

**Minutes of 1131st Meeting of the
Town Planning Board held on 6.1.2017**

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

Dr Wilton W.T. Fok

Mr Sunny L.K. Ho

Ms Janice W.M. Lai

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Ms Christina M. Lee

Mr Stephen H.B. Yau

Dr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Mr K.K. Cheung

Mr Wilson Y.W. Fung

Mr Thomas O.S. Ho

Mr Alex T.H. Lai

Dr Lawrence K.C. Li

Mr Stephen L.H. Liu

Professor T.S. Liu

Miss Winnie W.M. Ng

Ms Sandy H.Y. Wong

Mr Franklin Yu

Principal Assistant Secretary (Transport 3)

Transport and Housing Bureau

Mr Andy S.H. Lam

Director of Lands

Ms Bernadette H.H. Linn

Assistant Director (Environmental Assessment)

Environmental Protection Department

Mr K.F. Tang

Chief Engineer (Works), Home Affairs Department

Mr Martin W.C. Kwan

Director of Planning

Mr Raymond K.W. Lee

Deputy Director of Planning/District

Secretary

Ms Jacinta K.C. Woo

Absent with Apologies

Mr H.W. Cheung

Professor K.C. Chau

Mr Ivan C.S. Fu

Mr H.F. Leung

Dr Frankie W.C. Yeung

Dr C.H. Hau

In Attendance

Assistant Director of Planning/Board

Miss Fiona S.Y. Lung

Chief Town Planner/Town Planning Board

Ms Sally S.Y. Fong

Senior Town Planner/Town Planning Board

Ms Karen F.Y. Wong

Agenda Item 1

[Open meeting]

Confirmation of Minutes of the 1130th Meeting held on 16.12.2016

[The meeting was conducted in Cantonese.]

1. The minutes of the 1130th meeting held on 16.12.2016 were confirmed without amendments.

Agenda Item 2

[Open Meeting]

Matters Arising

**Judicial Review Application against the Town Planning Board's Decision in respect of the
Draft Chek Lap Kok Outline Zoning Plan No. S/I-CLK/13 (HCAL 68/2016)**

[This item was conducted in Cantonese.]

2. The Secretary reported that the following Members had declared interests on the item:
 - Professor S.C. Wong - being a member of the Institute of Transport Studies of the University of Hong Kong, which had obtained sponsorship from the Airport Authority Hong Kong (AAHK)(C1) before and the council member of the Chartered Institute of Logistics and Transport in Hong Kong (R2), but not involving in the submission of R2's representation
(*Vice-chairman*)
 - Mr Sunny L.K. Ho - being the Executive Director of the Hong Kong Shipper's Council (R1) and the President of the Chartered Institute of Logistics and Transport in Hong Kong (R2)

- Ms Christina M. Lee - being Secretary-General of the Hong Kong Metropolitan Sports Events Association which had obtained sponsorship from the Chinese Manufacturers' Association of Hong Kong (C20) before
- Dr C.H. Hau - being a member of the Conservation Advisory Committee of World Wide Fund for Nature Hong Kong (WWF(HK)) (R386)
- Mr Dominic K.K. Lam - being a member of the three-runway system (3RS) and Works Committee of AAHK
- Mr Thomas O.S. Ho - having current business dealings with AAHK and personally knowing Mr Paul Zimmermann (representative of Designing Hong Kong (R12020))
- Ms Janice W.M. Lai] having current business dealings with AAHK
Mr Patrick H.T. Lau]
- Mr K. K. Cheung] their firm having past business dealings with
Mr Alex T.H. Lai] WWF(HK)(R386)
- Professor K.C. Chau - being a member of the Advisory Council on the Environment which endorsed the Environmental Impact Assessment Report of the 3RS project

3. As the item was to report the withdrawal of the judicial review (JR) application, the meeting agreed that the above Members could stay at the meeting. Members noted that Dr C.H. Hau and Professor K.C. Chau had tendered apologies for not being able to attend the meeting. Ms Christina M. Lee, Mr Dominic K.K. Lam, Mr Thomas O.S. Ho, Ms Janice W.M. Lai, Mr Patrick H.T. Lau and Mr Alex T.H. Lai had not yet arrived to join the meeting.

The JR Application

4. The Secretary reported that on 5.4.2016, a JR application was lodged by Ho Ho Sum (the Applicant) against the decision of the Town Planning Board made on 26.2.2016 for not upholding the adverse representations and not amending the draft Chek Lap Kok Outline Zoning Plan No. S/I-CLK/13. The Court had not yet granted leave to the JR application.

5. On 23.12.2016, the Applicant applied to the Court for withdrawing the JR application. On 3.1.2017, the Court approved the withdrawal of the JR application. Members noted that the JR application had been withdrawn.

Kowloon District

Agenda Item 3

[Open Meeting]

Consideration of Representations and Comments in respect of Draft Cha Kwo Ling, Yau Tong, Lei Yu Mun Outline Zoning Plan No. S/K15/24

(TPB Paper No. 10229)

[The item was conducted in Cantonese.]

6. The Secretary reported that the amendments to the Draft Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan (OZP) No. S/K15/24 involved rezoning of a site for public housing development by the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA); and a site for private residential development atop the MTR Yau Tong Ventilation Building (YTVB) with MTR Corporation Limited (MTRCL) as the project proponent. The Board of Management of the Chinese Permanent Cemeteries (BMCP) submitted a representation (R456). The following Members had declared interests on the item :

Mr Raymond K.W. Lee - being a member of the Strategic Planning Committee and
(as Director of Planning) Building Committee of HKHA

Ms Bernadette H.H. Linn - being a member of HKHA
(as Director of Lands)

- Mr Martin W.C Kwan
(as Chief Engineer (Works),
Home Affairs Department)
- Mr H.F. Leung
- Dr C.H. Hau
- Mr Ivan C.S. Fu
- Mr Stephen L.H. Liu
Mr Thomas O.S. Ho
Mr Patrick H.T. Lau
Ms Janice W.M. Lai
- Mr K.K. Cheung
Mr Alex T.H. Lai
- Mr Philip S.L. Kan
- Mr Franklin Yu
- Mr Dominic K.K. Lam
- Professor S.C. Wong
(Vice-chairman)
- Dr Lawrence W.C. Poon
- being a representative of the Director of Home Affairs who was a member of the Strategic Planning Committee and the Subsidised Housing Committee of HKHA
 - being a member of the Tender Committee of HKHA and being a convenor of the Railway Objections Hearing Panel
 - having current business dealings with HKHA
 - having current business dealings with MTRCL, and past business dealings with HKHA
 -] having current business dealings with HKHA and MTRCL
 -] their firm having current business dealings with MTRCL, and past business dealings with BMCPC
 - being a Board Member of BMCPC
 - having past business dealings with HKHA and MTRCL
 - having past business dealings with HKHA
 - being a member of the Advisory Committee for Accredited Programme of MTR Academy, and being the Chair Professor and Head of Department of Civil Engineering of the University of Hong Kong where MTRCL had sponsored some activities of the Department before
 - his spouse being an employee of HD but not involved in planning work

7. Members noted that Mr Ivan C.S. Fu, Mr H.F. Leung, and Dr C.H. Hau had tendered apologies for being unable to attend the meeting, Mr Stephen L.H. Liu, Mr Thomas O.S. Ho, Mr Patrick H.T. Lau, Ms Janice W.M. Lai, Mr Alex T.H. Lai, Mr Franklin Yu, Mr Dominic K.K. Lam and Dr Lawrence W.C. Poon had not yet arrived to join the meeting. Members also noted that interests of Mr Raymond K.W. Lee, Ms Bernadette H.H. Linn, Mr Martin W.C Kwan, Mr K. K. Cheung and Mr Philip S.L. Kan were direct and agreed that they should be invited to leave the meeting temporarily. Members noted that the interest of Professor S.C. Wong was indirect and agreed that he could stay in the meeting.

