

**Minutes of 1110th Meeting of the
Town Planning Board held on 20.5.2016**

Present

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

Chairman

Professor S.C. Wong

Vice-chairman

Mr Lincoln L.H. Huang

Professor K.C. Chau

Mr. Sunny L.K. Ho

Mr Dominic K.K. Lam

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Mr K.K. Cheung

Mr Alex T.H. Lai

Dr Lawrence K.C. Li

Professor T.S. Liu

Miss Winnie W.M. Ng

Ms Sandy H.Y. Wong

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

Deputy Director of Environmental Protection (1)
Mr C.W. Tse

Assistant Director/Regional 3, Lands Department
Mr Edwin W.K. Chan

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

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

Secretary

Absent with Apologies

Mr H.W. Cheung

Dr Wilton W.T. Fok

Mr Ivan C.S. Fu

Ms Janice W.M. Lai

Mr Patrick H.T. Lau

Ms Christina M. Lee

Mr H.F. Leung

Mr Stephen H.B. Yau

Dr F.C. Chan

Mr Frankie W.C. Yeung

Dr Lawrence W.C. Poon

Mr Wilson Y.W. Fung

Dr C.H. Hau

Mr Thomas O.S. Ho

Mr T.Y. Ip

Mr Stephen L.H. Liu

Mr Franklin Yu

Director of Planning
Mr K.K. Ling

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 Doris S.Y. Ting

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1110th Meeting held on 21.4.2016 and 26.4.2016

[The item was conducted in Cantonese.]

1. The minutes of the 1110th meeting held on 21.4.2016 and 26.4.2016 were confirmed without amendments.

Tsuen Wan and West Kowloon District

Agenda Item 2

[Closed Meeting (Deliberation)]

Consideration of Representations and Comments in respect of Draft Tsing Yi Outline

Zoning Plan No. S/TY/27

(TPB Paper No. 10085)

[The item was conducted in Cantonese]

Deliberation Session

2. The Chairman said that the representations and comments in respect of the draft Tsing Yi Outline Zoning Plan (OZP) No. S/TY/27 were heard on 21.4.2016 and 26.4.2016. The draft minutes of the meetings which had been issued to Members on 12.5.2016 were confirmed at the meeting without amendments and the video recordings of the hearing sessions were sent to Members on 6.5.2016.

3. The Secretary said that Members' declaration of interests were reported at both of the hearing sessions on 21.4.2016 and 26.4.2016. Mr Franklin Yu and Dr C.H. Hau had subsequently declared interests for having business dealings with the Hong Kong Housing Authority (HKHA). Members' declared interests were recorded in paragraphs 2 and 3 of the minutes on 21.4.2016 and in paragraph 4 of the minutes on 26.4.2016

4. Members noted that Mr H.F. Leung, Mr K.K. Ling, Ms Janice W.M. Lai, Mr Patrick H.T. Lau, Dr C.H. Hau, Mr Thomas O.S. Ho, Mr Stephen L.H. Liu, Mr Ivan C.S. Fu, Mr Franklin Yu and Dr Lawrence W.C. Poon had tendered apologies for being unable to attend the meeting. Members agreed that those members whose interests were direct should be invited to leave the meeting. Members also noted that Professor S.C. Wong and Mr Dominic K.K. Lam's interests were indirect and agreed that they should be allowed to stay in the meeting.

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

Further information submitted by R840, R171/C2 and R394/C1

5. The Secretary reported that after the completion of the hearing sessions, the Secretariat of the Town Planning Board (the Board) on 26.4.2016 and 10.5.2016 had received a letter from a representer (R840) and a joint submission from representers/commenters (R171/C2 and R394/C1) respectively providing further information on their submissions after completion of their oral submission at the hearing. R171/C2 and R394/C1 had attached their own records of the question and answer (Q&A) session of the hearing sessions on 21.4.2016 and 26.4.2016 and their further responses to the questions raised by Members and answers provided by the government representatives at the hearing. R171/C2 and R394/C1 stated that the further information was to facilitate the Board to make a decision on the amendments to OZP.

6. Members noted that the content of the further information submitted by R840 and C171/C2 and R394/C1 were similar to or further elaboration of their oral submission, or had already been recorded in the minutes of the hearing sessions. As the further information were submitted after the hearing sessions, they were submitted out-of-time and should be treated as not having been made. Based on the above, the Secretariat would reply R840, R171/C2 and R394/C1 accordingly. Members agreed.

7. To facilitate deliberation, the Secretary briefly recapped the background of the representations and comments in respect of the draft Tsing Yi OZP as follows:

- (a) on 7.8.2015, the draft Tsing Yi OZP No. S/TY/27 was exhibited for public

inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 961 representations and 350 comments on representations (comments) were received;

- (b) the amendments mainly involved rezoning a site between Tsing Yi Road and Tsing Hung Road from “Open Space” (“O”) and area shown as ‘Road’ to “Residential (Group A)4” (“R(A)4”) (the Site) for public rental housing (PRH) development; and
- (c) apart from one supportive representation, all the remaining representations and comments submitted by the District Council members, Owners’ Committee and residents of Rambler Crest and other individuals objected to the proposed PRH development at the Site.

Supportive Representation (R1)

8. The Secretary recapitulated that the representer in support of the proposed amendments had made the following major points in his written submission:

- (a) the proposed PRH development at the Site could be used as re-housing site for the residents of Cheung Ching Estate which should be re-developed to provide more public housing;
- (b) the provision of parking spaces, commercial use and wet market in the proposed PRH development at the Site should be increased;
- (c) mini-bus routes, frequency and routes of bus service should be increased; and
- (d) elevated road connecting Tsing Hung Road/Rambler Crest and Tsing Yi Bridge/Kwai Tsing Bridge to and from Kowloon should be built, and Tsing Yi Road should be widened.

9. Members then went through the responses of the relevant government and

departments given in PlanD's presentation and in answering Members' enquiries at the hearing, and/or recorded in the Paper, and noted the following:

- (a) the supportive views were noted;
- (b) HKHA did not have redevelopment plan for Cheung Ching Estate at this moment;
- (c) parking spaces within the Site would be provided in accordance with the requirements of the Hong Kong Planning Standards and Guidelines (HKPSG). There would be approximately 4,000m² commercial gross floor area (GFA) within the Site;
- (d) the Transport Department (TD) would closely monitor the public transport services and would arrange appropriate enhancement measures when necessary; and
- (e) Tsing Hung Road and Rambler Crest were already connected to Tsing Yi South Bridge via Tsing Yi Road. There was no intention for constructing a separate flyover.

