminary view that the proposed housing development would unlikely have significant adverse air ventilation impacts on the surrounding area. HD had subsequently conducted a more in-depth air ventilation study, i.e. AVA (CFD), to quantify the air flow at various spots, and the findings concluded that the proposed development had no adverse air ventilation impact on the surrounding area.

59. Ms Cheng Yuk Man (R222) said that since her residency was in the mid way of two MTR stations, her husband would take more than an hour to go to his office by MTR. Alternatively, he took the special bus route at 7 am and only 20 minutes was needed. If he took the regular bus service, it would also take more than an hour. The residents had requested more entrances/exits between MTR Heng On and Tai Shui Hang stations but their efforts had not borne fruit.

60. The same Member further asked the progress of the provision of bus routes recommended in the TIA report for Yan On Estate as pointed out by C1's representative. In response, Mr C.K. Soh said that in general, TIA would take into account the road/railway network as well as the planned public transport services in assessing the traffic impact arising from a development. Upon completion of a development, TD would monitor the actual demand and traffic condition, and liaise with the service providers on the provision of the planned services.

61. In response to a Member's enquiry on whether the AVA had taken into account the 9 housing blocks as pointed out by C1's representative, Mr C.K. Soh said that AVA had already incorporated the existing and known developments including those 9 blocks.

62. As the representers/commenter and their representatives had finished their presentations and Members had no further questions to raise, the Chairman said that the hearing procedures had been completed and the Board would deliberate on the representations and comments in their absence and would inform them of its 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

63. The Chairman invited Members to consider the representations and comments taking into account the written and oral submissions. Mr C.W. Tse, Deputy Director of Environmental Protection, said that regarding the ozone issue pointed out by R245, Sha Tin was not particularly high in ozone concentration, and a proposed housing development would not increase the ozone concentration in an area. Mr Tse also said that the presence of the existing housing developments along the MTR railway line in the area indicated that it was technically feasible to mitigate the railway noise through building disposition/design to an acceptable level. The mitigation measures could be formulated at the detailed design stage.

64. A Member agreed that the railway noise should not be an insurmountable problem.

65. The meeting considered the responses to the representations and comments as stated in paragraphs 6.2 to 6.4 of the Paper, and agreed that the proposed development had no adverse impacts on the traffic infrastructure, visual quality and air ventilation in the area, and there were no strong justifications in the written and oral submissions of the representers/commenters to propose amendments to the OZP.

66. After deliberation, Members decided to note the supportive views of R2 and the comment of R699. Members agreed to advise R699 that there would be no insurmountable problem in addressing the possible railway noise issue at the proposed residential development.

67. The Board also decided not to uphold R21 to R682, R690 and the remaining part of R683 to R689 and R691 to R698 and that the Plan should not be amended to meet the representations on the following grounds:

- “ (a) land suitable for development in Hong Kong is scarce and there is a pressing need for increasing housing supply. As the subject site is suitable for high-density housing development, it is considered appropriate to rezone the site for residential use to meet the housing needs of the community (R21 to R23, R32, R34, R64, R77, R78, R86, R102, R104, R105, R108, R111, R113, R115, R116, R118, R121 to

R124, R126, R129, R130, R351, R360, R361, R396, R408, R418, R443, R491, R492, R510, R532, R546, R560, R593, R596, R624, R672, R675, R684 (part) and R685 (part));

- (b) technical assessments have been conducted to ascertain the feasibility of the proposed development. The proposed rezoning to residential use with appropriate development restrictions will not have significant impacts on air ventilation, visual and landscape, environmental, traffic and infrastructural aspects to the surrounding areas (R21, R23 to R74, R78 to R84, R86 to R88, R90, R92 to R96, R98, R100 to R134, R141 to R682, R683 (part) to R689 (part), R690, R692 (part), R693 (part), R696 (part) and R698 (part));
- (c) the proposed residential development with development restrictions of a maximum plot ratio of 6 and a maximum building height of 120 mPD under the “Residential (Group A)10” zone are considered appropriate to ensure that the future development at the site will be compatible with the surrounding areas and to optimize the development potential of the site (R21, R23 to R74, R78 to R84, R86 to R88, R90, R92 to R96, R98, R100 to R134, R141 to R682, R683 (part) to R689 (part), R690, R692 (part), R693 (part), R696 (part) and R698 (part));
- (d) there is no need for the provision of open space and/or Government, institution or community (GIC) facilities at the site as sufficient land has been reserved for the provision of open spaces and GIC facilities in Ma On Shan to meet the needs of the population (R21 to R34, R36, R37, R39, R41 to R43, R45, R55 to R65, R68, R70 to R81, R85 to R89, R91, R92, R94 to R109, R111 to R113, R118 to R122, R127, R129, R132, R134 to R682, R683 (part), R684 (part), R689 (part) and R691 (part) to R698 (part));
- (e) the site constraints of underground cavities and utility facilities are not insurmountable problems. They would not render the site not suitable for residential development (R21 to R23, R25 to R27, R35, R62, R87,

