

**Minutes of 1166th Meeting of the
Town Planning Board held on 9.3.2018**

Present

Permanent Secretary for Development
(Planning and Lands)
Ms Bernadette H.H. Linn

Chairperson

Professor S.C. Wong

Vice-Chairperson

Mr Lincoln L.H. Huang

Mr H.W. Cheung

Professor K.C. Chau

Mr Ivan C.S. Fu

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

Dr Frankie W.C. Yeung

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

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

Deputy Director of Environmental Protection (1)
Environmental Protection Department
Mr Elvis W.K. Au (a.m.)

Assistant Director (Environmental Assessment)
Environmental Protection Department
Mr C.F. Wong (p.m.)

Director of Lands
Mr Thomas C.C. Chan

Principal Assistant Secretary (Transport) 3
Transport and Housing Bureau
Mr Andy S.H. Lam

Director of Planning
Mr Raymond K.W. Lee

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

Secretary

Absent with Apologies

Dr Wilton W.T. Fok

Mr H.F. Leung

Dr C.H. Hau

In Attendance

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

Chief Town Planner/Town Planning Board
Ms April K.Y. Kun (a.m.)
Mr Kepler S.Y. Yuen (p.m.)

Senior Town Planner/Town Planning Board
Mr Eric C.Y. Chiu (a.m.)
Ms Christine C.M. Cheung (p.m.)

Agenda Item 1

[Open meeting]

Confirmation of Minutes of the 1164th meeting held on 12.2.2018

[The item was conducted in Cantonese.]

1. The minutes of the 1164th Meeting held on 12.2.2018 were confirmed without amendments.

Agenda Item 2

[Open meeting]

Confirmation of Minutes of the 1165th meeting held on 23.2.2018

[The item was conducted in Cantonese.]

2. The minutes of the 1165th Meeting held on 23.2.2018 were confirmed without amendments.

Agenda Item 3

[Open meeting]

Matters Arising

[The item was conducted in Cantonese.]

- (i) **New Judicial Review against the Decision of the Town Planning Board to Gazette the Draft Kwai Chung Outline Zoning Plan No. S/KC/29 (HCAL 288/2018)**

3. The Secretary reported that the judicial review (JR) was lodged by Tung Chun Company Limited (the applicant). Ms Janice W.M. Lai had declared an interest on the item for her spouse owning a unit in Wonderland Villas which fell within the Kwai Chung Outline Zoning Plan (OZP). Members noted that Ms Lai had not yet arrived to join the meeting.

4. The Secretary reported that on 23.2.2018, a JR application (HCAL 288/2018) was lodged by the applicant against the Town Planning Board (the Board)'s decisions made on 19.1.2018 to gazette the draft Kwai Chung OZP No. S/KC/29 (OZP 29) under s.7 of the Town Planning Ordinance (TPO) with identical restrictions in relation to the "Comprehensive Development Area" ("CDA") at Cheung Wing Road, Kwai Chung (the Site) introduced by the draft Kwai Chung OZP No. S/KC/26 (OZP 26). The relevant Notice of Application (Form 86) had been dispatched to Members before the meeting.

5. Members noted that this was the third JR application lodged by the applicant in respect of the same site. Details of the two previous JRs were as follows:

- (a) First JR (HCAL 9/2013) - against the Board's decisions made on 12.10.2012 not to propose amendments to OZP 26 to meet its representation for the Site, which was subject to a maximum plot ratio of 6.36 and a building height restriction (BHR) of 120mPD; and
- (b) Second JR (HCAL 91/2014) - against the Board's decisions made on 9.5.2014 and 13.6.2014 to gazette OZP 27 and OZP 28 respectively under s.7 of the TPO with identical restrictions in relation to the Site introduced by OZP 26.

6. While the amendments introduced on OZP 29 did not relate to the Site, the applicant took the view that OZP 29 superseded the previous OZP 26, OZP 27 and OZP 28 (which were the subjects of two related JRs) and became the relevant plan for the purpose of s.16(1)(d) of the Buildings Ordinance in approving building plans. Thus, OZP 29 might render the two JRs in respect of OZP 26, OZP 27 and OZP 28 meaningless.

7. The major ground of the JR application was that as OZP 29 contained the same BHR on the Site introduced by OZP 26 and the planning intention and objectives in relation to the BHR at the Site in OZP 26 were directly carried forward to OZP 29, OZP 29 was tainted by the Board's previous decision on OZP 26. The applicant therefore relied on all grounds raised in the first and second JRs.

8. The relief sought by the applicant from the Court included, inter alia:

- (a) an order to quash the decision and the BHR of 120mPD at the Site in OZP 29;

- (b) a declaration that OZP 29 and the BHR at the Site were ultra vires and invalid;
- (c) an order to direct the Board to reconsider whether (and, if so, what) restrictions should be imposed at the Site and the decisions in accordance with law; and
- (d) an interim stay of submission of OZP 29 to the Chief Executive in Council (CE in C) pending final determination of the JR.

9. On 26.2.2018, the Court granted leave to the subject JR application. On 6.3.2018, the Court directed that the JR be heard together with the first and second JRs. The three JRs were heard together in the Court of First Instance on 6-8.3.2018 and the judgment was pending.

10. Members noted the progress of the new JR application and agreed that the Secretary should represent the Board in all matters relating to the JR in the usual manner.

(ii) Judicial Review lodged by Hong Kong Resort Company Limited against the Decision of the Town Planning Board in respect of a section 12A application No. Y/I-DB/2 for Amendment to the Approved Discovery Bay Outline Zoning Plan No. S/I-DB/4 (HCAL 645/2017)

11. The Secretary reported that the following Members had declared interests on the item for owning properties in Discovery Bay or having business dealings with Hong Kong Resort Company Limited (HKR), applicant of the judicial review (JR) (the applicant):

Mr Ivan C.S. Fu	-	having current business dealings with HKR
Mr K.K. Cheung]	
]	their firm having current business dealings with HKR
Mr Alex T.H. Lai]	

Mr Stephen L.H. Liu - had past business dealings with HKR

Mr Dominic K.K. Lam - owning a flat in Discovery Bay

Dr Lawrence K.C. Li - co-owning with spouse a flat in Discovery Bay

12. Members noted that Dr Lawrence K.C. Li had not yet arrived to join the meeting. As the item was to brief Members on a new JR application, Members agreed that the interests of the other Members above were indirect and they could stay in the meeting.

13. The Secretary reported that on 19.9.2017, a JR application was lodged by HKR against the decision made by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) on 23.6.2017 not to approve a section 12A application (No. Y/I-DB/2) for rezoning the application site from “Other Specified Uses” annotated “Staff Quarters(5)” to “Residential (Group C)12” (“R(C)12”) with a proposed maximum gross floor area (GFA) of 21,600m² and a building height restriction of 18 storeys (128mPD)) on the approved Discovery Bay Outline Zoning Plan (OZP) No. S/I-DB/4.

14. The applicant sought relief from the Court to: (a) quash the Board’s decision to reject the planning application; and (b) order the Board to reconsider the application in accordance with the law. On 5.3.2018, the Court of First Instance granted leave for the JR application. Hearing dates were yet to be fixed.

15. Members agreed that the Secretary should represent the Board in all matters relating to the JR in the usual manner.

(iii) Consideration of Representations and Comments in respect of the Draft Hung Shui Kiu and Ha Tsuen Outline Zoning Plan No. S/HSK/1

16. The Secretary reported the following Members had declared interests on the item, for being associated/having business dealings with Hong Kong Housing Authority (HKHA), which the Housing Department (HD) was its executive arm, AECOM Asia Company Limited (AECOM), which was the

consultant of the Hung Shui Kiu New Development Area Study, Masterplan Limited (Masterplan), MTRCL, Percy Thomas Partnership (HK) Limited (Percy) (R109) and Hong Kong and China Gas Company Limited (Towngas) which was partly owned by Henderson Land Development Company Limited (Henderson), or affiliated with the World Wide Fund for Nature Hong Kong (WWF-HK), the Conservancy Association (CA), the co-founder and Chief Executive Officer of Designing Hong Kong Limited (DHKL) and the Hong Kong Bird Watching Society (HKBWS):

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

Mr Thomas C.C. Chan - being a member of HKHA
(*as Director of Lands*)

Mr Martin W.C. Kwan - being an alternate member for the Director of Home
(*as Chief Engineer* Affairs who was a member of SPC and Subsidized
(*Works*), Home Affairs Housing Committee of HKHA
Department)

Mr H.F. Leung - being a member of the Tender Committee of HKHA
and a convenor of the Railway Objections Hearing
Panel

Ms Janice W.M. Lai - having current business dealings with HKHA,
AECOM and MTRCL, and her spouse was a
shareholder of a company which owned two pieces of
land in Ha Tsuen

Mr Patrick H.T. Lau - having current business dealings with HKHA,
AECOM, MTRCL and Percy

Mr Thomas O.S. Ho - having current business dealings with HKHA and
MTRCL, personally knowing the co-founder and