Adverse Representations and Comments

(R2 to R961, and C1 to C350)

10. Based on the nature of the concerns raised by the remaining representers and commenters, the Secretary suggested and the meeting agreed that the discussion would be grouped under four main aspects, which covered (a) land use/site suitability/layout; (b) technical assessments including environment, traffic, visual, air ventilation, tree felling, potential risk, building on slope; (c) others issues like supporting facilities, public consultation and procedural matter/meeting arrangement; and (d) representers' proposals. The Chairman said that Members could raise other topics they considered appropriate during the discussion.

Land Use/Site Suitability/Layout

11. The Meeting noted that some representers and commenters had made the following major points in their written and oral submissions:

Land Use

- (a) the Site was reserved for open space for the residents nearby to compensate the construction of Container Terminal No. 9 (CT9) and to serve as a buffer against the port back-up facilities;
- (b) there was inadequate open space in Tsing Yi. About 90% of the “O” sites were in Tsing Yi North. The Site was the only sizable “O” site in Tsing Yi South and there was insufficient provision of children’s playground in the area;
- (c) no assessments had been conducted to demonstrate that the Site was the most suitable “O” site in Tsing Yi for PRH development;
- (d) no presumption should be made that the Site would not be developed as open space in future even though the Leisure and Cultural Services Department (LCSD) had no programme for the open space development;

Site Suitability

- (e) the Site was not suitable for housing development as it would be affected by the air and noise pollutions and glare impact from CT9, surrounding roads and the sewage treatment works nearby. Other suitable sites in Tsing Yi and other parts of Hong Kong for PRH development should be identified;
- (f) while PlanD considered that the mountain area of Northern Tsing Yi was not suitable for residential development, the Site with slopes gradient of 20 to 38 degree was proposed for PRH;

Layout

- (g) the building gaps between the proposed housing blocks were narrow;
- (h) the proposed reduction of five blocks to four blocks without lowering the population would not ameliorate its impact; and
- (i) the number of blocks should be further reduced from four to three with no increase in building height, number of flats and footprint of each block.

12. Members then went through the following responses of the relevant government departments given during PlanD's presentation, and/or in answering Member's enquiries at the hearing, and/or recorded in the Paper:

Land Use

- (a) the Site was identified as having potential for residential use, taking into account that LCSD had no development programme and Tsing Yi had surplus open space provision. The Site was previously occupied by oil depots before they were relocated to the Tsing Yi South in 1990's. The design of Rambler Crest with hotels and service apartments had acted as the major buffer for Mayfair Gardens/Cheung Ching Estate against the environmental nuisance of CT9. In view of the strong demand for housing and its suitability for residential use, it was proposed to rezone the Site for PRH development;
- (b) the other open space developments in Tsing Yi South were Tsing Hung Road Playground, Mei King Playground and Ching Hong Road Playground. In addition, there were local open spaces in the existing PRHs to serve the area;

Site Suitability

- (c) although the Site was in close proximity to CT9 and port back-up land, technical assessments had been conducted by the Housing Department

(HD) which confirmed that there would be no insurmountable problems for residential development;

- (d) the proposed PRH at the Site was considered compatible with the surrounding residential, commercial and educational developments;
- (e) sites in Tsing Yi North were generally covered with natural vegetation while the existing vegetation on the Site was planted after the relocation of the oil depots;

Layout

- (f) in refining the layout of the proposed PRH, key building design elements including building separation, building setback and green coverage of the Sustainable Building Design Guidelines would be observed. As illustrated by the Air Ventilation Assessment (AVA), wider building separation (15m to 60m) and set-back (60m to 140m) could be provided if a 4-block scheme was adopted. The air ventilation performance to the immediate west of Rambler Crest would also be improved with the proposed development; and
- (g) to fully utilize the development potential of the Site, four blocks would need to be built very close to the maximum building height restriction (BHR) of 140mPD on the OZP. It was not possible for the remaining three blocks to accommodate all the GFA of Block 4 (over 1,000 units) without exceeding the BHR.

Technical Assessments

13. The Meeting noted that the representers and commenters had made the following major points in their written and oral submissions:

General

- (a) the technical assessments conducted were very crude. The traffic, environmental and ecological impacts of the proposed PRH, and the mitigation measures proposed should be reassessed;
- (b) the scale and details of the proposed PRH development were predetermined and assessments were conducted afterward to justify the proposal;

Environment

- (c) the proposed PRH development would impose adverse environmental impacts on noise and air quality, block sunlight penetration, cause loss of trees, and affect the ecology of the natural stream;
- (d) the environmental assessment was not acceptable in that 10% of the PRH units would be subject to noise impact exceeding the standard;
- (e) it was doubtful whether appropriate measures to mitigate the nuisances of CT9 were effective and would be provided in the proposed PRH development. The costs of the proposed PRH development would be further increased if air conditioners and double-glazing windows were to be adopted as mitigation measures;
- (f) glare from CT9 which was operating 24 hours a day would adversely affect the daily lives of most residents;
- (g) the open nullah within the Site would cause odour nuisance and would be dangerous to children;

Traffic

- (h) the proposed PRH development would impose adverse traffic impacts on the already insufficient public transport services and there was no consultation with the public transport service providers;

- (i) the Traffic Impact Assessment (TIA) had under-estimated the traffic demand, the traffic data collected was inadequate and inaccurate, the new access to the Site and a number of newly planned/approved residential developments were not included. Traffic survey taken on 31.3.2015 was inappropriate as it was very close to the long Easter Holiday and the results might not be accurate;
- (j) road works near the Site were frequent and only one lane in each direction could be used most of the time leading to regular traffic congestion. Traffic was significantly increased due to the completion of the logistic centre nearby. The traffic would paralyze if there was any traffic accident on the nearby roads. Additional population to the area would further aggravate the traffic congestion;
- (k) residents of Rambler Crest had to wait for a long time for green mini-bus (GMB). Implementation of public transport enhancement measures, in particular increase in frequency, was difficult. The proposed extension of the bus route to the proposed PRH development would not solve the problem of the existing residents;
- (l) as the ratio of parking provision at the Site was much less than that of the adjacent PRH, on-street illegal parking would be likely and would adversely affect the local traffic;
- (m) the MTR Tsuen Wan and Tung Chung Lines were running at 98% and 84% of their capacities respectively. There was little room for accommodating additional population;