[Mr Raymond K.W. Lee, Ms Bernadette H.H. Linn, Mr Martin W.C Kwan, Mr K. K. Cheung and Mr Philip S.L. Kan left the meeting temporarily at this point.]

Presentation and Question Sessions

8. The following government representatives, representers, commenters and their representatives were invited to the meeting:

Government representatives

Planning Department (PlanD)

- | | | |
|------------------|---|---|
| Mr Tom C.K. Yip | - | District Planning Officer/Kowloon (DPO/K) |
| Ms Joyce Y.S. So | - | Senior Town Planner/Kowloon 5 |

Housing Department (HD)

- | | | |
|-----------------------|---|----------------------------|
| Miss Evelyn H.Y. Lee | - | Senior Planning Officer /3 |
| Mr Clarence K.Y. Fung | - | Senior Architect/4(SA/4) |

Transport Department (TD)

- | | | |
|----------------|---|------------------------------------|
| Mr Liu Kin Wai | - | Senior Transport Officer/Kwun Tong |
| Mr Ho Chi Tat | - | Engineer/Kwun Tong 3 (EK/KT3) |

Representers, Commenters and their Representatives

R4 - Tse Suk Chun (Kwun Tong District Council (KTDC) Member)

R25 - Chan Tai Sau

R30 - 黃鶴鳴

R31 - 黃愛貞

R36 - 朱蔭棠

R37 - 吳小惠

R40 - 姜葉淑珍

R41- Tsang King Bor

R52 - Yau Tim Lin

R74 - 鄧健才

R100 - 張月微

R133 - Cheung Siu Pik

R187 - 黃進傑

R237 - 丘輝英

R241 - 林曉輝

R292 - 林燦平

R373 - 楊萬成

R398 - 黃英群

R436 - Chung Wing Kum

R450 - Lock Wah Moon

Ms Tse Suk Chun - Representer and Representers' representative

R200 - Lai Yiu Luen

Mr Lai Yiu Luen - Representer (Attend only)

R267 - Ng King Shing

Mr Ng King Shing - Representer

R333 - Tang Kwok Kei

Mr Tang Kwok Kei - Representer

R455 – Cheung Ki Tang (KTDC Member)

Mr Cheung Ki Tang - Representer

R456 – BMCPC

Ms Brenda Lo] Representer's representatives

Mr Desmond Cheung]

Mr Patrick Cheng]

Mr Calvin Li]

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

10. The Chairman extended a welcome. He went on to say that DPO/K would brief Members on the background to the representations and comments. The Chairman would then invite the representers or their representatives to make oral submission. To ensure efficient operation of the hearing, each representer/commenter or their representative was allotted 10 minutes for making presentation. There was a timer device to alert the representers or their representatives two minutes before the allotted 10-minute time was to expire and when the allotted 10-minute time limit was up. Question and answer (Q&A) sessions would be held after all attending representers/commenters or their representatives had completed their oral submissions. Members could direct their questions to government representatives, representers or their representatives. After the Q&A sessions, government representatives, representers or their representatives would be invited to leave the meeting; and the Board would deliberate on the representations in their absence and inform the representers/commenters of the Board's decision in due course

11. The Chairman then invited Mr Tom C.K. Yip, DPO/K, PlanD, to brief Members on the background to the representations and comments.

12. With the aid of a PowerPoint presentation, Mr Tom C.K.Yip, DPO/K, PlanD, briefed Members on the representations and comments, including the background of the proposed amendments to the draft Cha Kwo Ling, Yau Tong and Lei Yue Mun OZP No. S/K15/24 (the draft OZP), the views and proposals of the representations and comments, planning assessments and PlanD's views on the representations and comments, as detailed in the TPB Paper No. 10229.

[Mr Lincoln L.H. Huang, Dr Wilton W.T. Fok, Ms Christina M. Lee, Miss Winnie W.M. Ng and Mr K.F. Tang arrived to join the meeting during DPO/K's presentation.]

13. The Chairman then invited the representers and their representatives to elaborate on their submissions.

R4 - Tse Suk Chun (KTDC Member)

R25 - Chan Tai Sau

R30 - 黃鶴鳴

R31 - 黃愛貞

R36 - 朱蔭棠

R37 - 吳小惠

R40 - 姜葉淑珍

R41- Tsang King Bor

R52 - Yau Tim Lin

R74 - 鄧健才

R100 - 張月微

R133 - Cheung Siu Pik

R187 - 黃進傑

R237 - 丘輝英

R241 - 林曉輝

R292 - 林燦平

R373 - 楊萬成

R398 - 黃英群

R436 - Chung Wing Kum

R450 - Lock Wah Moon

14. Ms Tse Suk Chun made the following main points:

- (a) the government's responses to the representers' views presented at the meeting was disappointing. While the need for more housing sites was acknowledged, the Yau Tong community was facing a lot of problems, e.g. inadequate community facilities and parking spaces. The addition of residents in the area would aggravate such problems;

Pedestrian Road Crossing

- (b) pedestrians had difficulties in crossing Ko Chiu Road between Yau Tong Centre and Domain. TD informed her that signalized road crossing could not be provided due to the close proximity to a roundabout. There was a road accident recently with a child knocked down by a vehicle. During the construction of Domain, the section of Ko Chiu Road next to Yau Tong Centre was converted from two-way traffic to one-way traffic temporarily which was found to provide a very safe pedestrian crossing environment. It was suggested to revert that section of Ko Chiu Road back to one-way traffic road allowing only traffic entering from Cha Kwo Ling (CKL) Road;
- (c) despite the number of driving tests carrying out daily might not be high, the students practising their driving skills in Yau Tong posed danger to pedestrians;

Car Parking Space

- (d) there was a shortage of parking spaces in Ko Cheung Court, Yau Chui Court and Yau Mei Court. The recent round of ballot for monthly parking spaces by HD revealed a lack of at least 277 parking spaces in those housing developments. The 421 public car parking spaces to be provided in the developments at Lei Yue Mun (LYM) Path and Yan Yue Wai were mainly to cater for patrons of the seafood stalls, rather than serving the local residents. At present, the problem of roadside parking was serious with private cars, coaches and industrial vehicles parking along Ko Chiu Road, CKL Road and Yau Tong Road after 7 p.m. every night. The buses could only drop off the

passengers in the middle lane which was dangerous. Enforcement action by Police against illegal roadside parking could not solve the problem;

Kindergarten and Nursery

- (e) the provision of kindergarten and nursery in the area was insufficient and young children needed to attend school in other districts. The additional population would further aggravate the problem;

Government, Institution or Community (GIC) Provision

- (f) the provision of recreational facilities in the area was insufficient. In Yau Lai Estate, due to the noise nuisance created by some of the residents when doing exercise in the open area, HD eventually blocked off the open area. Some of the residents even had to do their exercise next to the refuse collection point (RCP) which was not desirable;
- (g) the provision of markets was also not satisfactory as the Bright Lamp Market was too small and the LYM Market was too far away. The rent of the stalls in Bright Lamp Market was very high which made the price of the food sold in the stalls also very expensive; and
- (h) in sum, the Government should address those problems before designating more housing sites in the area.

R267 – Ng King Shing

15. Mr Ng King Shing made the following main points:

- (a) there should be a government clinic and dental clinic in Yau Tong to serve the elderly; and
- (b) the rent of the stalls/shops in Domain was dictated by the operator. The price of food and goods kept rising due to the high rent which did not match with the residents' wage increase.