Chief Executive Officer of DHKL and having past business dealings with AECOM

- Mr Ivan C.S. Fu - having current business dealings with AECOM, MTRCL and Masterplan Limited, and past business dealings with HKHA
- Dr C.H. Hau - having current business dealings with HKHA; being a member of HKBWS; a life member of CA and his wife is the Honorary Secretary of the Board of Directors of CA; and a past member of the Conservation Advisory Committee of World Wide Fund for Nature Hong Kong
- Mr K.K. Cheung]
] their firm having current business dealings with
Mr Alex T.H. Lai] HKHA and MTRCL
]
- Mr Stephen L.H. Liu - having past business dealings with HKHA and MTRCL
- Mr Franklin Yu - having past business dealings with HKHA, AECOM and MTRCL
- Professor S.C. Wong - having current business dealings with AECOM and
(*Vice-chairperson*) being a member of the Advisory Committee for Accredited Programme of MTR Academy
- Dr Lawrence W.C. Poon - his spouse being a civil servant of HD but not involved in planning work

Mr Peter K.T. Yuen - being a member of the Board of Governors of the Hong Kong Arts Centre, which had collaborated with the MTRCL on a number of arts projects

17. Members noted that Mr H.F. Leung and Dr C.H. Hau had tendered apologies for being unable to attend the meeting, and Ms Janice W.M. Lai and Mr Franklin Yu had not yet arrived to join the meeting. As the item was to report the information received from a representer (R109), Members agreed that interests of the other Members above were indirect and they could stay in the meeting.

18. The Secretary reported that the hearing sessions in relation to representations and comments of the HSK OZP were held on 30.1.2018, 1.2.2018 and 7.2.2018. The deliberation session of the hearing had not been conducted. On 27.2.2018, the Secretary received a letter from R109 (the representer), who attended the hearing on 30.1.2018, alleging that the Planning Department had not accurately reflected his proposal in the relevant Paper and during the presentation made at the hearing session, there was insufficient time for the representer to make his oral submission/clarifications at the meeting and the relevant government departments had failed to properly address questions raised by Members on the representer's proposal. A copy of the letter was tabled for Members' reference.

19. As the information was submitted after the hearing sessions, it was submitted out-of-time, and should be treated as not having been made under the Town Planning Ordinance (the Ordinance). Notwithstanding that, Members noted that the contents of the letter submitted by the representer were similar to its written and oral submissions which would be considered by the Board in the deliberation session.

20. Members agreed that the letter submitted by the representer should be treated as not having been made under the Ordinance, and the representer would be informed of the above in writing.

(iv) Consideration of Representations and Comments in respect of the Draft Kai Tak Outline Zoning Plan No. S/K22/5 (Group 2)

21. The Secretary reported that the representation site was related to a proposed campus development by the Vocational Training Council (VTC) and was currently partly occupied by a temporary training ground of Construction Industry Council (CIC) but the latter was not a subject of representations. The following Members had declared interests on the item for having affiliations or business dealings with VTC (also R1/C263) and its consultant, Ove Arup Partners HK Limited (Arup); or having affiliations or business dealings with CIC, Mr Paul Zimmerman of Designing Hong Kong Limited (C277) and Ms Mary Mulvihill (C433):

- | | |
|---|---|
| Mr Ivan C.S. Fu | - having current business dealings with the VTC and Arup, and being a council member of CIC |
| Mr Franklin Yu | - being the Director of a firm having current business dealings with VTC, a member of Construction Workers Registration Board (CWRB) of CIC, and having past business dealings with Arup |
| Ms Christina M. Lee | - being appointed as a member of the Student Development Discipline Advisory Board of VTC |
| Mr Patrick H.T. Lau | - being an external examiner of the Technological and Higher Education Institute (THEi) which was a member institute of VTC, and having current business dealings with Arup |
| Professor S.C. Wong
(Vice-Chairperson) | - being an adjunct Professor of the THEi but the appointment was honorary and courtesy in nature, a council member of CIC and convenor of the Objections Board of CIC, and having current business dealings with Arup |

- Mr Alex T.H. Lai - his firm having current business dealings with Arup and hiring Mary Mulvihill on a contract basis from time to time; having past teaching work in the member institute of VTC

- Mr K.K. Cheung - his firm having current business dealings with Arup and hiring Mary Mulvihill on a contract basis from time to time

- Miss Winnie W.M. Ng - an ex-Council member of VTC

- Mr Stephen L.H. Liu] having past teaching work in the member institute of
Dr Lawrence W.C. Poon] VTC
Mr Martin W.C. Kwan]

- Mr Dominic K.K. Lam - having past business dealings with VTC

- Mr Wilson Y. W. Fung - being a former member of the Accountancy Training Board of VTC

- Mr H.F. Leung - being a member of a committee of CIC and having past business dealings with the THEi

- Mr H.W. Cheung - being the past executive director of CIC and the Chairman of Zero Carbon Building of CIC

- Mr Thomas O.S. Ho - being the Chairman of the Board of the Construction Innovation and Technology Application Centre of CIC, and personally knowing Mr Paul Zimmerman

- Ms Janice W.M. Lai - having current business dealings with Arup

Ms Jacinta K.C. Woo - her spouse being a Group Director of the P&T
(Secretary) Architects and Engineers Ltd., which was consultant
of VTC, but not involved in project

22. Members noted that Mr H.F. Leung had tendered apologies for being unable to attend the meeting and Ms Janice W.M. Lai and Mr Franklin Yu had not yet arrived to join the meeting. As the item was to report a letter received from a representer/commenter (R274/C312), Members agreed that the rest of the Members who had declared interests in the item could stay in the meeting.

23. The Secretary reported that subsequent to the last hearing session on 11.1.2018, a letter was received from the Estate Owners' Committees of Laguna City (Phases 1, 2 & 4 and Phase 3) (R274/C312) on 28.2.2018 expressing that their concerns in respect of Amendment Item W (i.e. item related to VTC) had not been fully addressed. In gist, the representer/commenter considered that there were insufficient justifications provided for the proposed VTC campus and urged the Board not to agree with the zoning amendment. A copy of the letter was tabled for Members' reference.

24. As the information was submitted after the hearing sessions, it was submitted out-of-time, and should be treated as not having been made under the Town Planning Ordinance (the Ordinance). Notwithstanding that, Members noted that the content of the email submitted by the representer/commenter was similar to their written or oral submission and those of the other representers/commenters which would be considered by the Board in the deliberation session.

25. Members agreed that the information provided by the representer/commenter should be treated as not having been made under the Ordinance, and the representer/commenter would be informed of the above in writing.

[Ms Janice W.M. Lai, Mr David Y.T. Lui, Ms Sandy H.Y. Wong and Mr Franklin Yu arrived to join the meeting at this point.]

Tuen Mun and Yuen Long West District

Agenda Item 4

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments in respect of the Draft Lau Fau Shan & Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/8, Draft Ping Shan OZP No. S/YL-PS/17, Draft Tin Shui Wai OZP No. S/TSW/13, Draft Lam Tei and Yick Yuen OZP No. S/TM-LTY/9 and Draft Ha Tsuen Fringe OZP No. S/YL-HTF/11

(TPB Paper No. 10379)

[The item was conducted in Cantonese.]

26. The Secretary reported that the following Members had declared interests on the item, for being affiliated with Conservancy Association (CA) (R2 on the five subject draft Outline Zoning Plans (OZPs)); and the co-founder and Chief Executive Officer of Designing Hong Kong Limited (DHKL)) (R3 on the draft Ha Tsuen Fringe OZP):

Mr Thomas O.S. Ho - personally knowing the co-founder and Chief Executive Officer of DHKL

Dr C.H. Hau - a life member of CA and his wife is the Honorary Secretary of the Board of Directors of CA

27. Members noted that Dr C.H. Hau had tendered apologies for being unable to attend the meeting and agreed that as Mr Thomas O.S. Ho had no discussion on the matter with the organisation/person concerned, his interest was considered remote and he could stay in the meeting.