Visual

- (n) the proposed PRH development would impose adverse visual impact. No photomontage from the viewpoint of Rambler Crest was provided;

- (o) the results of the visual appraisal (VA) were misleading as some public locations, such as the minibus stop, the access flyover and the hotel podium of Rambler Crest, the petrol filling station (PFS) and Tsing Yi Institute of Vocational Education (IVE), were not taken as the viewpoints for assessment;

Air Ventilation

- (p) the proposed PRH development would impose adverse impacts on air flow and cause wall effect;

Tree Felling

- (q) about 1,800 trees at the Site would be removed;
- (r) the trees at the Site provided greenery, breathing space and as an environmental buffer against the glare, noise, dust and air pollution impacts of CT9;

Potential Risk

- (s) the Site would be subject to potential risks including the potential hazard from the PFS to the northwest;
- (t) the PFS was not a conventional PFS as it contained a lubricating oil storage to serve the container vehicles, which was highly dangerous;
- (u) the Site was in proximity to the largest oil depot about 1.5 km to the south, which would pose serious fire/safety risk/hazard to the future residents;
- (v) a large amount of water flowed down from the slope during the rainy season would cause potential risk. The construction works on the drainage reserve within the Site did not meet the requirement of the HKPSG;

Building on Slope

- (w) the Site on a slope was not suitable for housing development. There were potential risks of landslide;
- (x) PlanD was using contradictory site selection criteria. While the Site was considered not suitable for open space development due to steep slope gradient, it was now proposed for residential development; and
- (y) high construction, maintenance and management costs were expected due to the special design to mitigate the pollutions from CT9 and the slope safety issue.

14. Members then went through the following responses of the relevant government departments given during PlanD's presentation, and/or in answering Member's enquiries at the hearing, and/or recorded in the Paper:

General

- (a) preliminary technical assessments conducted had confirmed that there would be no insurmountable technical problems. Taking into account local concerns, refined assessments were conducted to ascertain the technical feasibility of the proposed PRH development and confirmed that there would be no insurmountable environmental, traffic, visual, air ventilation and landscape impacts. The results of the technical assessments were considered acceptable by concerned departments including TD, the Environmental Protection Department (EPD) and the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD;

Environment

- (b) according to the Broad Environmental Assessment (BEA), the proposed PRH development with suitable mitigation measures would not have

adverse environmental impacts. The Director of Environmental Protection (DEP) advised that the proposed PRH development was not anticipated to have any insurmountable environmental problem;

- (c) HD was conducting an Environmental Assessment Study (EAS) comprising air quality and noise impact assessments to identify the necessary mitigation measures. HD would also conduct further studies on the micro-climate, such as indoor/outdoor temperature and sunlight penetration, to improve the living environment of the proposed PRH development;
- (d) while a mitigated noise compliance rate of 90% was considered acceptable, HD would target to have 100% compliance with the noise standard through further enhancements at the detailed design stage;
- (e) appropriate noise mitigation measures such as noise barriers, architectural fins, acoustic windows/balconies and setback of building blocks would be explored and implemented to mitigate the noise impact;
- (f) assessment on glare impact was not required in the EAS. However, as the Site was over 300m away from CT9, the glare impact on the site was comparatively less than that on Rambler Crest;
- (g) the preliminary tree survey report conducted by HD concluded that no old and valuable tree (OVT) was found and the existing trees were mainly common species. Tree felling application and compensatory tree proposal would be submitted in accordance with the relevant government requirements;
- (h) the Drainage Services Department (DSD) had advised that the water channel bisecting the Site was a nullah. Apart from an emergency vehicular access and a fire exit running, there would not be any buildings over the nullah/drainage reserve. Appropriate safety measures would be implemented to prevent trespassing into the drainage reserve. DSD had

no objection to the proposed layout of the PRH development and would take up the maintenance and repair responsibility of the nullah to ensure that it would function properly;

Traffic

- (i) TIA had been conducted and was considered acceptable by TD. The existing roads would still perform at acceptable levels and the impact on journey time would be low. The traffic impact induced by the proposed PRH development was acceptable from traffic engineering point of view. The TIA had taken into account the proposed PRH development and planned/committed developments in the vicinity, and it concluded that all the key junctions would have spare capacities to cope with the traffic demand. Improvements to Tsing Yi Road were also proposed to enhance traffic movements and pedestrian flows;
- (j) although the existing public transport services could absorb the additional demand, TD would closely monitor the public transport services in the area and enhance the existing services if necessary. According to the traffic survey conducted in January 2016, the frequency of the two GMB routes at Rambler Crest was on average of a 5-minute interval during the morning peak. The longest waiting time of the two GMB was around 10 and 11 minutes respectively;
- (k) the traffic demand survey was carried out in accordance with the Transport Planning and Design Manual and survey in one day was in compliance with the normal practice. The survey was conducted at Cheung Wang Estate which was a development of similar scale to the proposed PRH development. Despite the survey was conducted a few days before Easter Holidays, its findings were useful for analysing the demand for different bus/minibus routes. There were also surveys conducted on 29.1.2015 and 28.4.2015 to quantify the vehicle traffic flows and to analyse the utilization rate of the existing public transport services near the Site;

- (l) parking spaces would be provided in the Site in accordance with HKPSG;
- (m) Tsing Yi was well connected to the surrounding districts by roads. If there was an accident in any of the external roads, people could still use alternative routes to access other districts;