R333 – Tang Kwok Kei

16. Mr Tang Kwok Kei made the following main points:

- (a) he was a resident of Ko Cheung Court; and
- (b) there were not enough jobs and facilities in the area. He requested for a government clinic to meet the local need.

R456 – BMCPC

17. With the aid of a PowerPoint presentation, Ms Brenda Lo made the following main points:

- (a) BMCPC proposed to build an escalator access system from Ko Chiu Road Junction to Sections 6 and 7 of Junk Bay Chinese Permanent Cemetery (JB Cemetery). Part of the proposed escalator would encroach the “Residential (Group A)7” (“R(A)7”) zone at Ko Chiu Road site;
- (b) the proposed escalator access system could bring about a number of benefits including facilitating visitors flow during Ching Ming and Chung Yeung festivals, improving efficiency on crowd control management and temporary traffic arrangements during festive periods, enhancing pedestrian connectivity to and from JB Cemetery, and providing more comfort and convenient access for cemetery visitors. It could also provide an alternative route connecting to the existing Wilson Trail for leisure purpose for members of the public;
- (c) in the long run, the escalator would be connected to the Yau Tong MTR station which could facilitate public travelling to/from MTR Station and JB Cemetery;
- (d) the escalator access system would run 400m long with a total elevation of 120m. It would comprise 10 sets of escalators, and a 0.7m wide service staircase which would also function as emergency exit/bypass staircase during peak pedestrian flow. The escalator access system would be covered by translucent glass panels to provide an all-season access. There were also

at-grade footpaths connecting from the escalator system to the adjacent existing trail;

- (e) since the opening of BMCPC Footpath in Tiu Keng Ling in 2012, which was a similar project to enhance pedestrian connection, the number of cemetery visitors using Ko Chiu Road had been substantially channelled to BMCPC Footpath which enabled shortening of the temporary road closure from 9 to 3 days during festive periods. It was believed that if the escalator access system could be implemented, the pedestrian connectivity to JB Cemetery would be further enhanced which could relieve the pressure on crowd control management and temporary traffic arrangements, and traffic condition in Yau Tong; and
- (f) regarding the concern that no supporting information for the proposed escalator access system was provided in the written submission, if the Board required, more detailed information could be submitted after the meeting.

R455 – Cheung Ki Tang (KTDC Member)

18. Mr Cheung Ki Tang made the following main points:

Public Consultation

- (a) the amendments to the OZP had submitted to the KTDC meeting twice and could not gain the support of KTDC. Although in the second meeting, PlanD had revised the proposal at Yan Wing Street site to include study room and activity room in response to KTDC's request for provision of GIC and transport facilities expressed at the first meeting, such revised proposal could not fully address the concerns of KTDC. PlanD should undertake more public consultation, especially with the local residents, for the proposed residential developments;

Car Parking Space

- (b) there were insufficient car parking spaces in the area. In some festive occasions, traffic could queue for about 600m from LYM Pai Fong to Yau Tong Centre. The temporary car park site at LYM Path would be developed

for residential use. The proposed 27 additional car parking spaces at Yan Wing Street site was insufficient to cater for the need in the vicinity;

- (c) a lot of industrial traffic along LYM Road and CKL Road was generated from the nearby industrial sites. At night, the roadside parking queue along CKL Road could stretch about 2.2 km long from LYM Pai Fong to the temporary football court at Wai Yip Street;
- (d) without any proposals for widening CLK Road and other substantial road improvement works, the congested traffic condition and shortage of car parking space in the area would be further aggravated by the proposed residential developments;

Geotechnical Concern

- (e) due to the possible presence of hard granite in the Yan Wing Road site, it was anticipated that the site formation works would generate substantial noise impact during blasting, but no mitigation measures had been proposed;

Visual Compatibility

- (f) high-density residential development was proposed at the Yan Wing Street site and would not be visually compatible with the medium-rise Yau Tong Centre of about 10-storey;

GIC Provision

- (g) based on a Legislative Council (LegCo) paper, the whole Kwun Tong district had a deficit of 2.1 sports centre, 1.6 sports ground and 1 general clinic. Some 10 sites in Kwun Tong would be rezoned for housing. The GIC provision should be assessed for the whole Kwun Tong district rather than Yau Tong only;
- (h) based on the information provided by PlanD, there were two sports centres in the OZP area with one at Lam Tin. However, Lam Tin alone, with a population of 120,000 people, should require two sports centres in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG). The two

existing sports centres would not be sufficient to cater for the population of both Lam Tin and Yau Tong;

- (i) although Kwun Tong district had 3 swimming pools, one was a training pool, rather than a standard pool. Consideration should be given to accommodating a swimming pool in Yau Tong; and
- (j) the proposed escalator access system of R456 which could facilitate visitors to go to JB cemetery and the views expressed by R4 were supported.

19. As the presentation from the government's representative, and the representers/their representatives had been completed, the meeting proceeded to the Q&A session. The Chairman explained that Members would raise questions and the Chairman would invite the representers/their representatives and/or the government's representatives to answer. The Q&A session should not be taken as an occasion for the attendees to direct questions to the Board, or for cross-examination between parties.

R456's Proposed Escalator Access System

20. The Chairman and some Members raised the following questions:

- (a) the estimated number of grave sweepers that would use the proposed escalator access system to JB Cemetery during Ching Ming and Chung Yeung Festivals, and impact of the system on the local traffic;
- (b) whether any alternative alignment and entrance of the proposed escalator access system had been considered so as to avoid encroachment onto the proposed development at the Ko Chiu Road site;
- (c) the ownership for the land along the alignment of the proposed escalator access system; and whether consent had been obtained for connecting the system with MTR ventilation building;
- (d) source of funding and mode of operation of the escalator access system; and
- (e) whether flexibility could be allowed on the OZP for the possible future development of the proposed escalator access system.

21. In response, Ms Brenda Lo and Mr Desmond Cheung, R456, made the following points:

- (a) based on the consultant's estimate, the proposed escalator access system could carry 9,000 people per hour to JB Cemetery. At present, about 500,000 grave sweepers would visit JB Cemetery during the festive periods and 70% of the visitors would access JB Cemetery via BMCPC Footpath in Tiu Keng Ling and 30% via Ko Chiu Road. The proposed escalator access system would facilitate visitor flow from Ko Chiu Road and visitors could gather at Sections 6 and 7 in JB Cemetery, instead of at Ko Chiu Road, and thereby ameliorate the crowd control problem in the area. Although detailed traffic impact assessment (TIA) had yet to be carried out, it was believed that the proposed escalator access system would reduce road traffic in Yau Tong generated by grave sweepers and bring about improvement to the traffic condition in the area. With less people walked up to JB Cemetery along Ko Chiu Road, the service of special bus route No.14S could be strengthened to facilitate the cemetery visitors during the festive periods;
- (b) the proposed alignment with an entrance in the "R(A)7" zone at Ko Chiu Road was preliminary based on the consultant's feasibility study. Upon further detailed feasibility study, it might be possible to fine-tune the alignment and location of the entrance;
- (c) while the upper end of the proposed escalator access system would be located within JB Cemetery, the remaining part ran through the "Green Belt" zone which should be on government land. The land issue would be further worked out by the consultant. It was believed that the proposed escalator access system could be classified as road under the Roads (Works, Use and Compensation) Ordinance (Roads Ordinance); and
- (d) the proposed escalator access system would be funded by MBCPC. As for opening hours, the escalator would operate to tie in with those of JB cemetery, but would allow public access 24 hours to facilitate other users such as hikers.