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

Presentation and Question Sessions

29. The following representatives of the Planning Department (PlanD), representers, commenters and their representative were invited to the meeting at this point:

- Mr David C.M. Lam - District Planning Officer/Tuen Mun and Yuen Long West (DPO/TMYLW), PlanD
- Mr David Y.M. Ng - Senior Town Planner/Hung Shui Kiu New Development Area (STP/HSK NDA), PlanD
- Mr Alvin C.H. Kan - Town Planner/Hung Shui Kiu New Development Area (TP/HSK NDA), PlanD

Representers, Commenters and their Representative

R3/C3 of Lam Tei and Yick Yuen (LTY Y) OZP – Tuen Mun Rural Committee (TMRC)

- Mr To Shek Yuen - Representer's and Commenter's representative

R4/C2 of LTY Y OZP – Mr To Shek Yuen (Tuen Mun District Council (TMDC) Member)

- Mr To Shek Yuen - Representer and Commenter

C2 of Ping Shan (PS) OZP - Mr Ng Chan Fai, Mr Tang Tze Kwong, Mr Tang Che Keung, Mr Tang Chi Hok, Mr Tang Tat Sin, Mr Chan Shek Chau and Mr Lam Kuen (Ping Shan Heung Village Representatives)

- Mr Tang Tze Kwong, Mr Tang Che - Representers
Keung, Mr Tang Chi Hok, Mr Tang
Tat Sin, Mr Chan Shek Chau and Mr
Lam Kuen

C3 of PS OZP - 馮少騰 (馮家圍村代表)、鄧志堅、鄧志剛、鄧偉堂、廖駿凌、梁錦銘、郭錦昌、鄧志勇、黎俊新、賴耀基 (屏山鄉村代表)

Mr Fung Siu Tan

- Representer

30. The Chairperson extended a welcome and briefly explained the procedures of the hearing. She said that PlanD's representative would be invited to brief Members on the representations and comments. The representers, commenters or their representative would then be invited to make oral submissions in turn. To ensure the efficient operation of the meeting, each representer, commenter or his representative would be allotted 10 minutes for making oral submission. There was a timer device to alert the representers, commenters or their representatives two minutes before the allotted time was to expire, and when the allotted time limit was up. A question and answer (Q&A) session would be held after all attending representers, commenters or their representative had completed their oral submissions. Members could direct their questions to PlanD's representatives, representers, commenters and their representative. After the Q&A session, PlanD's representatives, the representers, commenters or their representative would be invited to leave the meeting. As the amendment items in the five draft OZPs were consequential to the draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1 (HSK OZP), the Board would deliberate on the representations and comments of the five draft OZPs, after the deliberation on the representations and comments on the HSK OZP, in the absence of the representers and commenters, and inform them of the Board's decision in due course.

31. The Chairperson then invited PlanD's representatives to brief Members on the representations and comments.

32. Mr David C.M. Lam, DPO/TMYLW, said that there had been an editorial error in paragraph 6.7 of the Chinese version of the TPB Paper No. 10379 (the Paper) and the revised version was shown on the visualiser. With the aid of a PowerPoint presentation, Mr Lam then briefed Members on the representations and comments, including the background of the amendments, the grounds/views/proposals of the representers and commenters, planning assessments and PlanD's views on the representations and comments as detailed in the Paper.

33. The Chairperson then invited the representers, commenters and their representative to elaborate on their representations and comments.

R3/C3 of LTYO OZP – TMRC

R4/C2 of LTYO OZP – Mr To Shek Yuen (TMDC Member)

34. Mr To Shek Yuen made the following main points :

- (a) he supported the development of the Hung Shui Kiu New Development Area (HSK NDA). Notwithstanding that, he was mainly concerned with the rehousing arrangements. Yick Yuen Tsuen, which had been developed since 1950s, should not be ‘dismantled’ by the NDA development. Noting that the Government’s current plan was to rehouse the affected villagers to a new housing site near Hung Fuk Estate, he considered that alternatively, the “Village Type Development (1)” (“V(1)”) zone to the south of the NDA should be expanded to accommodate all affected Yick Yuen Tsuen villagers. The Government should consider relocating the entire Yick Yuen Tsuen and reprovide the ‘pai lau’, village office and pavilion for the villagers;
- (b) there were many examples for development in the New Territories, including the development of Tuen Mun New Town, that affected residents and farmers were properly rehoused and compensated. Reference should be made to the relocation arrangement for Tsoi Yuen Village and Chuk Yuen Village;
- (c) the 400kV power line should be put underground and the at-grade Light Railway Transit should be converted to an elevated system so as to free up more land;
- (d) there were many pieces of land reserved for education purpose. If the Education Bureau had no plans to implement so many schools in the coming years, there was no strong reason to reserve that many school sites within the NDA; and
- (e) there appeared to be a preferential treatment to Hung Shui Kiu Ling Liang Church as the site, located near the entrance of Yick Yuen Tsuen, could be retained in-situ, whereas the entire Yick Yuen Tsuen would be affected by the NDA development.

C2 of PS OZP – Mr Ng Chan Fai, Mr Tang Tze Kwong, Mr Tang Che Keung, Mr Tang Chi Hok, Mr Tang Tat Sin, Mr Chan Shek Chau and Mr Lam Kuen (Ping Shan Heung Village Representatives)

35. With the aid of the visualiser, Messrs Tang Che Hok, Tang Che Kwong, Lam Kuen and Chan Shek Chau made the following main points:

- (a) in the current NDA proposal, many land occupied by the existing business operations were rezoned for residential purpose, which would lead to loss of a large number of existing jobs;
- (b) villagers objected to the proposed hospital in the NDA as it was close to the existing villages and would affect a number of existing industrial operations;
- (c) a piece of land near Ha Mei Sun Tsuen in Fung Ka Wai zoned “Recreation” (“REC”) on OZP and being used as an open storage yard should be rezoned to “Open Storage” (“OS”) to provide land for open storage operations;
- (d) the proposed new road connecting Ping Ha Road and Hung Tin Road would be constructed at a higher level and would turn Hung Uk Tsuen into a low-lying area susceptible to flooding. What they were asking for was just a minor local road providing a more direct and convenient access for Hung Uk Tsuen villagers;
- (e) despite restrictions for long vehicles to enter Deep Bay Road (DBR), which was narrow and twisty, had been imposed, no enforcement action had been taken. DBR was the only road connecting the surrounding villages with the external transport network. With the increase in population due to HSK NDA development, traffic at DBR would worsen and its capacity should be increased prior to implementing the NDA development;
- (f) Tin Ying Road, currently served as a major distributor in the area, was proposed to be deleted under the NDA proposal. In the future, vehicles would have to rely on Long Tin Road. Such arrangement would add loading to Long Tin Road and bring adverse traffic impact on the already congested road network in the area. With the

NDA development, more roads should be constructed to cope with the demand, instead of deleting the existing transport infrastructure;

- (g) consideration should also be given to turning the planned open space to the west of Hung Uk Tsuen for village expansion and provision of car parking for nearby villagers; and
- (h) while the villagers of Shek Po Tsuen objected to the NDA development, the Government took no heed to their concerns and continued with the project.

C3 of PS OZP – 馮少騰 (馮家圍村代表)、鄧志堅、鄧志剛、鄧偉堂、廖駿凌、梁錦榮、鄧卓銘、郭錦昌、鄧志勇、黎俊新、賴耀基 (屏山鄉村代表)

36. Mr Fung Siu Tan said that the section of road near Tin Wah Road and Lau Fau Shan Road was congested and its capacity should be increased.

37. As the presentation from PlanD's representative, the representers/commenters and their representative had been completed, the meeting proceeded to the Q&A session. The Chairperson explained that Members would raise questions and the Chairperson would invite the representers/commenters, their representative and/or PlanD'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. The Chairperson then invited questions from Members.

38. In response to two Members' questions, Mr David C.M. Lam, DPO/TMYLW, said that Hung Uk Tsuen and Shek Po Tsuen fell within the area covered by HSK OZP. Mr Lam then continued to explain that the area currently occupied by Tin Ying Road was planned for river-side promenade, on which there might also be provision of Environmentally Friendly Transport Services. Mr Chan Shek Chau (C2 of PS OZP) said that Tin Ying Road connecting Tin Wah Road and Hung Tin Road formed the major vehicular access to Yuen Long, Sheung Shui and Kowloon. After closure of Tin Ying Road, traffic would have to divert to Long Tin Road which had much slower traffic as there were many junctions along it. The road network in Tin Shui Wai was designed some 20 years ago when there were less people living in the area. For new development projects, the Government should

first address the traffic capacity issue. There was ample space along the river for provision of amenity planting and open space without the need to delete Tin Ying Road. Considering the increase in population and traffic brought by the HSK NDA development, there was no justification to delete Tin Ying Road. Mr Lam Kuen (C2 of PS OZP) said that a hospital was planned near Shek Po Tsuen but the location was not suitable as it would limit future village expansion. There were plenty alternative locations that could be considered for hospital development in the HSK NDA.

39. The Chairperson remarked that the hearing today should be confined to issues relating to the subject five draft OZPs, and the amendments to the OZPs mainly involved excision of areas falling within HSK NDA from the respective OZPs for incorporation into the new HSK OZP. For matters involving details related to the land uses of the HSK NDA development under HSK OZP, they had been covered in a separate meeting that was held earlier in January and February 2018.

40. Noting that Yick Yuen Tsuen was located at the southern fringe of HSK OZP and some representers/commenters opined that it should not be excised from LTYO OZP, the Chairperson asked whether there was strong justification to include Yick Yuen Tsuen as part of the HSK NDA Development. Mr David C.M. Lam replied that Yick Yuen Tsuen was located at a strategic location near the future HSK Railway Station. The area around the station was planned for high density development and it would become the regional economic and civic hub for the NDA. As such, land in Yick Yuen Tsuen and its surrounding area were included as part of the HSK NDA development for comprehensive planning.

41. In response to the Chairperson's question, Mr David C.M. Lam made reference to the draft PS OZP and said that the area proposed by Mr Tang Che Hok (C2 of PS OZP) for rezoning from "REC" to "OS" was not part of the HSK NDA. It was also not an amendment item of the draft PS OZP. Some of the open storage/parking uses within the subject "REC" zone were operating under temporary planning permission.