Visual

- (n) the VA revealed no substantial visual impact would be imposed by the proposed PRH development. The proposed BHR of 140mPD would not be incompatible with the surroundings;
- (o) regarding the criteria of choosing vantage points, the Town Planning Board Guidelines on 'Submission of Visual Impact Assessment for Planning Applications to the TPB' (TPB PG-No.41) had been followed. Photomontages from various public viewpoints including the northeastern corner of Tsing Hung Road Playground which was very close to Rambler Crest were prepared to illustrate the possible visual impact of the proposed PRH development. It would result in insignificant visual impact on the public viewers and would generally not be incompatible with the existing built environment, local character and the surroundings in visual terms. According to TPB PG-No.41, it was not practical to protect private views without stifling development opportunity and balancing other relevant considerations;
- (p) from some short or medium range viewpoints, the visual openness and part of the open sky view would be blocked to some extent. However, the visual impact of the proposed PRH development would be mitigated by providing visual corridors through visual enhancement measures such as building gaps, variation of building heights, open space, green coverage and greening measures;

Air Ventilation

- (q) the AVA revealed that the proposed PRH development would impose negligible impact on the breezeway at Tsing Yi Road near Rambler Crest. Adverse impact on Rambler Crest was not expected under major prevailing wind directions from the south;
- (r) ventilation performance of Mayfair Gardens, Mei King Playground, the Tsing Yi IVE, and Cheung Ching Estate would be affected. Substantial effort had been made to alleviate the potential ventilation impact by incorporating mitigation measures including preserving the existing breezeways/air paths and optimising building separations;

Tree Felling

- (s) as there were existing residential developments nearby, the proposed PRH development was not incompatible with the landscape character of the surrounding area;
- (t) the Site was previously occupied by oil depots in 1990's. Existing trees were mainly common species with average form and low amenity value. Some of them were of poor health. Tree felling application and compensatory tree proposal would be submitted and HD would comply with the greening requirements and endeavour to maximise compensatory tree planting proposal on the Site as far as practicable;

Potential Risk

- (u) there would be a separation distance of about 40m between the PFS and the nearest residential block of the proposed PRH development. In the urban areas, it was not uncommon for a PFS located much closer to the residential developments;
- (v) the Director of Electrical and Mechanical Services (DEMS) advised that there was no liquefied petroleum gas (LPG) supply at the PFS and the

PFS was not a Potential Hazard Installation (PHI);

- (w) the Director of Fire Services (DFS) advises that the operator of the PFS ought to comply with the relevant fire safety regulations and the PFS would not impose fire safety impact;
- (x) although oil depots were found in Tsing Yi South, the Site did not encroach into any Consultation Zone of any PHI;
- (y) HD advised that the drainage reserve would not be adversely affected. DSD advised that the stormwater from the catchment area could be conveyed to the stormwater drains along Tsing Hung Road and also the existing nullah. Proper drainage system would be proposed at the design stage by HD;

Building on Slope

- (z) the Civil Engineering and Development Department (CEDD) advised that the Site was not subject to natural terrain hazard and the existing geotechnical features had no past instability record. CEDD confirmed that the proposed PRH development would not impose insurmountable geotechnical problem onto the surroundings. HD would be required to investigate and study the stability of those geotechnical features and carry out any necessary slope stabilization/modification works;
- (aa) HD advised that to meet the public housing need of the society, all suitable sites would be considered, and public housing projects would be developed under the principles of optimisation of the land use, maximisation of cost-effectiveness and sustainability; and
- (bb) as the Site did not present any exceptional difficulties, HD considered that its development cost should be comparable to other PRH developments.

Other Issues

15. The Meeting noted that the representers and commenters had made the following major points in their written and oral submissions:

Supporting Facilities

- (a) there are no large retail facilities nor sufficient community facilities, in particular hospital beds, to support the proposed increase in population. The existing retail facility was being operated at capacity and the community facilities were insufficient. The proposed community facilities at the proposed PRH development could not meet the demand in Tsing Yi South;
- (b) the proposed 4,000m² commercial floor space would not be sufficient to cater for the substantial population size of the proposed PRH development;
- (c) sufficient transport, recreational and community facilities should be provided at the proposed PRH development;

Public Consultation

- (d) the objection of Kwai Tsing District Council (K&TDC) to the proposed PRH development was disregarded. The Government should first submit the draft proposals to DC to collect local views which should then be relayed to the Government for amendment and further consultation. The Government did not follow the established practice;
- (e) K&TDC was previously consulted on the rezoning proposal with a very brief paper of a few pages without details on the proposed scheme. K&TDC objected to the proposed amendments of the OZP unanimously and passed a motion to request the Government to re-plan the use of the Site in a comprehensive manner;

- (f) more time for public consultation should be allowed and a more effective approach for public engagement should be adopted;
- (g) the major development parameters of the proposed PRH had been revised without prior local consultation;

Procedural Matter/Meeting Arrangement

- (h) the meeting date was changed suddenly which rendered many representers/ commenters unable to attend the hearing;
- (i) voluminous paper was received a few days before the hearing meeting. Soft copy of the Paper was only available on the day before the meeting. Representers/commenters did not have sufficient time to understand the paper and prepare for the oral submissions;
- (j) the allotment of 10-minute presentation time for each representer/ commenter was not fair; and
- (k) the technical reports were in English without translation.

16. Members then went through the following responses of the relevant government departments given during PlanD's presentation, and/or in answering Member's enquiries at the hearing, and/or recorded in the Paper:

Supporting Facilities

- (a) there would be approximate 4,000m² commercial GFA within the proposed PRH development to enhance the provision of retail facilities in the area. The appropriate size of the shopping area was worked out by HD's retail consultant, and eating places, clinic, bakery, etc would be provided to serve the local population;
- (b) there was currently no shortfall in open space and major community

facilities in Tsing Yi. Although there would be a deficit of 1,166 hospital beds, the provision of hospital beds would be considered on a regional basis. The Social Welfare Department (SWD) had proposed new facilities to be provided in the proposed PRH development which would serve not just the new population but also the existing residents. Those community facilities included kindergarten, Neighbourhood Elderly Centre, Integrated Support Service for Persons with Severe Physical Disabilities, Day Care Centre for the Elderly, Residential Care Home for the Elderly, Special Child Care Centre, and Early Education and Training Centre. Their provision was subject to detailed design and funding availability;

Public Consultation

- (c) public consultation had been carried out in accordance with the Ordinance;
- (d) K&TDC was consulted on 8.5.2014 on 13 identified housing sites including the Site. K&TDC was consulted again on the proposed amendments for the Site on 14.5.2015. Views collected were incorporated for Metro Planning Committee (MPC)'s consideration on 17.7.2015. The proposed amendments to the OZP were exhibited for public inspection in accordance with the provision of the Ordinance which was a statutory public consultation process;
- (e) during the exhibition period, K&TDC was further consulted by circulation on 18.9.2015 on the amendments to the OZP as there was no more DC meeting pending the new election, and no comment was received. A local forum was also held on 18.9.2015 to brief the locals of the zoning amendments. Their concerns were mainly the same as those in the adverse representations and comments. Refinement to the layout and technical assessments had been conducted to ensure that the proposed PRH development was technically feasible;

- (f) K&TDC members' comments on comprehensive planning for supporting transport, environmental and community facilities had been taken into consideration in scheme design. HD had liaised with the departments concerned to include appropriate welfare facilities in the development; and
- (g) the proposed preliminary layout of the PRH development was refined to address the concerns of the locals raised at the local forum on 18.9.2015.