22. Mr Tom C.K. Yip, DPO/K, also made the following responses:
- (a) some of the information presented by the representer at the meeting had not been included in the written submission and hence whether the proposed escalator access system was acceptable could not be ascertained at the juncture. Nevertheless, as the proposed system would involve substantial government land, the project proponent had to submit detailed technical assessment to demonstrate its feasibility for consideration by the concerned departments and seek policy support from the relevant Bureaux for development. According to the Highways Department, the alignment currently proposed by the representer was not the only option and could be adjusted to avoid encroaching onto the “R(A)7” zone; and
 - (b) before considering how the proposed escalator access system could appropriately be incorporated into the OZP, it was essential to establish its need and technical feasibility. Based on the information provided by the representer in the written submission and at the meeting, it was noted that the technical feasibility of the system had yet to be established. Nevertheless, if the escalator access system would be gazetted and authorized under the Roads Ordinance as proposed by the representer, it would be considered as a ‘Road’ use which would be deemed approved on the OZP.

Traffic Aspects

23. Some Members raised the following questions:
- (a) whether the TIA of the proposed residential developments has assessed the impact on the Eastern Harbour Crossing;
 - (b) whether the strategic road links and the proposed local traffic and public transport improvement works would be in place prior to the population intake of the proposed residential developments; and
 - (c) whether it was possible to implement the one-way traffic at Ko Chiu Road as proposed by the representers.

24. In response, Mr Tom C.K. Yip, made the following main points:

- (a) TIAs had been conducted for the two proposed residential developments, which had assessed the impacts of the increased traffic flow on the critical junctions of nearby roads and concluded that with the proposed mitigation measures, there would not be any adverse impact on the traffic in the area. As for the traffic condition of the Eastern Harbour Crossing, it was more related to regional traffic issues; and
- (b) for the strategic road links, Tsueng Kwan O-Lam Tin Tunnel which could divert substantial traffic away from Yau Tong, was under construction and it would likely be available around similar time when the residential developments were completed. For Road T2 and Central Kowloon Route, they had already gone through the procedures under the Roads Ordinance but pending funding approval from LegCo. For the local public transport improvement, some had already been implemented which included the strengthening of the service of mini-bus route No. 76B. A new bus route between Tsuen Wan and Yau Tong and the extension of a bus route for Sha Tin-Lam Tin to Yau Tong as requested by some representers were under planning. The signal of the traffic lights at the junction of CKL Road/Ko Chiu Road would also be tuned to improve the traffic arrangement in the area in due course.

25. Mr Ho Chi Tat, EK/KT3, TD, supplemented that :

- (a) based on the findings of the TIA, the proposed development at Yan Wing Street would generate around one car for each direction per minute on LYM Road and, with the proposed traffic mitigation measures, there would not be any adverse traffic impact on the area; and
- (b) for the proposal to convert a section of Ko Chiu Road into one-way traffic, if the southbound traffic from upper Yau Tong could not enter into the section of Ko Chiu Road next to Domain, it would divert into Yan Wing Street. At present, traffic queue on Yan Wing Street leading to LYM Path was observed, particularly at evening peaks, conversion of the two-way traffic at the section

of Ko Chiu Road into one-way traffic might have adverse traffic impact on Yan Wing Street and nearby junction.

Car Parking Space

26. Some Members raised the following questions:

- (a) whether there was adequate provision of car parking spaces in the area; and
- (b) whether there was any government policy to require a new public housing development to provide additional car parking space to address the shortfall in its vicinity; and whether there was any policy to require industrial vehicles to park inside the industrial area where they served instead of in the residential area.

27. In response, Mr Tom C.K. Yip, made the following main points:

- (a) apart from 421 public car parking spaces to be provided in the two forthcoming developments at Yan Yue Wai and LYM Path, there were about 200 public car parking spaces in Domain and some spaces were also available in Yau Mei Estate and LYM Plaza. Ancillary car parking spaces were also provided within respective residential developments in accordance with HKPSG. The representers might have the impression that the car parking provision was insufficient due to the frequent occurrence of illegal parking and large number of applications for HKHA's car parking spaces. However, those incidents might not fully reflect the demand and supply situation of car parking spaces in the area; and
- (b) in general, for public housing developments, apart from ancillary car park for the residents, there were hourly parking spaces for visitors. For the proposed public housing development at the Yan Wing Street site, the upper range requirement under HKPSG would be adopted for provision of ancillary car parking spaces. In addition, 27 car parking spaces would also be provided to address the district demand. He did not have any information in hand on the government policy on restricting parking of industrial vehicles only in the respective industrial area.

28. In response to Members' question on the adequacy of car parking provision, Mr Cheung Ki Tang, R455, made the following main points:

- (a) illegal roadside car parking in the area was serious. It was observed that every night, a long stretch of road of 2.2km from LYM Pai Fong to CKL Road was occupied by illegal parking. With the occupation of LYM Estate Phase 3, the hourly parking spaces in LYM Estate were always full; and
- (b) the 200 public car parking spaces in Domain were for hourly parking only but not monthly parking which could not meet the need of the residents. The long waiting list of monthly parking spaces in the public housing developments reflected the deficit of car parking spaces in the area.

29. Ms Tse Suk Chun, R4, also made the following responses:

- (a) the shortest waiting list for car parking spaces in HKHA's developments had up to 277 cars. There was a high demand of car parking spaces as some of the residents, e.g. disciplinary staff living in quarters in the area had high car ownership as they had irregular working hours and could not rely on MTR and other public transport; and
- (b) she received complaints from residents that lorries used to be parked in the car park of Yau Tsui Court were no longer allowed since 2015 as they exceeded 5.5 tons. Recently, some of the light goods vehicles used to be parked in the HKHA's car park were also accorded with a lower priority when parking spaces were allocated.

Sports Facilities

30. The Chairman and some Members raised the following questions:

- (a) the provision of recreational facilities in the district; and
- (b) whether there was a proper park in the vicinity, or other available spaces, that could meet the recreational needs of the residents.

31. In response, Mr Tom C.K. Yip, made the following main points:

- (a) there were 15 ha surplus of local open space in the OZP area. Yau Tong comprised mainly public housing developments. Under the current practice, HKHA would provide local open space and recreational facilities within their developments while the Leisure and Cultural Services Department (LCSD) would provide recreational facilities to meet the district needs. For the OZP area, two sports centres as required under HKPSG were provided at the LYM Municipal Services Building and Lam Tin, which accommodated a variety of sports facilities; and
- (b) for the Kwun Tong district as a whole, there was a deficit of one sports ground and two sports centres. LCSD had been consulted on the provision of sports centre at the two proposed housing sites, and considered the sites not appropriate as the Yau Tong and Lam Tin areas already had two sports centres. Given that the location of the OZP area was located in the eastern end of Kwun Tong district, it would be better to provide new sports centre in other parts of Kwun Tong district rather than concentrate the provision in one area. For sports ground, according to HKPSG, it would require a site area of 3 ha and both the Yan Wing Street site and Ko Chiu Road site were not large enough to accommodate a sports ground. Opportunity for further provision of the sports facilities in the Kwun Tong district would be explored by the Government.

32. Ms Tse Suk Chun, R4, also made the following responses:

- (a) there was only one badminton court in Yau Lai Estate which was not enough to cater for the need of the residents. Some residents did their exercise in the open area near Yau Lai House. Due to the complaints received about noise nuisance, HD eventually blocked off the open area from public access. For Yau Tong Estate, some residents even had to do exercise next to a RCP and complained to her about the odour nuisance of the RCP;
- (b) there was a park near CKL Road but the residents in Yau Lai Estate had to walk 20 to 25 minutes to get there. For such a long distance, some residents preferred to walk to Devil's Peak; and

- (c) the layout of the public housing developments was very dense leaving few open areas. She therefore proposed to extend the opening hours of the rooftop garden of Domain and convert the rooftop of a nearby reservoir into public open space.