42. As Members did not have any further questions, the Chairperson said that the Q&A session was completed. She thanked PlanD's representatives as well as the representers/commenters and their representative for attending the meeting. The Board would deliberate the representations/comments in closed meeting after the deliberation of the representations and comments on the HSK OZP, and would inform the representers/commenters of the Board's decision in due course. PlanD's representatives as

well as the representers/commenters and their representative left the meeting at this point.

Kowloon District

Agenda Item 5

[Open Meeting]

Review of the Draft Ngau Tau Kok & Kowloon Bay Outline Zoning Plan No. S/K13/26
(TPB Paper No. 10397)

[The item was conducted in Cantonese.]

43. The Secretary reported that the item was to brief Members on the review of development restrictions on the draft Ngau Tau Kok & Kowloon Bay Outline Zoning Plan No. S/K13/26 (the subject OZP) following the Court of First Instance (CFI)'s Judgment on the judicial review (JR) lodged by the Real Estate Developers Association of Hong Kong (REDA) against the Board's decisions not to uphold REDA's representation in respect of the subject OZP. Masterplan Limited (Masterplan) was the representative of REDA for submitting the representation on the subject OZP. Mr Ivan C.S. Fu had declared an interest on the item for having current business dealings with Masterplan. Members agreed that as Mr Fu had no involvement in the subject matter, he could stay in the meeting.

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

Mr Tom. C.K. Yip - District Planning Officer/Kowloon
(DPO/K)

Ms Johanna W.Y. Cheng - Senior Town Planner/Kowloon
(STP/K)

45. The Chairperson extended a welcome and invited the representatives from PlanD to brief Members on the subject review.

46. With the aid of a PowerPoint presentation, Mr Tom. C.K. Yip, DPO/K, briefed Members on the background, the implications of the sustainable building design guidelines (SBDG) on the building height (BH) profile, scope and findings of the review as detailed in the TPB Paper No. 10397 (the Paper). He highlighted that the review had concluded that the building height restriction (BHR), non-building area (NBA) and building-gap (BG) requirements stipulated under the subject OZP should be able to accommodate the permissible plot ratio (PR)/gross floor area (GFA) under the OZP with reference to the SBDG requirements and hence no amendment to the subject OZP would be required.

47. As the presentation of the representatives of PlanD was completed, the Chairperson invited comments and questions from Members.

48. Some Members had the following comments and questions:

Methodology of Review

- (a) noting that the Board had already considered the review on the potential combined effect of SBDG and the restrictions under the Causeway Bay OZP and proposed amendments to relax the relevant BHR, whether the same approach had been adopted in the current review exercise of the subject OZP;

BHR on OZP

- (b) whether there were different approaches in determining the appropriate BHR for public housing compared to that for private residential developments;
- (c) whether BHR for sites currently occupied by public housing estate could be further relaxed to cater for future redevelopment. The Government might also consider a comprehensive review of development intensities with a view to optimising the use of land for public housing development to meet the community's aspiration. By relaxing the BHR, building separation between residential blocks could be increased to facilitate air ventilation and natural lighting;
- (d) with reference to the photomontages as shown in the PowerPoint presentation,

whether preservation of ridgeline was the major factor for determining the BHR on the OZP, and whether the current guiding principle to keep a 20% building-free zone to preserve views to the ridgeline would be reviewed;

- (e) whether REDA or other parties had provided any empirical evidence to argue that the BHR on the OZP would not be able to accommodate the permitted PR with SBDG requirements adopted;

Application of SBDG

- (f) whether an increase in GFA would result in an increase in population;
- (g) what the factors for designating NBA or BG were, and whether there were sufficient incentives for developers to follow the SBDG;
- (h) given that the current review had looked into the combined effect of SBDG and the restriction on OZP on development potentials of sites, whether there was still scope to relax the NBA/BG restrictions on the OZP, noting that SBDG could, to a certain extent, ensure sustainable and good building design;
- (i) whether the current recommendation of PlanD of not amending the restrictions on OZP would result in further JR by REDA;

Procedure for Reconsideration of REDA's Representation

- (j) whether the proposal to invite REDA to submit supplementary information to the Board for the purpose of reconsidering REDA's representation was legally proper if such submission would not be published for public inspection in the same manner as the original representation. As the supplementary information from REDA might contain material beyond the scope of its original submission, acceptability of such submission from legal perspective should be confirmed;
- (k) whether other representers and commenters should be involved in the reconsideration

process. If other members of the public also made submission to the Board during that period, whether such submission could be considered by the Board;

- (l) whether it would be more appropriate to exhibit the OZP under section 7 of the Town Planning Ordinance (the Ordinance) such that all members of the public could make representations and comment on representations; and
- (m) as REDA's representation was considered a few years ago, whether the change in membership of the Board over the years would have implication on the reconsideration.

49. In response, Mr Tom C.K. Yip, DPO/K, made the following main points:

Methodology of Review

- (a) the same approach had been adopted in the current review exercise as the review for the Causeway Bay OZP. For the Causeway Bay OZP, as the BHR was recommended to be relaxed, a new Air Ventilation Assessment (AVA) had been conducted to ensure that the revised BH profile was acceptable in air ventilation terms. For the subject OZP, the findings of the review concluded that the existing BHR as stipulated under the OZP would generally be able to accommodate the permitted PR with adopting of the SBDG requirements and hence no revision to the BHR was required. This being the case, the planning circumstances for the area generally had not changed, and the results from the previously conducted AVA were still considered valid and there was no need to conduct a new AVA at this stage;
- (b) the need for conducting a new AVA would likely be triggered in another context. Specifically, the land uses in Kowloon Bay area would be reviewed in due course under the Energising Kowloon East initiatives for transformation of Kowloon East into Central Business District 2 including land use restructuring for the Kowloon Bay Action Area. Should there be any proposals for OZP amendments involving air ventilation implications, an AVA would be conducted for the area;

BHR on OZP

- (c) for the purpose of determining the appropriate BHR, public housing and private residential sites were assessed on the same basis, i.e., mainly on the compatibility of the BH profile with the surrounding area, air ventilation, site constraints etc.;
- (d) a Planning Brief would usually be prepared by Housing Department (HD) for redevelopment of a public housing site, setting out details on proposed layout and facilities to be provided within, and appropriate development intensity. Issues related to the SBDG, including building separation and air ventilation, would be duly considered in the building design stage of public housing sites. According to the advice from HD, there was currently no plan for redevelopment of the existing public housing estates within the subject OZP. As such, there was no basis to relax the BHR for public housing sites at this stage and it would be more appropriate to consider such relaxation when redevelopment proposals became available;
- (e) based on the Urban Design Guidelines (UDG) for Hong Kong promulgated in early 2000s, the target was to preserve the view of 20% of the ridgeline from key vantage points in Hong Kong Island and Kowloon. In coming up with this guiding principle, the views of the public as well the existing BH profile were considered. Since its promulgation, PlanD had taken due consideration of the UDG in formulating BHR for various districts in Hong Kong, and the ridgeline protection was generally supported by the public. However, it should be noted that ridgeline protection was only one of the factors to be considered in determining an appropriate BHR in the current exercise. Other planning factors such as whether the BHR could accommodate the permitted PR, compatibility with the building height profile in the surrounding area, as well as the overall planned land uses etc. would also be taken into account. The photomontages included in the Paper were used mainly to demonstrate that the current BHR on the OZP would not be in conflict with the above principle. For the existing tall building in the photomontages that appeared to have protruded into the 20% building-free zone of the ridgeline, namely the Harbourfront Landmark, it was located in Hung Hom and the development was completed prior to the introduction of BHRs on OZP for that

area;

- (f) for the JR case related to the subject OZP, REDA's representation was general in nature, pointing out that the BHR would not be able to accommodate the permitted PR taking into account SBDG. No site specific details had been provided by REDA to substantiate its argument and only a broad brush suggestion to generally increase the BHR by 20m was made. Notwithstanding that, REDA might submit supplementary information, in view of PlanD's review and recommendation not to amend the BHR on the OZP;

Application of the SBDG

- (g) the restriction on development intensity of a site would usually be specified in terms of a maximum PR or GFA. Generally speaking, a higher PR/GFA figure would lead to a higher population. For relaxation of the PR/GFA restrictions, technical assessments would have to be conducted to demonstrate that the resultant increase in population would not cause unacceptable impact on various technical and infrastructural aspects;
- (h) a NBA referred to an area free of above-ground buildings and structures whereas BG generally referred to a free space above a specific height. The former might be more effective in enhancing air ventilation at pedestrian level, but would impose more stringent requirement on the development. For the subject OZP, reference had been made to the findings of the previously conducted AVA in determining whether a NBA or BG was required. Major air paths with district significance would normally be designated as NBA. In designating these NBA and BG, PlanD had struck a balance in preserving wind corridor and minimising impact on the development potential of the sites. If all the requirements under SBDG, including building set back, building separation and greening ratio, were met, a maximum 10% GFA concession for non-essential plant rooms and green features could be allowed under the Buildings Ordinance. As such, there were incentives for developers, in particular for development covering a large site, to follow the SBDG and provide a quality building environment. Since the promulgation of the SBDG, most of the new commercial

developments in the Kowloon Bay Business Area had complied with the SBDG;

- (i) while REDA's next step of action was not known, the current review was conducted in pursuance of the Court's Order to re-examine the restrictions, and it was conducted in a similar approach as the review of the Causeway Bay OZP; and

Procedure for Reconsideration of REDA's Representation

- (j) as no amendments to the OZP were considered necessary after PlanD's review of the development restrictions on the subject OZP in accordance with the Court's Judgement, it was proposed that a meeting should be held to reconsider REDA's representation under section 6B of the Town Planning Ordinance. As the previous submission by REDA was made some years ago and PlanD had conducted a review for the Board's consideration, it would be fair to allow a reasonable period for REDA to make a response and provide supplementary information. REDA would also be invited to attend the hearing meeting and make an oral submission. The Board could, if considered appropriate, amend the subject OZP after reconsidering REDA's representation.