R102 to R104, R125, R126, R133 and R340 to R682); and

- (f) the statutory and administrative procedures in consulting the public on the proposed zoning amendments have been duly followed. The exhibition of OZP for public inspection and the provisions for submission of representations/comments form part of the statutory consultation process under the Town Planning Ordinance (R26 and R102). ”

[Mr Stanley Y.F. Wong, Mr K.K. Ling and Mr Martin W.C. Kwan returned to the meeting at this point. Mr Sunny L.K. Ho left the meeting at this point.]

Agenda Item 4

Information Note and Hearing Arrangement for Consideration of Representations and Comments in respect of the Draft Ma Tau Kok Outline Zoning Plan No. S/K10/21
(TPB Paper No. 9998)

68. The Secretary reported that Amendment Item A was for a proposed public housing to be undertaken by the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA). The following Members had declared interests on the item:

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

- | | | |
|---|---|---|
| Mr K.K. Ling
(as Director of Planning) | - | being a member of the Strategic Planning Committee and Building Committee of HKHA |
| Mr Jeff W.T. Lam
(as Deputy Director of Lands) | - | being a representative of the Director of Lands who was a member of HKHA |
| Mr Martin W.C. Kwan
(as Chief Engineer (Works), Home Affairs Department) | - | being an alternate representative of the Director of Home Affairs who was a member of the Strategic Planning Committee and Subsidised Housing Committee of HKHA |
| Mr Ivan C.S. Fu |] | |
| Ms Janice W.M. Lai |] | having business dealings with HKHA |
| Mr Patrick H.T. Lau |] | |
| Mr Dominic K.K. Lam |] | |
| Dr Lawrence W.C. Poon | - | his spouse being an employee of the Housing Department but not involved in planning work |

69. As the item was procedural in nature, the meeting agreed that the above Members could stay in the meeting. Members noted that Professor P.P. Ho, Mr H.F. Leung and Mr Dominic K.K. Lam had tendered apologies for being not able to attend the meeting, while Ms Julia M.K. Lau, Mr Ivan C.S. Fu, Ms Janice W.M. Lai, Mr Patrick H.T. Lau, Dr Lawrence W.C. Poon and Mr Jeff W.T. Lam had left the meeting.

70. The Secretary said that on 15.5.2015, the draft Ma Tau Kok Outline Zoning Plan (OZP) No. S/K10/21 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The major amendments involved rezoning of a site at the junction of Sung Wong Toi Road and To Kwa Wan Road from “Comprehensive Development Area (3)” (“CDA(3)”) to “Residential (Group A)” (“R(A)”) (Item A); a site at the junction of Mok Cheong Street and To Kwa Wan Road from “CDA(3)” to “Government, Institution or Community” (“G/IC”) (Item B); and a site at the junction of Ma Tau Wai Road and Ma Hang Chung Road from “G/IC” to “R(A)” (Item C).

71. A total of 146 representations and one comment were received. Among the representations received, 143 supported and three opposed Item A; 127 supported and two opposed Item B; and 10 supported and 60 opposed Item C.

72. The only comment (C1) received was submitted by an individual who was also the representer of R135, which supported Items A and B and opposed Item C without stating the grounds. It comprised a reply letter issued by the Secretary of the Board to the representer of R135 and two drawings without any textual elaboration. It did not indicate on which amendment item it provided comment. The drawings only depicted To Kwa Wan Typhoon Shelter and adjoining waterfront areas, which fell outside the planning scheme area of Ma Tau Kok OZP. As the content of the submission was not related to any of the amendment items on the OZP, it was recommended that C1 should be regarded as invalid.

73. Given that Items A and B were related to rezoning of the same “CDA(3)” site and Item C was only a technical amendment to reflect the as-built condition of a completed residential development, it was suggested to hear all the 146 representations related to Items A, B and C in one group collectively by the full Town Planning Board (the Board). The hearing could be accommodated in the Board’s regular meeting and a separate hearing session would not be necessary.

74. In circumstances where a large number of representers would like to make oral submissions to the Board, to ensure the efficient operation of the hearing, it was recommended to allot a maximum of 10 minutes presentation time to each representer in the hearing session. Consideration of the representations by the full Board under section 6B was tentatively scheduled for November 2015.