Clinic

33. In response to a Member's question on the provision in the area, Mr Tom C.K. Yip said that a joint housing cum clinic development was planned at the junction of Pik Wan Road/Ko Chiu Road (Pik Wan Road site). HD was in close liaison with the Food, Environment and Health Bureau in studying the technical feasibility and development programme of the proposal.

34. In response to the Member's question above, Mr Cheung Ki Tang, R455, said that the original proposal at Pik Wan Road site did not include the clinic development. The clinic was only included upon strong requests by local residents and KTDC members. He understood that due to the presence of slopes within the site, the clinic would only be available in 2026.

35. Some Members asked whether locating the clinic in the Yan Wing Road site, as proposed by R455, would make it available to the public earlier; and which site for the clinic development could better serve the users.

36. In response, Mr Tom C.K. Yip made the following main points:

- (a) similar to the Pik Wan Road site, the Yan Wing Street site had slopes and it was estimated that the development would be completed around 2025/26. If the clinic was relocated to the Yan Wing Street site, a new round of technical feasibility study for the joint development was required which would delay the implementation programme. As such, the suggested relocation might not make the clinic available earlier; and
- (b) both the Pik Wan Road and Yan Wing Road sites were located within a residential neighbourhood and their convenience and accessibility to different users was difficult to compare. For Members' background information, the Pik Wan Road site was rezoned from "G/IC", which was originally reserved for clinic use, to "R(A)" for public housing development about two years ago. During the rezoning process, there were discussions among various parties

about the suitability of the location of the clinic in Yau Tong. Given that local residents, especially Ko Chun Court and Ko Cheung Court, requested to retain the proposed clinic at the Pik Wan Road site, the Board considered that a clinic should be incorporated into the proposed public housing development at the Pik Wan Road site during the consideration of the representations and comments in respect of that rezoning exercise.

[Mr Andy S.H. Lam left the meeting at this point.]

37. In response to a Member's question, Mr Clarence K.Y. Fung, SA/4, HD, confirmed that the joint clinic and residential development at the Pik Wan Road site was technically feasible.

38. In response to the Chairman's question, Mr Cheung Ki Tang, R455, said that the local requested for retaining the proposed clinic at the Pik Wan Road site at that time as it was considered better than nil provision in the area. However, as the Pik Wan Road site was located uphill and served only by two mini-bus routes, it was not convenient for wheelchair users. He anticipated that there would be lift and other facilities connecting the Yan Wing Street site with LYM Estate that would allow convenient access for the elderly and disabled. As the site was also close to Domain, the residents of Yau Lai Estate and those lived further west could go to the clinic via the walkway and lift system at the MTR station.

Others

39. Some Members raised the following questions/points:

- (a) whether there were measures to address the existing problem of insufficient provision of primary schools and secondary schools;
- (b) whether the provision of kindergartens in the district was sufficient; and
- (c) how the impact on the trees at the Yan Wing Street site could be addressed; and
- (d) measures to enhance pedestrian connectivity in the areas especially to Wilson Trail, Devil's Peak and the waterfront.

40. In response, Mr Tom C.K. Yip made the following main points:

- (a) the Education Bureau (EDB) advised that the demand for primary school in Kwun Tong would gradually reach a stable level. For secondary school, its provision should be assessed based on the whole Kwun Tong district and there were about 314 surplus classrooms in Kwun Tong district;
- (b) despite that there was surplus of 30 kindergarten classrooms in the OZP area, upon EDB's request, a kindergarten would be provided in the Yan Wing Street site;
- (c) according to the assessment conducted by HD, there were 330 trees at Yan Wing Street site with no protected or rare species, nor Old and Valuable Trees. Although those trees would be subject to removal during construction, around 220 compensatory trees would be provided in the proposed development. Roof and vertical greening would be considered to address the loss of greenery; and
- (d) Member's views on enhancing pedestrian connectivity would be taken note of in future planning.

41. In responses to a Member's enquiry, Mr Clarence K.Y. Fung, SA/4, HD, said that the drainage channel within Yan Wing Street site would be retained in the proposed public housing development. HD would improve the landscape of the drainage channel by planting along its edges.

42. As Members had no further question to raise, the Chairman said that the hearing procedures were completed. The Chairman thanked the government representatives as well as the representers and their representatives for attending the meeting and said that the Board would deliberate on the representations and comments in their absence and would inform the representers and commenters of the Board's decision in due course. The government representatives, the representers and their representatives left the meeting at this point.

Deliberation

43. The Chairman and some Members made the following main points:

- (a) whilst there were merits with the proposed escalator access system, it was premature to consider incorporating it into the OZP. Subject to further detailed study by the project proponent, and policy support from the respective bureau, the District Council should be consulted on the proposal, and local views, if any, could be gauged at that juncture; and
- (b) if the proposed escalator access system was to be gazetted and authorized under the Roads Ordinance, it would likely be considered as 'Road' which would be deemed approved in the OZP. Another possibility was for the system to be regarded as an ancillary use of the cemetery, which would likely require amendments to the OZP. It might be premature to tell which possibility would be the way forward.

44. Members considered that the respective government departments should give further thoughts to the proposals put forward by some representers. PlanD should continue to liaise with HD on the possibility of incorporating more recreational and GIC facilities in future public housing developments, where appropriate, and with TD on the feasibility of converting the two-way traffic at the section of Ko Chiu Road next to Domain to one-way traffic.

45. After deliberation, the Board agreed to note the supportive view of representation R1 on Item A.

46. The Board decided not to uphold the views of representations R2 to R456 and considered that the Plan should not be amended to meet the representations for the following reasons:

- “ (a) land suitable for housing development in Hong Kong is scarce and there is a need for optimizing the use of land available to meet the pressing demand for housing land. The proposed residential developments at Yan Wing Street and Ko Chiu Road are compatible with the surrounding environment, and sustainable from traffic, environment, air ventilation, visual and infrastructure perspectives. Other zoning amendments are mainly to reflect

the existing uses of the relevant land (R2 to R455);

- (b) the Yau Tong area is well served by public transport network and pedestrian networks. Upon implementation of suitable traffic improvement measure and enhancement of public transport service, the proposed residential developments would not have adverse traffic impacts on the surrounding areas (R2 to R455);
- (c) to cater for the parking demand of the residents, adequate parking and loading/unloading facilities will be provided in the proposed residential developments. Taking into account the two planned public vehicle parks in the area with a total of 421 parking spaces, it is envisaged that the parking demand of Yau Tong area could be met (R3 to R454);
- (d) the driving tests are only carried out in non-peak hours with limited number of tests per day and the driving training is restricted along test routes in non-peak hours, the traffic impact of the Yau Tong Driving Centre should be minimal (R3 to R454);
- (e) the implementation of the proposed East Kowloon Line will be subject to the outcome of detailed engineering, environmental and financial studies, as well as updated assessment of passenger transport demand and availability of resources (R3);
- (f) after taking into account the additional population from the new residential developments in the area, there is still generally sufficient provision of open space and government, institution and community (GIC) facilities to serve the local residents. Various GIC facilities will be included in the proposed residential development at Yan Wing Street (R2 to R455);
- (g) the statutory and administrative procedures in consulting the public on the zoning amendments have been duly followed. The exhibition of Outline Zoning Plan for public inspection and the provisions for submission of representations and comments form part of the statutory consultation process under the Town Planning Ordinance (R3); and

- (h) in the absence of supporting information, it is inappropriate to make provision in the “Residential (Group A)7” zone for the proposed escalator access system linking up the Junk Bay Chinese Permanent Cemetery and Yau Tong (R456). ”

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

[Mr Raymond K.W. Lee, Ms Bernadette H.H. Linn, Mr Martin W.C Kwan, Mr K. K. Cheung and Mr Philip S.L. Kan returned to join the meeting at this point. Mr Stephen L.H. Liu, Mr Thomas O.S. Ho, Mr Patrick H.T. Lau, Ms Janice W.M. Lai, Mr Alex T.H. Lai, Mr Franklin Yu and Mr Dominic K.K. Lam arrived to join the meeting at this point. Ms Christina M. Lee left the meeting at this point.]