50. Members noted that the Paper was an open document and the Board's discussion of the subject item was being conducted in an open meeting. The Chairperson remarked that Members could focus the current discussion on PlanD's review and the recommendations not to amend the development restrictions on the subject OZP at this stage and to invite REDA to a hearing on this basis.

51. In response to a Member's query on whether there was a directive from the Government for relaxing PR in view of the genuine shortage of housing supply, Mr Raymond K.W. Lee, Director of Planning, said that the 2014 Policy Address stated that the Government considered it feasible to generally increase the maximum domestic PR currently permitted for areas other than the north of Hong Kong Island and Kowloon Peninsula, which were already more densely populated, by around 20% as appropriate. Depending on the restrictions stipulated on individual OZPs, suitable procedures such as obtaining planning permission from the Board under s.16 of the Ordinance or amendment to OZP might be required for relaxing the PR restrictions. Taking the examples of the Kai Tak OZP, after the first round of review of the PR restriction, the PR of a number of sites were relaxed by way of s.16

applications. Upon completion of the second round of review, development restrictions for additional sites were relaxed through amendment to OZP. In response to the Member's follow-up question, Mr Lee further explained that for any relaxation of development restrictions, suitable technical assessments, including AVA, would be conducted as appropriate.

52. In response to the Chairperson and Members' questions, Mr Raymond K.W. Lee further said that the JR lodged by REDA also covered the Wan Chai, Mong Kok and Yau Ma Tei OZPs. Pursuant to the Court's Order, REDA's representation would need to be re-examined before it was remitted to the Board for reconsideration. Today's discussion was to re-examine the development restrictions in respect of the subject OZP and the recommendation of PlanD's review was that no amendment to the subject OZP was required. The same exercise would be carried out for the other three OZPs. Separately, the Hysan Group had also lodged JR on the Wan Chai and Causeway Bay OZPs. The Board had already considered the proposed amendments to relax the development restrictions on the Causeway Bay OZP following a review conducted by PlanD. The amendments to the Causeway Bay OZP were exhibited under section 7 of the Ordinance in January 2018. Regarding a Member's question on whether the subject OZP would be exhibited under section 7, it would depend on whether amendment to the OZP was required.

53. Another Member considered that the SBDG was mainly a set of quantifiable guideline and there should be no major dispute regarding the findings of PlanD's review. However, the implications of inviting REDA to make submission, which would most likely contain new information compared to the original representation, should be handled with care. A Member also considered that as the BHR could accommodate the permitted PR as revealed in PlanD's review, there was no justification for amending the restrictions on the subject OZP at this stage.

54. A Member noted that REDA had also raised query on the validity of the AVA previously conducted by PlanD and suggested a number of alternative BH profiles, and asked whether due consideration had been given to these arguments and alternative profiles. Mr Tom C.K. Yip said that PlanD had previously made responses to these grounds both during the representation hearing and JR stages. A paper containing all the relevant information, including REDA's previous submission, and PlanD's assessment would be prepared to facilitate the Board's reconsideration of REDA's representation and circulated before the hearing meeting. The Secretary supplemented that the current item was mainly to brief Members on the findings of PlanD's review and seek Members' endorsement

of the recommendation not to make amendments at this stage. Information regarding previous submission by REDA and PlanD's responses should be dealt with when the representation was reconsidered by the Board.

55. Noting that Members, while having no adverse comment on the findings and recommendation of PlanD's review, had raised some questions regarding the procedures for reconsideration of REDA's representation from legal perspective, the Chairperson said that further legal advice would be sought in this regard.

[Ms Janice W.M. Lai, Dr Frankie W.S. Yeung and Mr Alex T.H. Lai left the meeting during the Q&A session.]

56. After deliberation, the Board decided to:

- (a) note the findings of the Review that the BHRs, NBA and BG requirements stipulated under the subject OZP should be able to accommodate permissible PR/GFA under the OZP with reference to the SBDG requirements; that the NBA and BG requirements were appropriate and should be retained; and PlanD's recommendation that there was no need to amend the extant OZP No. S/K13/29 after considering the implications of SBDG;
- (b) conduct further hearing(s) on the basis of the subject OZP; and
- (c) seek further legal advice on the procedures for conducting the further hearing(s) for the purpose of reconsiderating R2's representation.

57. The Chairperson thanked the representatives of PlanD for attending the meeting. They left the meeting at this point.

[Dr F.C. Chan arrived to join the meeting, Mr Lincoln L.H. Huang left the meeting temporarily, and Messrs Stephen H.B. Yau and Elvis W.K. Au left the meeting at this point.]

Urban Design and Landscape Section

Agenda Item 6

[Open Meeting]

Draft Planning and Design Brief for the Proposed Redevelopment of Queensway Plaza in Admiralty
(TPB Paper No. 10398)

[The item was conducted in Cantonese.]

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

- | | | |
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| Ms Doris S.Y. Ting | - | Chief Town Planner/Urban Design and Landscape (CTP/UD&L) |
| Ms Joyce Y.S. So | - | Senior Town Planner/Urban Design (STP/UD) |

59. The Chairperson extended a welcome and invited the representatives from PlanD to brief Members of the draft Planning and Design Brief (PDB).

60. With the aid of a PowerPoint presentation, Ms Joyce S.Y. So, STP/UD, briefed Members on the proposed Queensway Plaza (QP) redevelopment including the background, the site characteristics, the Recommended Development Scheme (RDS) of the Planning and Design Study on the Redevelopment of QP (the Study), the major planning and design requirements of the PDB to address previous concerns/views as well as the way forward as detailed in TPB Paper No. 10398 (the Paper).

61. As the presentation of the representatives of PlanD was completed, the Chairperson invited comments and questions from Members.

62. Some Members had the following comments and questions:

Public Pedestrian Connection through Admiralty Centre

- (a) noting that Admiralty Centre was a private property jointly owned by more than 1,000 owners, whether it was feasible for the Government to implement the proposed new public pedestrian connection between the QP redevelopment and the existing Tamar Footbridge passing through Admiralty Centre;

Traffic Capacity and Arrangements

- (b) noting that the Admiralty area was already very busy with a high concentration of pedestrians mainly consisted of passengers from the two Public Transport Termini (PTT) and MTR Admiralty Station, and the workers/shoppers of the nearby office developments and shopping centres, whether there was sufficient traffic/infrastructure capacity to cope with the anticipated increase in pedestrian flow upon redevelopment of QP;
- (c) given the existing traffic congestion and the undesirable traffic arrangement for the existing PTT, taxi stand and loading/unloading facilities at the Admiralty area, whether there was scope to enhance the vehicular traffic arrangement of a wider area, including rearrangement of the traffic route, upon redevelopment of the QP site. Consideration might be given to adopting innovative measures such as exploring the possibility of connecting the underground car parks of various developments in the area in order to relieve the vehicular traffic at ground level, noting that similar examples could be found in other districts of Hong Kong;

Pedestrian Linkages and Walkability

- (d) the Government's effort and proposal to enhance the connectivity and walkability of the pedestrian facilities in the area were appreciated;
- (e) upon opening of the Shatin and Central Link (SCL), Harcourt Garden would become a

major entrance to the MTR Admiralty Station, and a convenient pedestrian linkage to QP should be provided;

- (f) the existing pedestrian connection between the MTR Admiralty Station and the street level was not very convenient and should be improved. The potential impact of the anticipated increase in pedestrian flow upon commissioning of the SCL should be taken into account in the Traffic Impact Assessment (TIA) and appropriate improvement measures should be recommended;
- (g) the private sector had once proposed to construct a footbridge connecting Harcourt Garden and Pacific Place. The Government might revisit similar options in the area to improve connectivity of the area;
- (h) whether the existing Queensway Walkway at Site B would be modified to enhance pedestrian connectivity with the adjoining area;
- (i) it would not be practical to rely solely on the future developer to provide quality and attractive outdoor pedestrian connections as the developer would mainly focus on pedestrian flow inside the shopping arcades. To improve the overall walkability of the area, the Government should consider ways to enhance the visual linkage and connectivity with the rooftop garden in Site B and the existing elevated walkway without passing through the shopping arcades. Moreover, with a view to increasing the patronage and attractiveness of the POS, consideration should be given to providing more direct linkages to the proposed open space at different levels of the proposed development. From a landscaping perspective, open space should be provided as a “green infrastructure” connecting with popular pedestrian paths;

Design of the Public Open Space (POS)

- (j) whether there would be sufficient sunlight for the POS at street level as the future building at the site would be quite tall;
- (k) for the POS at elevated level, some points of interest such as shops and café should be

provided, and some activities should be organised to attract people to utilise that space. Some POS could also be used for displaying public art items;

- (l) water features such as fountains could be provided at the at-grade POS to mitigate traffic noise;
- (m) while there was an allowance to use 10% of the area of the open space to provide some complementary commercial uses such as shops and kiosks, the developer might choose to concentrate to provide these facilities on the ground level to maximise patronage and profit. As a result, the actual amount of POS provided at-grade might be greatly reduced, defeating the original intention;

Others

- (n) more elaboration on the interface between the refuse collection point (RCP) and the POS at ground level;
- (o) at the moment there was no stopping point between Sheung Wan and Wan Chai for cross-boundary buses. Consideration could be given to providing a new stop in the Admiralty area, which could further enhance accessibility of the area; and
- (p) whether the view corridor between Sites A and B of the QP site was designated to preserve sea view.