Procedural Matter/Meeting Arrangement

17. The Secretary briefed Members on the following major responses in respect of the procedural matter and meeting arrangement:

- (a) since a large number of representers/commenters had registered to attend the hearing meeting to be held on 1.4.2016, the hearing meeting had to be re-scheduled to cater for the total speaking time required. The representers and commenters were informed of the rescheduled hearing date on 22.3.2016;
- (b) according to the Procedure and Practice of the Board, the representers/commenters would receive the agenda for the hearing and copy of the relevant Paper seven days before the hearing. The courier company delivered the Paper on 14.4.2016 but a lot of representers/commenters were not available at the corresponding address on that day. As a result, the Paper could only be delivered successfully to some of the representers /commenters on 16.4.2016. The soft copy of the Paper together with attachments were uploaded to the Board's website before the hearing;
- (c) given the large number of representations and comments received, the Board had agreed on 29.1.2016 to adopt a 10-minute time limit to ensure efficient conduct of the hearing. This approach was consistent with the hearing of other OZPs. Extension of the presentation time might be

allowed upon request and each request would be considered on a case by case basis; and

- (d) there was a Chinese translation for the Paper which had summarised all the major findings of the technical reports.

Representers' Proposals

18. The Meeting noted that the representers and commenters had made the following major points in their written and oral submissions:

- (a) the zoning of the Site should remain unchanged; and
- (b) the development intensity and building height of the proposed PRH development should be reduced, and Block 4 of the proposed development should be deleted.

19. Members then went through the following responses of the relevant government departments given during PlanD's presentation, and/or in answering Member's enquiries at the hearing, and/or recorded in the Paper:

- (a) the Site was vacant and there was no programme for open space development at the Site. There was surplus provision of open space in Tsing Yi. The Site was identified as having potential for residential development to meet housing needs. The proposed PRH development at the Site was considered compatible with the residential, commercial and educational developments in the surrounding; and
- (b) it was technically feasible and environmentally acceptable to develop the Site for PRH development with a domestic/non-domestic PR 6/9.5 and BHR of 140 mPD. To fully utilize the development potential of the Site, four blocks would need to be built.

20. The Chairman invited Members to express their views on various aspects of

concern raised by the representers and commenters.

Land Use/Site Suitability/Layout

21. A Member considered that the proposed PRH development at the Site was acceptable from land use perspective. However, as Block 4 of the proposed development was too close to Rambler Crest, consideration might be given to deleting that block or relocating it farther away.

22. Having visited the site recently, a Member considered that the Site was not suitable for development. The existing hotels in Rambler Crest which served as an environmental buffer against the glare impact of CT9 and the noise impact of Tsing Yi Road were already very close to the residential blocks of Rambler Crest. Should the Site be developed for PRH development with the 4-block layout, the congested living environment of the residents of Rambler Crest would be further worsened. If the Site had to be used for residential development, only the north-eastern part of the Site, where Block 4 was located, should be considered though that area was still barely acceptable.

23. Another Member also considered that the Site was not very suitable for residential development as substantial mitigation measures would have to be implemented to address the adverse environmental impacts of CT9.

24. A Member was also concerned about the noise and glare impacts generated by the round-the-clock operation of CT9 and other container-related uses to the south-east of the Site. While HD had revised its layout from five blocks to four blocks with a view to minimising the adverse impacts, only 90% noise compliance rate was achieved. Consideration might be given to further reducing the number of flats so as to facilitate a more optimal layout and building design which could mitigate the glare and noise impacts more effectively. That might help to reduce the impacts on the future residents of the Site.

25. A Member said that the area bounded by the upper and lower sections of Tsing Yi Road was originally planned as a buffer area between CT9 and Cheung Ching Estate to avoid any undesirable interface between the industrial uses in the east and the residential developments in the west. While the existing sewage treatment plant had continued to serve

its original buffer function, some of the land within the original buffer area had been developed/planned for other uses such as Rambler Crest and container-related uses. The Site which was the only piece of undeveloped land in the original buffer area should better remain intact and be retained as an open space from land use planning point of view. Nevertheless, if the Site had to be used for PRH development, the north-eastern part of the Site should be retained as an open space to enhance the visual amenity and air ventilation of the surrounding residential developments such as Mayfair Gardens, Rambler Crest and Cheung Ching Estate.

26. Noting some representers' concerns on the adverse visual impact of the proposed PRH development, the Vice-chairman said that in the highly developed context of Hong Kong, it was not practical to protect private views and the potential adverse visual impact on the existing developments should not be a material consideration of the Board. The adequacy of the building separation of 60m between the proposed PRH development at the Site and Rambler Crest was subjective and consideration might be given to revising the building design and layout of the proposed PRH development to further increase the building separation distance. He continued to say that while the Site was subject to some constraints, they were not insurmountable for the proposed PRH development upon the implementation of mitigation measures. Given that there was a very long waiting list for public housing, the provision of PRH at the Site would help address the acute demand for public housing and might provide a better living environment for those people currently residing in partitioned units. Should the Site be considered acceptable for the PRH development, HD should be requested to devise further mitigation measures in order to satisfactorily address the glare and noise impacts on the future residents. On building layout and design, he opined that the future residents should be given a choice of whether to live in a flat with open sea view in the proposed PRH development even though they might be subject to more glare impact. In terms of land use compatibility, the proposed three residential blocks at the south-western part of the Site was considered acceptable while the block at the north-eastern part would worth further review. To minimise potential impacts on the residents of Rambler Crest, HD should consider reviewing the development intensity and parameters of the Site.