Tuen Mun & Yuen Long West District

Agenda Item 4

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/YL-HT/1029

Proposed Temporary Open Storage of Brand-New Vehicles (Private Cars and Light Goods Vehicles) for a Period of 3 Years in “Agriculture” Zone, Lots No. 520 (Part), 521 (Part), 536, 538, 541, 542, 543, 544 (Part), 545 (Part), 547, 548, 549, 551, 552, 553, 554 and House Lot Block (Part) in D.D. 128, Yuen Long

(TPB Paper No. 10230)

[The item was conducted in Cantonese.]

47. The Secretary reported that the application site (the Site) was located at Ha Tsuen. Ms Janice W.M. Lai had declared an interest on the item as her spouse was a shareholder of a company which owned two pieces of land in Ha Tsuen. The Meeting agreed that Ms Lai could stay in the meeting as the two pieces of land owned by her spouse’s company did not have a direct view of the Site.

Presentation and Question Sessions

48. The following government representative and the applicant's representatives were invited to the meeting :

Mr David C.M. Lam	–	District Planning Officer/Tuen Mun and Yuen Long West, Planning Department (DPO/TM&YLW, PlanD)
Mr Tang Ki Sum]	
Mr Tang Cheuk Lun]	Applicant's representatives
Mr Tang Cheuk Hang]	
Mr Tang Pak Yiu]	
Mr Tang Kam Chai]	

49. The Chairman extended a welcome and explained the procedure of the review hearing. He then invited Mr David C.M. Lam, DPO/TM&YLW, PlanD, to brief Members on the review application.

50. With the aid of a PowerPoint presentation, Mr David C.M. Lam briefed Members on the background of the review application including the consideration of the application by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board), justifications provided by the applicant, and planning consideration and assessments as detailed in the Paper.

51. The Chairman then invited the applicant's representatives to elaborate on the review application. Mr Tang Ki Sum made the following main points:

- (a) regarding the accusation of 'destroy first, build later', he clarified that the vegetation on the Site was not cleared by the applicant but by previous tenant. It was not fair for them to bear the blame for the illegal site formation works;
- (b) the Site was needed to store brand-new vehicles which were originally stored in a site in San Wai. As that site in San Wai was resumed by the Government for the San Wai Sewage Treatment Works, the applicant had to relocate its business elsewhere. As the applicant had tenancy agreement with Dah Chong Hong Holding Limited (DCH), he needed to find a site for storing the

brand-new vehicles to fulfil the contractual agreement. The proposed use at the Site was supported by the Drainage Services Department and District Lands Office/Yuen Long; and

- (c) the Board had approved planning applications for open storage use in the past. The Site was the only site that the applicant could find and hoped that the Board would give sympathetic consideration to the application.

52. Mr Tang Cheuk Lun made the following main points:

- (a) it was noted from the Board's website that the Board had approved with conditions an application (No. A/YL-PH/608) for temporary storage of vehicles within the "Agricultural" ("AGR") zone in 2011. That site was required as the applicant's original site for storing the vehicles was resumed by the Government for Express Rail Link project. That case was similar to the current application, which should be treated as a precedent case for such application in Yuen Long; and
- (b) despite that the vegetation on the Site had been cleared, landscape measures were proposed in the application to improve the amenity of the area. It would better to regularize the Site for beneficial use, rather than leaving it idle.

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

54. The Chairman and some Members raised the following questions:

- (a) when the applicant acquired the Site and whether they were involved in the vegetation clearance at the Site;
- (b) the previous use of the site; whether the applicant was involved in making a decision of renting out the site to its previous tenant; and whether the current tenancy agreement specified the use of the site;
- (c) whether the applicant received any compensation when his original site in San Wai was resumed by the Government;

- (d) where DCH's affected vehicles were stored at the moment;
- (e) whether the land owner or the operator of the site was liable to the enforcement action undertaken by the Government; and
- (f) whether a planning application had to be submitted by the land owner of the application site.

55. In response, Mr Tang Ki Sum and Mr Tang Cheuk Lun made the following points:

- (a) the applicant was notified of the land resumption of the San Wai site around March 2016 and started a search for replacement site. The Site was a Tso/Tong land of the village which was once rented out by the Tso/Tong manager to an outsider's company. The outsider's company vacated the site upon receiving PlanD's enforcement notice. The applicant only approached the Tso/Tong manager of their intention to rent the Site for storing vehicles recently, and was not involved in any action related to vegetation clearance of the Site;
- (b) the applicant had no detailed knowledge of the previous use of the Site and was not involved in making the decision on renting out the Site to its previous tenant. The tenancy agreement between the Tso/Tong manager and the applicant did not specify the use of the Site;
- (c) as the applicant was only a tenant but not the land owner of the San Wai site, the applicant was not entitled to compensation when the San Wai site was resumed. However, in the contractual agreement with DCH, the applicant was required to accommodate DCH's vehicles up to 30.6.2017 and had the legal obligation to fulfil the contract despite that the San Wai site was resumed by the Government; and
- (d) the San Wai site had already been resumed by the Government. The applicant currently rented various locations in Fung Kat Heung for storing DCH's vehicles which had incurred a financial loss to the applicant.

56. Mr David C.M. Lam, DPO/TM&YLW, also made the following responses:

- (a) as shown in the PowerPoint slide, the Site was currently reinstated with vegetation to an acceptable level and a compliance notice was issued on 2.11.2016. In general, both the land owner of the site and the operator of the unauthorized development would be liable to enforcement action undertaken by PlanD; and
- (b) it was not necessary for an application to be submitted by the land owner of the application site. In case the applicant was not the owner, the procedures setting out the owner's consent or notification requirement as stated in the Town Planning Board Guidelines should be complied with.

57. As Members had no further questions, the Chairman said that the hearing procedures for the review application were completed. The Board would further deliberate on the review application in the absence of the applicant's representatives and inform the applicant of the Board's decision in due course. The Chairman thanked DPO/TM&YLW and the applicant's representatives for attending the meeting. DPO/TM&YLW and the applicants' representatives left the meeting at this point.

Deliberation

58. Some Members made the following main points:

- (a) it was appropriate to retain the Site for agricultural use, and there was no strong justification for a departure from such planning intention;
- (b) enforcement action had been taken against the previous unauthorized development at the Site. The Site had already been reinstated and it was not appropriate to revert the Site to open storage which would defeat the purpose of the enforcement action; and
- (c) as the Site had already been reinstated, 'destroy first, build later' might not be a relevant consideration.

59. The meeting noted that ‘destroy first, build later’ was not one of the reasons to reject the application at the s.16 application stage. The point was highlighted in the Paper mainly to set out that the application should not be assessed based on the ‘destroyed’ state of the Site.

60. Regarding the approved application No. A/YL-PH/608 in Pat Heung as quoted by the applicant, Mr Raymond K.W. Lee, Director of Planning, said that the site circumstances of the case might be different. The site of the approved application was located in Pat Heung. In the current application, the Site was located near Lau Fau Shan and no similar applications in the subject “AGR” zone had been approved by the Board.