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

63. In response, Ms Doris S.Y. Ting, CTP/UD&L, with the aid of the PowerPoint slides, made the following main points:

Public Pedestrian Connection through Admiralty Centre

- (a) to facilitate the implementation of the proposed same level barrier-free public pedestrian connection between the future QP site and the existing Tamar Footbridge

through Admiralty Centre, the Government was contemplating to create an easement in the public area of Admiralty Centre by way of gazetting under the Roads (Use, Works and Compensation) Ordinance (Roads Ordinance). The affected owners could submit objections to the proposal which would be considered in accordance with the statutory provisions of relevant ordinance;

Traffic Capacity and Arrangements

- (b) the TIA conducted under the consultancy study concluded that the existing public transport infrastructure and pedestrian facilities in the area would be able to cope with the additional pedestrian flow brought by the QP redevelopment. The TIA had already taken into account the SCL operation;
- (c) currently buses terminating at the two bus termini in Admiralty, namely Admiralty (West) PTT and Admiralty (East) PTT, would have to detour around Lippo Centre via Queensway before entering the termini. Such arrangement sometimes resulted in slow traffic and queueing along Queensway which was undesirable. Upon completion of the road works in association with the redevelopment of QP, the route would be optimised and buses could enter the termini from Cotton Tree Drive via Drake Street without the detour. For the suggestion to provide an underground connection linking up different developments in the area, there was scope for the future developer to explore the feasibility of such proposal in the future TIA;

Pedestrian Linkages and Walkability

- (d) the TIA conducted under the Study had already taken into account the increase in pedestrian traffic arising from SCL and it was concluded that the performance of the existing pedestrian facilities in the area was acceptable;
- (e) consideration should be given by the future developer to improving the connection of Queensway Walkway with the existing elevated walkway to the Central area by providing barrier-free access;

- (f) according to the PDB, the future developer was required to provide good visual and physical integration with the rooftop garden at Site B and the existing pedestrian footbridges and connection in the area. Moreover, escalators/elevators should be provided within the proposed development to provide direct connection to POS at different levels;

Design of the POS

- (g) the Outline Zoning Plan (OZP) required the provision of not less than 2,100m² of POS, of which, not less than 1,400m² should be provided at-grade in the future redevelopment. Apart from the at-grade POS, the future developer could consider providing other POS in the form of elevated park or landscape deck for public enjoyment. The site coverage restriction as specified in the Notes of the OZP would limit the footprint of the future building hence permitting more sunlight to reach the POS on street level. Based on the indicative drawing at Annex B3 of the Paper, the at-grade POS at the site would unlikely be completely overshadowed by the future building at QP;

Others

- (h) for Site B, upgrading works would be required to meet the requirement for barrier-free access. The external façade and landscaping would also be enhanced. Given that the existing Queensway Walkway was located above the MTR Admiralty Station, it was recommended under the Study that Site B should be preserved in-situ. From an engineering perspective, it was uncertain whether it was technically feasible for the provision of shops and eating places as well as large-scale planting on the rooftop garden at Site B due to the loading concern. The future developer would have to carry out a structural assessment for any future development on Site B. Moreover, the possibility to incorporate the exhibition of artworks at the POS of the QP redevelopment could be further considered by the future developer;
- (i) the potential interface between RCP and POS could be addressed through careful design and layout measures at the detailed planning stage to ensure that RCP would

not cause adverse visual or odour impact on the surrounding area; and

- (j) the view corridor between Sites A and B was to preserve the views towards the sea and ridgelines when viewed from the hinterland and the Tamar Park respectively.

64. The Chairman remarked that nowadays the public had a much higher expectation from the Government in enhancing the pedestrian environment in particular at prominent locations. In recent years, the Government had adopted a more pro-active approach in improving the pedestrian environment and walkability in Hong Kong. The Government would endeavour to improve walkability through different measures, including the use of statutory measures where warranted.

65. In response to Members' concern on traffic capacity, the Secretary drew Members' attention to section 11 of the draft PDB that the future developer would be required to conduct another TIA taking into account the interface with the SCL project before the commencement of the QP development.

66. A Member said that proper management would be crucial in creating a successful POS. If the private developer was to take up the POS management, there would be problem when the development was subsequently divided and sold. In response, the Chairperson said that appropriate clauses might be included in the lease conditions to restrict sub-division of the development.

67. The Chairperson concluded that Members were generally in support of the QP redevelopment proposal but considered that some key issues should be properly addressed during the implementation stage:

- (a) to ensure the traffic capacity could cope with the future pedestrian and traffic flow, suitable mitigations measures needed to be considered in the revised TIA;
- (b) to carefully design the future POS to make it attractive and inviting to its users and to ensure proper management measures would be put in place; and
- (c) to explore measures to further enhance accessibility and connectivity.

68. As Members had no further question, the Chairperson thanked the representatives of PlanD for attending the meeting. They left the meeting at this point.

[The meeting was adjourned for lunch break at 1:15 p.m.]

[Professor K.C. Chau, Ms Christina M. Lee, Messrs Ivan C.S. Fu, Patrick H.T. Lau, David Y.T. Lui, Thomas O.S. Ho, Stephen L.H. Liu and Andy S.H. Lam left the meeting at this point.]

69. The meeting was resumed at 2:20 p.m. on 9.3.2018.

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

Permanent Secretary for Development Chairperson
(Planning and Lands)

Ms Bernadette H.H. Linn

Professor S.C. Wong

Vice-Chairperson

Mr Lincoln L.H. Huang

Mr H.W. Cheung

Mr Sunny L.K. Ho

Mr Dominic K.K. Lam

Dr F.C. Chan

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Mr K.K. Cheung

Mr Wilson Y.W. Fung

Dr Lawrence K.C. Li

Professor T.S. Liu

Ms Sandy H.Y. Wong

Mr Franklin Yu

Chief Engineer (Works)

Home Affairs Department

Mr Martin W.C. Kwan

Assistant Director (Environmental Assessment)

Environmental Protection Department

Mr C.F. Wong

Director of Lands

Mr Thomas C.C. Chan

Director of Planning

Mr Raymond K.W. Lee

[Dr Lawrence K.C. Li arrived to join the meeting at this point.]

Fanling, Sheung Shui & Yuen Long East District

Agenda Item 7

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/YL-PH/758

Proposed Temporary Public Vehicle Park (Private Cars, Lorries and Coaches) for a Period of 3 Years in “Agriculture” Zone, Lots 56 (Part), 61 (Part) and 62 (Part) in D.D. 114, Pat Heung, Yuen Long (TPB Paper No. 10399)

[The item was conducted in Cantonese.]

71. The Secretary reported that the application site was located in Pat Heung. Ms Janice W.M. Lai had declared an interest on the item as her family member owned a property at Leung Uk Tsuen, Pat Heung. Members noted that Ms Janice W.M. Lai had already left the meeting.

Presentation and Question Sessions

72. The following representative of the Planning Department (PlanD), the applicant and the applicant’s representative were invited to the meeting at this point:

Ms Maggie M.Y. Chin - District Planning Officer/Fanling, Sheung Shui & Yuen Long East (DPO/FS&YLE), PlanD

Mr Tang Wai Leung Billy - Applicant

Mr Cheng Ka Cheung - Applicant’s Representative

73. The Chairperson extended a welcome and explained the procedure of the review hearing. She then invited DPO/FS&YLE to brief Members on the review application.

74. With the aid of a PowerPoint presentation, Ms Maggie M.Y. Chin, DPO/FS&YLE, 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), departmental and public comments, and planning considerations and assessments as detailed in TPB Paper No. 10399 (the Paper).