75. After deliberation, the Board agreed that :

- (a) C1 should be regarded as invalid and treated as not having been made under section 6A(3)(b) of the Ordinance;
- (b) the representations should be heard by the Board in the manner as proposed in paragraph 3 of the Paper; and
- (c) the Chairman would, in liaison with the Secretary, decide on the need to impose 10-minute presentation time for each representer taking into account the number of representers attending the hearing.

Agenda Item 5

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

Information Note and Hearing Arrangement for consideration of Representations and Comments made on the Draft Po Toi Islands Outline Zoning Plan No. S/I-PTI/1 (TPB Paper No. 9999)

76. The Secretary said that on 27.2.2015, the draft Po Toi Islands Outline Zoning Plan (OZP) No. S/I-PTI/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 813 representations and 1,462 comments were received.

77. Among the 813 representations received, 5 representations (R1 to R5) supported the draft OZP and the remaining 808 representations (R6 to R813) objected to the draft OZP.

78. Among the supportive representations, four of them were submitted by individuals (R1 to R3 and R5) and the remaining one by the Association of Geoconservation, Hong Kong (R4). Among the 808 adverse representations, one of them was submitted by a member of the Islands District Council (IsDC) (R7), eight of them by green groups/concern groups (R6 and R11 to R17) and two of them by landowners on Po Toi Islands (R9 and R10). The remaining representations were submitted by individuals (R8 and R18 to R813).

79. Except C1462, all of the comments received were related to specific representations and they were submitted by green/concern groups, Poi Toi Islands Welfare Association and individuals.

80. It was recommended that the representations and comments should be considered by the full Town Planning Board (the Board). The hearing could take place in the Board's regular meeting and a separate hearing session would not be necessary.

81. As the representations and comments from the indigenous villagers/ landowners and green groups/concern groups/local residents/individuals were different, it was suggested to consider the representations and comments in two groups:

- (a) Group 1 - collective hearing of 4 representations (R7 to R10) and 118 comments (C1202 to C1319) opposing the draft OZP on grounds that the

stringent restrictions imposed by the conservation zonings on the draft OZP;
and

- (b) Group 2 - collective hearing of 809 representations (R1 to R6 and R11 to R813) and 1,344 comments (C1 to C1201 and C1320 to C1462) opposing the draft OZP on environmental grounds and/or providing similar comments on the draft OZP.

82. In view of the large number of representations and comments received, to ensure efficiency of the hearing, it was recommended to allot a maximum of 10 minutes presentation time to each representer/commenter in the hearing session. Consideration of the representations by the full Board under section 6B is tentatively scheduled for October 2015.

83. After deliberation, the Board agreed that :

- (a) the representations and commenters should be heard by the Board in the manner as proposed in paragraph 3 of the Paper; and
- (b) the Chairman would, in liaison with the Secretary, decide on the need to impose 10-minute presentation time for each representer and commenter, taking into account the number of representatives and commenters attending the hearing.

Agenda Item 6

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

Information Note and Hearing Arrangement for Consideration of Representations and Comments in respect of the Draft Yung Shue O Outline Zoning Plan No. S/NE-YSO/1 (TPB Paper No. 10000)

84. The Secretary reported that on 24.4.2015, the draft Yung Shue O Outline Zoning Plan No. S/NE-YSO/1 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of eight representations and three comments were received.

85. Five representations were submitted by green/concern groups including the World Wide Fund for Nature Hong Kong (R1), Green Power (R2), the Hong Kong Bird Watching Society (R3), Kadoorie Farm & Botanic Garden Corporation (R4) and Designing Hong Kong Limited (R5) and one from an individual (R6) expressing the need to better protect the environment of Yung Shue O.

86. The other two representations were submitted by the Tai Po District Council (R7) and Trueprofit Company Limited (R8), objecting to the Plan.

87. The three comments received were submitted by the Sai Kung North Rural Committee (C1), and two Village Representatives of the Yung Shue O Village (C2 and C3), and they opposed the Plan.

88. Since all the representations and comments were mainly related to the extent of the “Village Type Development” zone and environmental conservation issues of the area which had attracted public attention, it was recommended that the representations and comments should be considered by the full Town Planning Board (the Board) collectively in one group. The hearing could be accommodated in the Board’s regular meeting and a separate hearing session would not be necessary. Consideration of the representations and comments by the full Board under section 6B is tentatively scheduled for October 2015.

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

Agenda Item 7

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

Submission of the draft Stanley Outline Zoning Plan No. S/H19/11A under section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval
(TPB Paper No. 10001)

90. The Secretary reported that Mr Ivan C.S. Fu had declared interests for having current business dealings with Masterplan Limited that had submitted a representation (R1). The meeting noted that Mr Fu had left the meeting.