27. Another Member who had also visited the site said that the Site appeared to be smaller and narrower and located closer to the existing PFS and Rambler Crest than that shown on the photos of the Paper. The proposed PRH development at the Site would be rather congested visually, in particular when the Site was on a sloping ground.

28. In response to the Chairman's question, the same Member said that the layout for Block 4 was visually more congested than that of the other three blocks due to the steeper gradient in that part of the Site. The Member further said that Tsing Yi Road was partially closed for maintenance during the site visit and it was noted that some container vehicles were also using the upper section of Tsing Yi Road. The existing road network in the area was busy and undesirable. Regarding the suitability of the Site, the Member wondered if the Board should only allow the proposed PRH to be developed on a suitable site or on a site with no insurmountable technical problems.

29. The Chairman said that in assessing whether the Site was suitable for PRH development, the Board would examine the merits of the Site and consider factors such as land use compatibility and the findings of various technical assessments. However, it would not be necessary for the Board to be satisfied that the Site was the only suitable site for residential development in Tsing Yi.

30. A Member asked about the lease term for the PFS abutting the Site and the container vehicle park to the south of the Site. In response, Mr Edwin W.K. Chan, Assistant Director/Regional 3, Lands Department, said that while he did not have the lease for the concerned PFS site in hand, the lease term for a site in the New Territories would normally be up to 2047. The Secretary supplemented that the container vehicle park was under short term tenancy normally for a shorter period, say three to five years and on renewable terms. The Chairman said that the long-term use of the concerned container vehicle park site, as indicated by PlanD's representative during the Q&A session, was for the development of a multi-storey car park.

31. In response to the same Member's question on whether it was possible to enlarge the Site by including part of the existing container vehicle park site, the Chairman said that the current planning intention of the area located to the east of Tsing Sha Road was for some container-related uses instead of residential development. The Secretary added that the existing container vehicle park site was reserved for a multi-storey car park under the Port Master Plan 2030 and the development of which was subject to further study.

32. A Member said that in view of the scarce land resources, there was a genuine

need for public housing development. The assessment on the suitability of the Site for PRH should take into account whether the future residents would consider that their living environment had been improved. Given the high-density development context of Hong Kong, the blocking of private views should not be a material consideration of the Board and should not constitute a valid reason not to proceed with the zoning amendment. While the Site which was close to CT9 would be subject to a number of development constraints in terms of glare, noise and traffic, such technical concerns were not insurmountable and could be tackled by the implementation of mitigation measures at the detailed design stage.

33. Another Member said that it was the duty of the Board to assess the suitability of the Site for PRH taking into account all planning considerations and the findings of the technical assessments. Considering that the preliminary technical assessments conducted for the Site had not yet satisfactorily addressed the concerns of the representers and commenters, it was considered premature to make a decision on whether the amendments should be supported at this stage. The Member wondered if it was possible to request HD to carry out further technical assessments and to revise the layout to address the concerns raised by the representers and commenters. In response, the Chairman said that the Board would, after the completion of the hearing procedure, deliberate on the representations and comments based on the information available, unless the Board came to the view that some essential information had to be provided before an informed decision could be made. The submission of further information by concerned parties would often require a fresh round of hearing procedure to be conducted.

34. Another Member said that the Site might not be optimal for residential development having regard to its interface with CT9 and other container-related uses. The concern of the residents of Rambler Crest on the blocking of private views was not a valid consideration given that no private views could be guaranteed Hong Kong. The Member further said that while the proposed block 4 at the Site was not unacceptable, the proposed blocks 1 to 3 would be exposed to the noise and glare impacts of CT9.

35. A Member concurred with other members' views that a balanced decision had to be made taking into account the suitability of the Site for residential developments as well as the demand for more public housing to address the imminent need of the community. The Member said that the concern of the representers and commenters on the congested layout

and adverse impact on their private views were not material considerations of the Board. The suitability of the Site for residential development was supported by the technical assessments carried out by HD which were considered scientific and reliable. Quoting the example of a comprehensive development of residential, hotel and commercial developments in the vicinity of container terminals in SheKou, the Member considered that with proper and careful planning and design, the proposed residential development at the Site was considered not incompatible with the existing CT9 and other container-related activities in the area.

36. Having considered that Rambler Crest had already created a wall effect in the area, a Member said that the infill development at the Site with a congested layout would further worsen the environment.

37. A Member suggested that in future a site visit might be arranged by the Secretariat for Members to have a better understanding of the site context. The Member said that while the acute demand for public housing was fully noted, the subject zoning amendments should duly take into account the views of the affected parties. The Site was not suitable for residential development for the reasons that the Site might be subject to potential risk due to its close proximity to the existing PFS; there were strong objections from K&TDC and local residents; lack of satisfactory measures to compensate for the loss of 1,800 trees due to the proposed development; and the existing traffic congestion of the area would be further aggravated, both during the construction and operation stage.

38. In response to Member's concern on the compensatory measures for those affected trees within a development, Mr C.W. Tse, Deputy Director of Environmental Protection (1) said that according to the tree preservation and compensatory planting proposals promulgated by the Greening, Landscape and Tree Management Section (GLTMS) of the Development Bureau, the existing OVT within a development should be preserved, and transplanted if unavoidable. For those trees which had visual and amenity value, in-situ compensatory planting for those affected trees was required. For common tree species, any felling of those trees had to be compensated by replanting the same number of trees either on-site or off-site in order to maintain the total number of trees within the territory. Compensatory planting should be of a ratio of not less than 1:1 in terms of number, and size of the affected trees would also be taken into account in deriving the ratio.

39. Another Member said that the acute demand for more housing supply was well noted but it was also important to assess the suitability of the Site for residential development taking into account all planning consideration. After relocation of the oil depots, the Site was reserved for open space development. The green area had effectively served as a buffer area between the polluting container terminal and associated uses to the east and the existing residential developments such as Mayfair Gardens and Cheung Ching Estate to the west. The Site was considered spatially important in the area in that the existing direct views from the elevated access road of Rambler Crest towards Tsuen Wan would be preserved. Besides, the existing trees on the Site, which helped to filter the dust and particulates of the air, would improve the air quality of the area. Although there was no OVT within the Site and the trees within the Site were considered of low conservation value, the landscape and buffer value of the Site should not be ignored. In view of the above and the strong local objection, the Member considered that the rezoning of the Site should not be supported and PlanD should be requested to identify another suitable replacement site for PRH. A similar decision had previously been made by the Board in 2013 after considering the representations and comments of the Ma On Shan OZP which involved very strong local objection against the rezoning of a “Government, Institution or Community” site to residential use at On Chun Street near Horizon Suite Hotel.