75. The Chairperson then invited the applicant's representative to elaborate on the review application. With the aid of a PowerPoint presentation, Mr Cheng Ka Cheung made the following main points:

- (a) according to a paper submitted by the government to the Legislative Council, the number of registered vehicles had been increased by 35% from 2006 to 2016, but the number of parking spaces had only increased by 9.5% in Hong Kong. In addition, the government had closed a number of multi-storey car parks in recent years. That led to a shortage of parking spaces and the problem of illegal parking in the territory, in particular the rural areas;
- (b) the application site (the Site) was located at the fringe of the "Open Storage" ("OS") zone and was surrounded by open storage yards, which was not possible for agricultural rehabilitation. The plant nurseries nearby were for leisure purpose only;
- (c) approval of the subject application would not set a precedent as a number of planning applications for various temporary open storage had been approved. There were more similar cases in the nearby areas for non-agricultural uses;
- (d) the Site was suffering from the problem of unauthorised parking. The application was considered necessary to regularise the parking on the Site. As shown in various site photos taken since 2014, many people always parked their vehicles in the Site without the consent of the landowner. The landowner had contacted the police for help. However, the police advised that they had no power to deal with the unauthorised parking on private land and the landowner could not remove those unauthorised vehicles which were private properties; and
- (e) if the application was approved, the applicant would implement the landscape

proposal by planting trees in the periphery of the Site so as to minimise the visual impact, and provide the fire service installations and the drainage facilities. Proper signage would also be installed in order to remind people the location of the vehicle park for better supervision and management.

76. As the presentation from DPO/FS&YLE and the applicant's representative had been completed, the Chairperson invited questions from Members.

77. The Chairperson, the Vice-Chairperson and some Members raised the following questions to the applicant:

- (a) how the approval of the application would help resolve the problem of unauthorised parking in the Site;
- (b) why the Site was not fenced off to avoid the unauthorised parking;
- (c) whether vehicles needed to pass through other private lots to enter the Site; and
- (d) noting that there were some plant nurseries nearby, why the applicant considered that the Site was not suitable for agricultural rehabilitation.

78. In response, Mr Cheng Ka Cheung, the applicant's representative, made the following main points:

- (a) there were more than 20 vehicles parking on the Site;
- (b) the Site could not be fenced off as it would obstruct an access road within the Site leading to other areas;
- (c) all vehicles would be required to pass through other private lots to enter the Site; and
- (d) the plant nurseries nearby were for leisure purpose and for planting of flowers only, which were not considered as agricultural activities.

79. The Chairperson, Vice-Chairperson and some Members raised the following questions to DPO/FS&YLE, PlanD:

- (a) whether the applicant was the landowner;
- (b) what the current use was noting that the Site was vacant as shown in the site photos taken on 19.1.2018 and 28.2.2018 (**Plan R-4a** and **4b** of the Paper), while the applicant claimed that there was unauthorised parking on the Site;
- (c) whether there was any difference between the uses of open storage of vehicles and public vehicle park;
- (d) whether the Site was subject to any planning enforcement action; and
- (e) whether the application would be approved if most of the land in the “Agriculture” (“AGR”) zone were changed to non-agricultural use.

80. In response, Ms Maggie M.Y. Chin, DPO/FS&YLE, PlanD, made the following main points with the aid of some PowerPoint slides:

- (a) the applicant was not the landowner;
- (b) the Site was found vacant in a recent site visit;
- (c) the storage yards in the vicinity of the Site were suspected unauthorised developments subject to enforcement action by the Planning Authority. Those storage yards were mainly for storage of second-hand and abandoned vehicles and were different from the applied use, which was a fee-paying public vehicle park;
- (d) part of the Site was subject to planning enforcement action for storage use with Enforcement Notice (EN) issued to the responsible persons on 8.2.2017. As the EN had not been complied with by the expiry date, enforcement/prosecution action

was being taken against the responsible persons; and

- (e) the consideration of the application was based on the planning intention of the “AGR” zone. The Agriculture, Fisheries and Conservation Department indicated that the Site possessed potential for agricultural rehabilitation. There were active agricultural activities such as plant nurseries in the vicinity of the Site. As such, PlanD did not support the application. Each application would be assessed based on its individual merits, including previous approvals and specific planning justifications.

81. As Members had no further question, the Chairperson said that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application in the absence of the applicant and inform the applicant of the Board’s decision in due course. The Chairperson thanked the applicant, the applicant’s representative and PlanD’s representative for attending the meeting. They left the meeting at this point.

Deliberation Session

82. Members generally considered that there was no major change in planning circumstances for the Site, the reasons for rejection made by the RNTPC, as stated in paragraph 1.2 of the Paper, were still valid.

83. After deliberation, the Board decided to reject the application on review. The reasons for rejection were:

- “(a) the development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. This zone is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;

- (b) the applicant fails to demonstrate that the development would not generate adverse environmental impacts on the surrounding areas; and
- (c) the approval of the application, even on a temporary basis, would set an undesirable precedent for other similar applications to proliferate into this part of the “AGR” zone. The cumulative effect of approving such application would result in a general degradation of the rural environment of the area.”

[Mr Franklin Yu left the meeting at this point.]

Sha Tin, Tai Po & North District

Agenda Item 8

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-LYT/637

Proposed House (New Territories Exempted House - Small House) in “Green Belt” Zone, Lot 1782 S.B in D.D. 83, Tsz Tong Tsuen, Fanling
(TPB Paper No. 10400)

[The item was conducted in Cantonese.]

Presentation and Question Sessions

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

Ms Jessica H.F. Chu	-	District Planning Officer/Shu Tin, Tai Po and North (DPO/STN), PlanD
Mr Hung Shu Ping]	Applicant’s representatives
Mr Tang Kun Nin]	

Ms Fung Chiu Han]

85. The Chairperson extended a welcome and explained the procedure of the review hearing. She then invited DPO/STN to brief Members on the review application.

86. With the aid of a PowerPoint presentation, Ms Jessica H.F. Chu, DPO/STN, 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), departmental and public comments, and planning considerations and assessments as detailed in TPB Paper No. 10400 (the Paper).

[Mr Dominic K.K. Lam arrived to join the meeting during the presentation.]

87. The Chairperson then invited the applicant's representatives to elaborate on the review application. With the aid of visualiser, Mr Hung Shu Ping made the following main points:

- (a) the application site (the Site) was wholly within the village 'environs' ('VE') of Tsz Tong Tsuen and the proposed Small House development was compatible with the village setting and landscape. The proposed Small House development would not cause any adverse impact on the "Green Belt" ("GB") zone;
- (b) there was insufficient land within Tsz Tong Tsuen for the proposed Small House development; and
- (c) the applicant would appoint professional consultants to submit the drainage proposal for consideration by relevant government departments and would comply with all approval conditions if the Board decided to approve the application.

88. Mr Tang Kun Nin supplemented the reasons for the insufficient land available in "Village Type Development" ("V") zones of Lung Yeuk Tau village cluster as follows:

- (a) he had a good understanding of the area as he had been the village representative of

Lung Yeuk Tau since 1983 and was a current member of the North District Council;

- (b) the “V” zones of Lung Yeuk Tau village cluster had been designated by PlanD since 1990s. The villagers had made applications for extending the boundaries of the “V” zones several times as there was insufficient land for the eligible villagers to build Small Houses due to fung shui and other reasons. For instance, some of the area within ‘VE’ also fell within “GB” zone.
- (c) most of the land within “V” zone could not be developed for Small House by the villagers. First, the land near Tsz Tong Tsuen and Ma Wat Wai was not owned by the villagers. Second, some of the land within the village cluster was owned by Tso Tong, which could not be used for Small House developments. Third, some of land near Tsz Tong Tsuen and Sha Tau Kok Road was regarded as ‘fung shui’ area and was not suitable for Small House developments;
- (d) it was the right of indigenous villagers to apply for Small Houses; and
- (e) there were already similar approved Small House applications in Wing Ning Wai and Tung Kok Wai.

89. As the presentation from DPO/STN and the applicant’s representatives had been completed, the Chairperson invited questions from Members.

90. The Chairperson and some Members raised the following questions to the applicant’s representatives:

- (a) what the green line as marked on the plan prepared by the applicant’s representative was and how it was derived;
- (b) whether the applicant could use the pink areas as shown on the plan prepared by the applicant’s representative for the proposed Small House development;
- (c) noting that there was a piece of government land available in the centre of Tsz Tong

Tsuen, whether it was possible for Small House development; and

- (d) whether the applicant could only build Small House in the private land within the 'VE' of Tsz Tong Tsuen.

91. In response, Messrs Hung Shu Ping and Tang Kun Nin, the applicant's representatives, made the following points:

- (a) the green line was not the 'VE' of Tsz Tong Tsuen. It was used to show the pattern of the existing village as well as to demonstrate that the Site was part of the village and not far away from the village cluster;
- (b) the pink areas shown on the plan represented the sites which were under Small House grant applications and could not be used by the applicant;
- (c) the piece of government land available in the centre of Tsz Tong Tsuen could only accommodate one to two Small Houses and it was not available for Small House developments as it was currently occupied by a pavilion; and
- (d) the applicant could build Small House on private land within the 'VE' of other villages in the village cluster. However, the applicant was not eligible for constructing Small House on government land of Lung Yeuk Tau village cluster as the subject application was a cross-village Small House application.