61. After deliberation, the Board decided to reject the application on review on the following reasons:

- “ (a) the development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. There is no strong planning justification to merit a departure from such planning intention, even on a temporary basis;
- (b) the development is not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that no previous approval has been granted for the site, there are adverse departmental comments on the agricultural, landscape and environmental aspects. The applicant fails to demonstrate that the proposed development would not generate adverse landscape and environmental impacts; and
- (c) approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone, the cumulative effect of which will result in a general degradation of the environment of the “AGR” zone. ”

[Dr Wilton W.T. Fok and Mr Stephen H.B. Yau left the meeting at this point.]

Agenda Item 5

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/YL-HT/1036

Proposed House (New Territories Exempted House - Small House) in “Recreation” and “Village Type Development” Zones, Lot 603 S.A ss.6 in D.D. 125, Tseung Kong Wai, Ha Tsuen, Yuen Long

(TPB Paper No. 10231)

Agenda Item 6

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No A/YL-HT/1037

Proposed 5 Houses (New Territories Exempted Houses - Small Houses) in “Recreation” Zone, Lots 603 S.A ss.1, 603 S.A ss.2, 603 S.A ss.3, 603 S.A ss.4 and 603 S.A ss.5 in D.D. 125, Tseung Kong Wai , Ha Tsuen, Yuen Long

(TPB Paper No. 10232)

[The items were conducted in Cantonese.]

62. The Board noted that the two review applications for proposed houses (New Territories Exempted Houses (NTEHs) – Small Houses) were similar in nature and the application sites (the Sites) were located next to each another. The two review applications were represented by the same representatives. With the agreement of the applicants’ representatives, the Board agreed that the two review applications could be considered together.

63. The Secretary reported that Ms Janice W.M. Lai had declared interest on the items as her husband was a shareholder of a company which owned two pieces of land in Ha Tsuen. The Meeting agreed that Ms Lai could stay in the meeting as the two pieces of land owned by her spouse’s company did not have a direct view of the Sites.

Presentation and Question Sessions

64. The following government representative and the applicants’ representatives were invited to the meeting :

Mr David C.M. Lam	-	District Planning Officer/Tuen Mun and Yuen Long West , Planning Department (DPO/TM&YLW, PlanD)
Mr Hui Kwan Yee]	Applicants' representatives
Mr Tang Yuk Kwan]	
Mr Tang Yuk Kuen]	

65. The Chairman extended a welcome and explained the procedure of the review hearing. He then invited Mr David C.M. Lam, DPO/TM&YLW, PlanD, to brief Members on the review application.

66. With the aid of the visualizer, Mr David C.M. Lam said that an editorial error in the second sentence of paragraph 65 of Paper No. 10232 (Chinese translation version only) was noted. The replacement page amending the sentence to read “擬建小型屋宇的覆蓋範圍只有3.6%全部位於廈村的「鄉村式發展」地帶內外” was forwarded to the applicants' representatives before the meeting.

67. With the aid of a PowerPoint presentation, Mr David C.M. Lam briefed Members on the background of the two review applications including the consideration of the applications by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board), justifications provided by the applicants, and planning consideration and assessments as detailed in the Papers.

68. The Chairman then invited the applicant's representatives to elaborate on the review applications.

69. Mr Hui Kwan Yee made the following main points:

- (a) the applicants were six indigenous villagers of Ha Tsuen Heung. It was well noted that if more than 50% of the footprint of a proposed Small House fell outside both the “V” zone and the ‘Village Environ’ (‘VE’), the application would be rejected. For the subject cases, the District Lands Officer/Yuen Long (DLO/YL) of Lands Department (LandsD) indicated that the ‘VE’ boundary for Tseung Kong Wai had yet been finalized. However, it was understood that ‘VE’ usually included area within 300m of the building

structures existed in the village before 1972. In that regard, the Sites should fall within 'VE' of Tseung Kong Wai;

- (b) in Ha Tsuen Heung, there were provision of open space, parks and ball courts. There was no plan to develop the subject "Recreation" zone. In fact, the area in the vicinity was largely occupied by open storage and industrial workshops which created nuisance in the area;
- (c) the proposed Small Houses were adjacent to existing village houses and were compatible with the surrounding development. Small House development at the Sites could provide a cleaner and more orderly environment than industrial workshops and open storage;
- (d) as stated in the Paper, there was a shortage of land in the "V" zone in Ha Tsuen Heung to meet the long-term Small House demand. Infrastructure works including road works and drainage works were being implemented in Ha Tsuen which could support more Small House development; and
- (e) the village representatives and District Council members supported the planning applications and the two adverse comments received at the s.16 stage had already been withdrawn. Most of the government departments had no objections to the applications.

70. Mr. Tang Yuk Kuen made the following main points:

- (a) he was the Tso/Tong manager. The applicants were the descendents of the indigenous villagers. The Sites should better be developed for Small Houses for the indigenous villagers than open storage use for outsiders; and
- (b) those open storage yards created nuisance and environmental hygiene problem in the area. He supported the proposed Small House development.

71. Mr. Tang Yuk Kwan made the following main points:

- (a) he was the indigenous inhabitant representative. The proposed Small Houses were to cater for the housing needs of the villagers. The Sites fell within a

piece of agricultural land which was located in the same lot as the existing village house cluster; and

- (b) the proposed Small House development would not have any adverse impact on the area as there was proper provision of sewerage and drainage facilities. The Sites should better be used for Small House development rather than for workshops which caused nuisance in the area.

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

73. The Chairman and Members raised the following questions:

- (a) noting that land was still available in "V" zone, why the applicants could not build their Small Houses within the "V" zone;
- (b) whether the existing open storage and workshop uses in the vicinity of the Sites were 'existing use';
- (c) what uses were permitted in "REC" zone; and whether there was any development programme for the "REC" zone;
- (d) when the VE would be finalized; and
- (e) whether 50% of the Small House footprint or of the application site falling within "V" zone would warrant favourable consideration of the application.

74. In response, Mr Hui Kwan Yee made the following main points:

- (a) the applicants could not find any land within their villages and could only identify the Sites which were located within the same Heung of the villages and were affordable to them; and
- (b) the Sites were previously used for open storage of construction materials and the owners did not intend to continue to use the Site for open storage use.

75. Mr David C.M. Lam, DPO/TM&YLW, also made the following responses:

- (a) according to the Notes of the OZP, recreational uses such as ‘Picnic Area’ and ‘Holiday Camp’ were always permitted in the “REC” zone;
- (b) ‘VE’ was a land administrative matter under LandsD’s jurisdiction. ‘VE’ boundary was drawn up with reference to the village houses existed before a specific year. “V” zone was drawn up on the OZP prepared by PlanD after taking into account various considerations including ‘VE’ boundary. He had no information on when the ‘VE’ boundary for Tseung Kong Wai would be finalized by LandsD;
- (c) if the existing open storage uses in the “REC” zone were unauthorized developments, PlanD would take enforcement action against them;
- (d) the Sites fell within the Hung Shui Kiu New Development Area, and the Sites together with their vicinity were planned as amenity buffer between developments. However, the planning applications should be considered based on the current zoning of the Sites on the OZP; and
- (e) according to the ‘Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories’ (Interim Criteria), favourable consideration might be given if not less than 50% of the footprint of the Small House, rather than the application site, falling within “V” zone, provided that there was a general shortage of land in meeting the demand for Small House development in the “V” zone and the other criteria could be satisfied.

76. As Members had no further questions, the Chairman said that the hearing procedures for the review applications were completed. The Board would further deliberate on the review applications in the absence of the applicants’ representatives and inform the applicants of the Board’s decision in due course. The Chairman thanked DPO/TM&YLW and the applicants’ representatives for attending the meeting. DPO/TM&YLW and applicants’ representatives all left the meeting at this point.