40. A Member concurred with the above view that the Site had played an important buffer function in the area by separating the industrial uses and the residential/educational uses. The use of the Site for residential development which would result in direct interface between two incompatible uses was undesirable.

41. Another Member said that while the Site was not totally suitable for residential development, housing development at the north-eastern part of the Site was considered more acceptable given that Rambler Crest had served as a buffer mitigating the adverse impacts of CT 9. Consideration might be given to exploring other development options such as releasing the sewage treatment plant site for residential development or increasing the developable area of the Site by relocating the existing PFS to its south-western part.

42. A Member said that whilst the Site might not be ideal for residential development, it was not unsuitable for such development. The separation distance between Block 4 of the proposed PRH development and Rambler Crest was acceptable, while the blocking of views

as presented by the local residents was not a material consideration. The Member was more concerned about the industrial/residential interface of the Site. The building form and disposition of Blocks 1 to 3 under the current layout was undesirable as they might be subject to significant noise and glare impacts of CT9. Should appropriate mitigation measures be devised which could satisfactorily address the impacts, the proposed PRH development at the Site would be acceptable.

43. Another Member remarked that planning should be carried out in a comprehensive manner for the betterment of the community and improvement of the environment. While the Board would have to determine whether the Site should be rezoned for PRH development, some information such as the availability of alternative sites within Tsing Yi district, if any, might help Members to make an informed decision.

44. The Chairman observed that there were clearly different views on the Site. Whilst some Members considered that the Site might not be suitable for residential development, some opined that the Site could be used for PRH development given that the technical constraints were not insurmountable. Some Members also noted that there could be scope to revise the site layout to further mitigate possible impacts.

45. In response to a Member's question, the Chairman said that should the Board decided to propose amendments to the zoning of the entire/part of the representation site, the proposed amendments would be gazetted for further representations in accordance with the provisions of the Ordinance.

46. As requested by the Chairman, the Secretary briefed Members on the statutory procedures relating to the further representations. After consideration of the representations and comments, should the Board decide to propose amendments to the plan to meet /partially meet the representations, the proposed amendments would be gazetted for further representations. Upon receipt of adverse further representations, a hearing of the further representations (further hearing) would be arranged and the further representers, the original representers whose representations were previously met/partially met and concerned original commenters would be invited to attend. After completion of the further hearing, the Board would decide whether the proposed amendments should be confirmed or varied. The OZP together with all the representations, comments and further representations would be

submitted to the Chief Executive in Council (CE in C) for approval.

47. The Chairman supplemented that in accordance with the Ordinance, the submission of the OZP to CE in C for approval was subject to a statutory time limit of nine months after the expiry of the exhibition period. An extension of six month might be sought from the Chief Executive if additional time was required to complete the process.

48. The Vice-chairman said that while there was no dispute to the buffer function of the Site in the existing context, the site to its south currently planned for container-related uses could also serve as a buffer area in the future context if those container-related uses was non-polluting industrial uses and the potential industrial/residential interface could be addressed. The Board might further consider the technical feasibility of the Site before proceeding to decide whether the proposed PRH development at the Site was acceptable.

49. One Member reiterated the view that the Site was not suitable for residential development having regard to its unique site characteristics serving as the buffer zone for the area. The use of the Site for residential development would neither benefit the local residents nor improve the general environment of the area. While the proposed PRH development at the Site might help to address some of the public housing demand, it was important to ensure that the Site would provide a liveable environment for the future residents. The OZP amendment, if approved, would have a negative image on the land use planning of Hong Kong.

50. A Member remarked that it might be worthwhile to invite Members to express their view on the rezoning first before proceeding to assess the technical details of the Site. Another Member held a different view and considered that a decision should only be made after thorough discussion of all other aspects. Even if it was eventually concluded that the Site as a whole might not be suitable for residential development, the option of using part of the Site for residential development should not be precluded.

51. The Vice-chairman also considered that to proceed with the discussion on the technical aspects would allow Members to take into account all relevant planning consideration in making a decision.

52. After further deliberation, Members agreed to proceed with the discussion on the technical aspects of the Site.

Technical Assessments

Traffic

53. A Member said that the Site was not suitable for residential development from traffic viewpoint. During the site visit, it was found that Tsing Yi Road was very narrow and busy and was used by container vehicles. A large section of the road was closed for maintenance resulting in traffic congestion. The proposed four additional residential blocks and the commercial centre would attract more traffic into the area and the existing traffic congestion would be further aggravated. The TIA conducted for the Site had not taken into account the road safety aspect which was an important consideration in assessing the suitability of the Site for residential development.

54. A Member noted the concerns of some representers over areas such as the selected date for conducting traffic survey, but observed that, despite such concerns, the TIA conducted had already complied with the relevant government requirements. It was anticipated that the existing road network would have adequate capacity to cater for the traffic generated from the proposed PRH development on the Site. However, there might be concern on the service level and adequacy of public transport services in future which were not a planning issue per se.

55. Another Member raised concern on the findings of the TIA given the inappropriate survey date and incomplete assessment as presented by the representers. The government department's response that the heavy vehicles would only use the lower section of Tsing Yi Road was unconvincing noting that the existing PFS along the upper section of Tsing Yi Road had attracted a number of container vehicles thus causing traffic congestion. The Member considered that concerned government departments should have provided more effective responses to address the concerns raised by the representers on the traffic aspect.

56. A Member suggested that traffic survey on rainy days should be included in the TIA in order to have a more comprehensive assessment on the overall traffic impact.

57. Noting the representers' concern on the traffic data collected, a Member said that such discrepancies, if any, could be minimised/offset through data calibration or some modelling techniques during the TIA process.

58. Based on a visit of the Site, a Member considered that some representers' concerns on the traffic congestion and the inadequate public transport facilities might be valid.