91. The Secretary briefly introduced the Paper. On 20.3.2015, the draft Stanley Outline Zoning Plan (OZP) No. S/H19/11 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). After giving consideration to 892 representations and 40 comments on 28.8.2015, the Town Planning Board (the Board) decided not to uphold the representations and not to propose any amendments to the Plan.

92. As the representation consideration process had been completed, the Plan was ready for submission to the Chief Executive in Council (CE in C) for approval. Opportunity was also taken to update the Explanatory Statement (ES) to reflect the latest position of the OZP.

93. After deliberation, the Board agreed:

- (a) that the draft Stanley OZP No. S/H19/11A 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) to endorse the updated ES for the draft Stanley OZP No. S/H19/11A 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 8

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

Draft Kwai Chung Outline Zoning Plan No. S/KC/28

Confirmation of Proposed Amendments

(TPB Paper No. 10002)

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

- | | | |
|---------------------|---|---|
| Professor P.P Ho | - | having business dealings with Cheung Kong (Holdings) Ltd. (CKH) which owned Hutchison Whampoa (HW), which was the owner of Omaha Investment Ltd (C1) |
| Mr Ivan C.S. Fu | - | having business dealings with CKH, Masterplan Ltd. which was the consultant of Modern Terminals Limited (R7), and Ove Arup and Partners Hong Kong Ltd. (OAP) which was the consultant of CSX World Terminals Hong Kong Limited (R8) |
| Mr Patrick H.T. Lau | - | having business dealings with CKH and OAP which was the consultant of R8 |
| Mr Sunny L.K. Ho | - | having business dealings with One Port Limited, which was jointly owned by COSCO-HIT Terminals (Hong Kong) Limited (R4), Hong Kong International Terminals Limited (R5) and R7 |
| Mr Laurence L.J. Li | - | having business dealings with one of the representers |
| Mr Dominic K.K. Lam | - | having business dealings with OAP which was the consultant of R8 |
| Professor S.C. Wong | - | being the traffic consultant of OAP which was the consultant of R8 |

Ms Janice W.M. Lai - her spouse owning a unit in Wonderland Villas

95. As the item was procedural in nature, the meeting agreed that the above Members could stay in the meeting. Members noted that Professor P.P. Ho, Mr H.F. Leung, Mr Laurence L.J. Li and Mr Dominic K.K. Lam, had tendered apologies for being not able to attend the meeting, while Mr Ivan C.S. Fu, Mr Patrick H.T. Lau, Mr Sunny L.K. Ho and Ms Janice W.M. Lai had left the meeting.

96. The Secretary said that on 20.4.2012, the draft Kwai Chung Outline Zoning Plan (OZP) No. S/KC/26 (OZP 26) was exhibited for public inspection under section 5 of the Ordinance. A total of 13 representations and 1,925 valid comments were received.

97. On 26.10.2012, the Town Planning Board (the Board) considered Representations No. 3 to 8 (R3 to R8) and the 1,756 related comments concerning the proposed imposition of building height restrictions (BHRs) on Container Terminals No. 1 to 5 zoned "Other Specified Uses" annotated "Container Terminal" ("OU(CT)") and decided to defer a decision, pending the carrying out of further technical assessments by the Planning Department (PlanD) on the cumulative impacts of the expansion proposals submitted by the representers.

98. On 24.4.2015, after further considering the representations alongside the findings of PlanD's technical assessments, the Board agreed to propose amendments to the extant OZP No. 28 to meet R3 to R8 by revising the BHRs for the "OU(CT)" zone, and designating three strips of land of 40m in width and one of 55m in width as non-building areas (NBAs) within the "OU(CT)" zone. On 24.7.2015, the proposed amendments were gazetted under section 6C(2) of the Ordinance for three weeks. Upon the expiry of the exhibition period on 14.8.2015, no further representation was received.

99. After deliberation, the Board agreed that in accordance with section 6G of the Ordinance, where no further representation was made, the extant OZP No.28 should be amended by the proposed amendments. The amendments made by the Board should form part of the draft Kwai Chung OZP No. S/KC/28. In accordance with section 6H of the Ordinance, the extant OZP should thereafter be read as including the amendments. The amendments should be made available for public inspection until the CE in C had made a decision in respect of the draft plan in question under section 9 of the Ordinance.

Agenda Item 9

[Closed Meeting] [Confidential Item]

100. This item was recorded under confidential cover.

Agenda Item 10

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

Any Other Business

101. There being no other business, the meeting was closed at 12:30 p.m.