Deliberation

77. Members considered that the review applications were not in line with the Interim Criteria, and there was no change in the planning circumstances since the previous consideration of the subject applications by the RNTPC. There was no strong justification to depart from the RNTPC's decision of rejecting the applications.

78. After deliberation, the Board decided to reject the applications on review and the reasons for each application were:

- “ (a) the proposed development is not in line with the planning intention of the “Recreation” (“REC”) zone for recreational developments for the use of the general public. There is no strong planning justification provided in the submission to justify a departure from the planning intention;
- (b) land is still available within the “Village Type Development” (“V”) zone of Tseung Kong Wai, Ha Tsuen San Wai, Hong Mei Tsuen, Tung Tau Tsuen, Lo Uk Tsuen, Sik Kong Tsuen, Sik Kong Wai, Ha Tsuen Shi, San Uk Tsuen and San Sang Tsuen which is primarily intended for Small House development. It is considered more appropriate to concentrate Small House development close to the existing village cluster for more orderly development pattern, efficient use of land and provision of infrastructure and services;
- (c) the proposed development does not comply with the ‘Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories’ in that more than 50% of the proposed Small House footprint falls outside the “V” zone; and
- (d) approval of the application would set an undesirable precedent for similar applications in the “REC” zone.”

Agenda Item 7

[Open Meeting]

Submission of the Draft Yi O Outline Zoning Plan No. S/I-YO/1A under Section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval

(TPB Paper No. 10233)

[The item was conducted in Cantonese.]

79. The Secretary reported that the following Members had declared interests on the item for having affiliations/business dealings or being acquainted with representers/commenter or their representatives including World Wide Fund for Nature Hong Kong (WWF) (R14/C7), The Conservancy Association (CA) (R16), Mr Paul Zimmermann (representative of R17 and C1377) or with Mr Andrew S.L. Lam, whose name was repeatedly mentioned by the representative of commenter C5 in the meeting held on 8.7.2016 to consider the representations and comments :

- | | | |
|----------------------|---|--|
| Dr C.H. Hau | - | being the Vice-chairman of CA and member of the Conservation Advisory Committee of WWF |
| Mr K.K. Cheung | - | having past business dealings with WWF |
| Mr Thomas O.S. Ho | - | personally knowing Mr Paul Zimmermann |
| Mr Dominic K.K. Lam |] | personally knowing some of the representers |
| Professor T.S. Liu |] | |
| Mr Michael W.L. Wong |] | |
| Professor S.C. Wong |] | |
| Mr H.W. Cheung |] | |
| Mr Ivan C.S. Fu |] | |
| Mr Patrick H.T. Lau |] | |
| Mr Philip S.L. Kan |] | being acquainted with Mr Andrew S.L. Lam |
| Mr Wilson Y.W. Fung |] | |
| Mr Alex T.H. Lai |] | |

Mr Stephen L.H. Liu]
Ms Sandy H.Y. Wong]

80. As the item was procedural in nature, the meeting agreed that the above Members could stay in the meeting. Members noted that Dr C.H. Hau, Mr H.W. Cheung and Mr Ivan C.S. Fu had tendered apologies for being unable to attend the meeting.

81. The Secretary briefly introduced the Paper. Since the representation consideration process had been completed, the draft Yi O Outline Zoning Plan (OZP) No. S/I-YO/1 was ready for submission to the CE in C for approval.

82. After deliberation, the Board:

- (a) agreed that the draft Yi O OZP No. S/I-YO/1A and its Notes at Annexes I and II of the Paper respectively were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) endorsed the updated Explanatory Statement (ES) for the draft Yi O OZP No. S/I-YO/1A 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]

Application to the Chief Executive under Section 8(2) of the Town Planning Ordinance for Extension of Time Limit for Submission of Draft Kennedy Town & Mount Davis Outline Zoning Plan No. S/H1/20 to the Chief Executive in Council for Approval

(TPB Paper No. 10234)

[The item was conducted in Cantonese.]

83. The Secretary reported that one of the representation sites (Item C1) was for a proposed public housing development by the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA). Ove Arup & Partners HK Limited (Arup) was the consultant of a representer (R144) and Mayer Brown JSM (JSM) was the representative of representers R7615 and R7616. The following Members had declared interests on the item:

- | | | |
|--|---|--|
| Mr Raymond K.W. Lee
(as Director of Planning) | - | being a member of the Strategic Planning Committee and Building Committee of HKHA |
| Ms Bernadette H.H. Linn
(as Director of Lands) | - | being a member of HKHA |
| Mr Martin W.C. Kwan
(as Chief Engineer (Works),
Home Affairs Department) | - | being a representative of the Director of Home Affairs who was a member of the Strategic Planning Committee and the Subsidised Housing Committee of HKHA |
| Mr H.F. Leung | - | being a member of the Tender Committee of HKHA |
| Ms Janice W.M. Lai |] | |
| Mr Patrick H.T. Lau |] | |
| Mr Stephen L.H. Liu |] | having current business dealings with HKHA |
| Dr C. H. Hau |] | |
| Mr Thomas O.S. Ho |] | |
| Mr Ivan C.S. Fu | - | having current business dealings with Arup and past business dealings with HKHA |
| Mr Dominic K.K. Lam |] | having past business dealings with HKHA |
| Mr Franklin Yu |] | |

- Dr Lawrence W.C. Poon - his spouse being an employee of HD but not involved in planning work

- Professor S.C. Wong - being an engineering consultant of Arup and the Chair Professor and Head of Department of Civil Engineering of University of Hong Kong where Arup had sponsored some activities of the Department before

- Mr Alex T.H. Lai] their firm having current business dealings
- Mr K.K. Cheung] with Arup

- Mr. Andy S. H. Lam - spouse was an associate solicitor of JSM

84. As the item was procedural in nature. Members agreed that the above Members who had declared interests could stay in the meeting. Members noted that Mr Ivan C.S. Fu, Mr H.F. Leung and Dr C.H. Hau had tendered apologies for being unable to attend the meeting, and Mr Andy S.H. Lam had already left the meeting.

85. The Secretary briefly introduced the Paper. On 11.3.2016, the draft Kennedy Town & Mount Davis Outline Zoning Plan (OZP) No. S/H1/20 was exhibited for public inspection under section 7 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of 7,593 valid representations and 306 comments were received. On 7.10.2016, the Board agreed to consider the representations (R1 to R7614) and comments (C1 to C306) collectively in one group by special hearing session(s). According to the statutory time limit, the draft OZP should be submitted to the Chief Executive in Council (CE in C) for approval on or before 11.2.2017.

86. As a large number of the representers and commenters had indicated that they would

attend the hearing, it was estimated that several days of special hearing sessions would be required. Taking into account the Board's tight meeting schedule, the hearing sessions could only be scheduled for February 2017 the earliest, and thus, the submission of the draft OZP to CE in C for approval could not be made within the statutory nine-month time limit (i.e. before 11.2.2017). As such, it was necessary to seek the Chief Executive's (CE's) agreement for an extension of the statutory time limit for six months to allow sufficient time to complete the plan-making process of the draft OZP prior to submission to the CE in C for approval.

87. After deliberation, the Board agreed that the CE's agreement should be sought under section 8(2) of the Ordinance to extend the time limit for submission of the draft Kennedy Town & Mount Davis OZP No. S/H1/20 to CE in C for a period of six months from 11.2.2017 to 11.8.2017.

Agenda Item 9

[Open Meeting]

Any Other Business

[The item was conducted in Cantonese.]

88. There being no other business, the meeting was adjourned at 12:45 p.m.