59. The Vice-chairman remarked that the deliberation of the subject matter by the Board should take into account all planning considerations including the results of the technical assessments which were more objective and scientific, rather than basing on one's own perception which could be rather subjective. He then made the following major points on the technical aspects of the Site:

- (a) in response to the concerns raised by some representers that the TIA had underestimated the traffic demand which was based on the 'traffic survey' conducted on a day preceding the Easter Holiday, he clarified that the 'traffic survey' as mentioned by the representers was the survey on public transport services instead of the traffic flow survey which was conducted on a typical day which complied with the established practice of conducting a TIA ;
- (b) according to the findings of the TIA, the traffic flow of the area was acceptable, even with the proposed PRH development in place. Moreover, the traffic flow of the container industry, with adjustment factors applied to container vehicles, had also been duly taken into account in the assessment;
- (c) while some representers queried on the appropriateness of assessing the public transport demand by conducting a survey at Cheung Wang Estate, he explained that such approach was reasonable in that surveying a public housing development of similar scale within the same district could help to obtain a more realistic assessment on the future public transport demand for the PRH development at the Site;

- (d) given that TD had advised that the existing public transport services could cater for the additional demand arising from the proposed PRH development and that TD would closely monitor the public transport services in the area before and after population in-take, it might not be appropriate for the Board to be over-concerned with the provision and operation details of the public transport services;
- (e) noting that some representers were concerned about the road safety problem associated with a large number of container vehicles in the area, evidence should be provided to demonstrate that the accident rates of container vehicles were higher than other vehicle types, some accident black spots were found in the area, and that the accidents at those black spots were related to container vehicles; and
- (f) the expert comments provided by the concerned government departments on the acceptability of the technical assessments should be respected unless there were other scientific findings contrary to the assessment results. In this regard, the Board should rely on the expert advice of TD on whether the traffic concerns of the Site could be effectively mitigated.

60. A Member opined that the traffic concerns raised by the representers were not insurmountable having regard that the traffic congestion would be improved upon completion of road works at Tsing Yi Road, and the lack of public transport services would be closely monitored by TD.

61. A Member concurred with the Vice-chairman's views that the technical assessments had provided an objective and scientific analysis on the feasibility of the proposed development. Noting that the representers were concerned about the uneven distribution of public transport facilities between the northern and southern part of Tsing Yi, the Member wondered if any improvement measures could be implemented to address the concern.

62. The Chairman noted that the hearing procedure had been completed. Unless the

Board took the view that some essential information was required before they could form a decision on the matter, the usual practice would be for the Board to come to its decision on the best of the best available information.

Environment

63. Noting that the noise compliance rate for the proposed PRH development was only 90% and additional mitigation measures would only be devised by HD at the detailed design stage, a Member raised concern on the environmental acceptability of the proposed PRH development said that further study had to be conducted to address the noise problem before proceeding with the proposed development. Regarding the glare impact of CT9 on the future residents of the Site, although the assessment on glare impact was not a mandatory requirement for EAS, the Member considered that such adverse impact could not be effectively mitigated by the separation distance of 300m between CT9 and the future PRH at the Site, in particular when the operation of CT9 was round-the-clock throughout the year. The Member had reservation on the proposed rezoning if the above technical concerns could not be satisfactorily addressed.

64. Another Member said that more concrete environmental mitigation measures should be provided to demonstrate that the adverse noise and glare impacts could be effectively addressed and the Site was suitable for residential development.

65. A Member said that if there were no effective mitigation measures to address the glare and noise impacts on the proposed PRH development, the mental health of some future residents of the Site might be adversely affected due to their long-term exposure to glare and noise nuisance.

66. Another Member said that HD might need to provide clarification on whether the internal air ventilation of the residential units would be affected by the provision of acoustic windows which was a kind of noise mitigation measure.

67. The Vice-chairman said that in view of the lack of some objective assessment criteria on the glare impacts in Hong Kong, it might be difficult for the Board to assess whether the glare impact generated by CT9 was acceptable.

68. A Member considered that the Site which would be subject to adverse glare impact might be undesirable but not totally unsuitable for residential development. Those people on the waiting list for public housing could decide whether the living environment of the proposed PRH development at the Site was acceptable to them.

69. To address some representers' argument that mechanical ventilation system would have to be installed for the PRH development in order to mitigate the noise impacts of Tsing Sha Road and CT9, Mr C.W. Tse said that the Site was not unsuitable for residential development from environmental perspective. With the implementation of appropriate environmental mitigation measures such as single aspect building design, acoustic windows, etc, it was technically feasible for the Site to achieve a 100% noise compliance rate. The adoption of mechanical ventilation as in the case of Rambler Crest was only one of the possible mitigation measures to address the noise impact. DEP considered that appropriate measures to mitigate the potential noise impact on the Site would be worked out by HD at the detailed design stage.

Tree Felling

70. A Member said that although no OVT was found within the Site, the landscape and amenity value of the existing trees could not be fully compensated by the measures required by the GLTMS.

71. Another Member said that although the proposed PRH development at the Site which involved extensive felling of trees would adversely affect the environment of the local area, the greenery of the Tsing Yi district as a whole would not be significantly reduced. Compensatory planting within the Site or elsewhere within the district was required.

Building on Slope

72. A Member considered that the concern on the slope stability of the Site as raised by some representers could be satisfactorily mitigated albeit the north-eastern part of the Site currently proposed for Block 4 would require substantial site formation works and the construction of a large retaining wall due to its steep gradient.

73. Given the site constraints, a Member opined that the Site might not be desirable but not absolutely unsuitable for residential development. The Member considered that the Board should not make a judgement on behalf of the potential residents that the Site was not suitable for habitation. Full information on the constraints of the Site should be disclosed to the general public who could make their own decision on whether they would live in the PRH development at the Site. Moreover, the existing site constraints might be overcome in future due to technological advancements.

74. In anticipation that more time would be required to complete the deliberation, the Chairman requested Members to express their views on whether the discussion should continue in the afternoon or on an alternative date.

75. After further deliberation, Members agreed that the deliberation session of the hearing would be adjourned at the moment and be continued on an alternative date to be fixed. To assist the Members to recall the main points of discussion at the meeting, the draft minutes of the meeting would be circulated to Members for reference before the resumption of the deliberation session.

76. The meeting was adjourned at 1:15 p.m..