92. The Chairperson and some Members raised the following questions to DPO/STN:

- (a) whether there was any evidence/record showing that the Site formed part of the existing village cluster;
- (b) what the structures to the south of the Site were;
- (c) noting that a number of recognised villages were included in the 'VE', how the Small House applications would be handled in the village cluster;

- (d) the reasons for approving the similar applications in Wing Ning Wai and Tung Kok Wai and whether there was any change in the planning consideration for the current application; and
- (e) the location of the land available for Small House development in the Lung Yeuk Tau village cluster.

93. Ms Jessica H.F. Chu, DPO/STN, made the following responses:

- (a) ‘VE’ generally referred to the area within a 300-foot radius from the edge of the last village type house built in the recognised village before the introduction of the Small House Policy in 1972, while the “V” zone was to designate both existing recognised villages and area of land considered suitable for village expansion. As shown on an aerial photo which was taken in 1990, the Site was covered by natural vegetation and was therefore zoned “GB” to reflect the site condition on the Development Permission Area Plan. The Site was subsequently cleared and formed;
- (b) there was a two-storey temporary structure to the south of the Site;
- (c) the Lung Yeuk Tau village cluster comprised a number of recognised villages. Each eligible indigenous villager could make a Small House grant application to the Lands Department (LandsD). Land was available within the “V” zones of Lung Yeuk Tau village cluster for Small House development and adequate to meet the 162 outstanding Small House applications;
- (d) the approved applications in Wing Ning Wai and Tung Kok Wai were located within/partly within “Agriculture” (“AGR”) zone instead of “GB” zone and those applications were approved by the RNTPC before 2015 mainly on the grounds that there was a general shortage of land within the “V” zone at the time of consideration. In recent years, the Board had adopted a more cautious approach in approving applications for Small House development. Amongst others, in considering whether there was a general shortage of land in meeting Small House demand, more

weighting had been put on the number of outstanding Small House applications provided by LandsD. As such, the planning consideration of the current application were different from those approved Small House applications cited by the applicant; and

- (e) most of the land in the Lung Yeuk Tau village cluster was privately owned including those owned by Tso Tong. However, land ownership might not be a material consideration as it could be subject to change.

94. As Members had no further question, the Chairperson said that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application in the absence of the applicant's representatives and inform the applicant of the Board's decision in due course. The Chairperson thanked the applicant's representatives and PlanD's representative for attending the meeting. They left the meeting at this point.

Deliberation Session

95. Some Members had the following views:

- (a) the approval of the application would unavoidably set an undesirable precedent to encourage similar applications to extend the village into the "GB" zone, which would result in gradual degradation and irreversible change to the "GB" zone. There was a similar application (No. A/NE-LYT/596) within the "GB" zone adjoining the Site rejected by the RNTPC in July 2016 for the reasons that the proposed development was not in line with the planning intention of the "GB". The planning circumstances of the current application were similar to the rejected case;
- (b) the applicant could build the proposed Small House development in other private land within the "V" zone. Also, land ownership should not be a material consideration as it could be subject to change and land parcel could be subdivided to suit development needs;

- (c) the Site was previously covered with vegetation but had subsequently been cleared and formed. It was obviously a case of ‘destroy first, build later’ which should not be tolerated; and
- (d) the applicant’s representatives failed to demonstrate that a small house development for indigenous villagers from Tsz Tong Tsuen must be confined to that particular location near the existing cluster of village houses.

96. Members generally considered that there was no strong justification submitted by the applicant which warranted a departure from the RNTPC’s decision of rejecting the application.

97. After deliberation, the Board decided to reject the application on review. The reasons for rejection were:

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone in the Lung Yeuk Tau and Kwan Tei South area which is primarily to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the proposed development does not comply with the Town Planning Board Guidelines for Application for Development within “GB” zone under section 16 of the Town Planning Ordinance and the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that it has involved extensive clearance of vegetation, and the applicant fails to demonstrate in his submission that the proposed development would not cause adverse landscape impact on the surrounding area;
- (c) land is still available within the “Village Type Development” zones of the Lung Yeuk Tau village cluster where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small

House development close to the existing village cluster for more orderly development pattern, efficient use of land and provision of infrastructures and services; and

- (d) the approval of the application would set an undesirable precedent for similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the environment and landscape quality of the area.”

[Mr Lincoln L.H. Huang left the meeting at this point.]

Sai Kung & Islands District

Agenda Item 9

[Open Meeting]

Draft Siu Ho Wan Outline Zoning Plan No. S/I-SHW/B – Further Consideration of a New Plan
(TPB Paper No. 10404)

[The item was conducted in Cantonese.]

98. The Secretary reported that the draft Siu Ho Wan Outline Zoning Plan No. S/I-SHW/B (the draft OZP) involved a site proposed for columbarium development and a topside development of Siu Ho Wan Depot. The MTR Corporation Limited (MTRCL) was the current occupier and operator of the depot. Ove Arup & Partners Hong Kong Limited (Arup) and AECOM Asia Company Limited (AECOM) were two of the consultants of MTRCL for the proposed comprehensive development. The following Members had declared interests on the item for being associated/having business dealings with Private Columbaria Licensing Board (PCLB), Private Columbaria Appeal Board (PCAB), MTRCL, Arup and AECOM:

Ms Janice W.M. Lai] having current business dealings with
Mr Patrick H.T. Lau] MTRCL, Arup and AECOM

- Mr Ivan C.S. Fu]
- Mr Thomas O.S. Ho - having current business dealings with MTRCL and had past business dealings with AECOM
- Mr K.K. Cheung] their firm having current business dealings
Mr Alex T.H. Lai] with MTRCL and Arup
- Dr C.H. Hau - having current business dealings with AECOM
- Mr Franklin Yu - had past business dealings with MTRCL, Arup and AECOM
- Mr Stephen L.H. Liu - had past business dealings with MTRCL
- Professor S.C. Wong - being a member of the Advisory Committee
(Vice-chairperson) for Accredited Programme of MTR Academy and having current business dealings with Arup and AECOM
- Mr H.F. Leung - being a convenor of the Railway Objections Hearing Panel of MTRCL
- Dr Wilton W.T. Fok - being a member of Transport Advisory Committee
- Mr Peter K.T. Yuen - being a Member of the Board of Governors of the Arts Centre, which had collaborated with the MTRCL on a number of arts projects
- Mr H.W. Cheung - being a Member of the PCLB

Mr Lincoln L.H. Huang] being a Member of the PCAB
Mr Sunny L.K. Ho]

99. Members noted that Dr C.H. Hau, Mr H.F. Leung and Dr Wilton W.T. Fok had tendered apologies for being unable to attend the meeting, Mr H.W. Cheung had not yet returned to the meeting and Ms Janice W.M. Lai and Messrs Patrick H.T. Lau, Ivan C.S. Fu, Alex T.H. Lai, Stephen L.H. Liu and Franklin Yu had already left the meeting. According to the procedure and practice adopted by the Town Planning Board (the Board), as the proposed development at Siu Ho Wan Depot on the new OZP were proposed by Planning Department (PlanD), the interests of the above Members on the item only needed to be recorded and the rest of the Members could be allowed to stay in the meeting.

100. The following government representative was invited to the meeting:

Ms Donna Y.P. Tam - District Planning Officer/Sai Kung &
Islands (DPO/SKIs), PlanD

101. The Chairperson extended a welcome and invited PlanD's representative to brief Members on the Paper.

102. With the aid of a PowerPoint presentation, Ms Donna Y.P. Tam, DPO/SKIs, PlanD, briefed Members on the land use proposals of the draft OZP, the refinement made to the Explanatory Statement (ES), views from relevant parties consulted and PlanD's responses as detailed in TPB Paper No. 10404 (the Paper).

[Mr H.W. Cheung returned to the meeting during the presentation.]

103. The Chairperson then invited questions and comments from Members.

104. A Member raised questions about whether water activities would be provided along the waterfront, and whether affordable transport means would be provided for better connection between the planning area and Tung Chung New Town and other parts of Hong Kong. In response, Ms Donna Y.P. Tam, DPO/SKIs, PlanD, said that the shoreline at Siu Ho Wan was circumvented by the

existing man-made seawall without natural coastal features as most of the land in the area was formed by reclamation. The area was mainly occupied by uses including depot, highway and refuse transfer station (RTS). The fairway to the north of the Siu Ho Wan depot was also busy. As such, it might not be feasible to provide any water activities along the waterfront. However, the water-friendly design could be further explored during detailed design stage. Regarding the connectivity with Tung Chung and other areas, the MTRCL was exploring a possible railway station at Siu Ho Wan. Also, the proposed Road P1 with a waterfront cycle track in the Tung Chung New Town Extension project would provide access to the proposed developments at Siu Ho Wan depot. As stipulated in the ES, the future developer would be required to enhance the internal and external connectivity and walkability within the site and to the adjacent areas by providing cycle tracks and different linkages.

105. In response to a Member's enquiry on the reasons for consulting both Islands District Council (IsDC) and Tsuen Wan District Council (TWDC), Ms Donna Y.P. Tam said as the planning area of Siu Ho Wan fell partly within the Island District and partly within the Tsuen Wan District, following the established practice, the concerned district councils (DCs) were consulted. Should the Town Planning Board (the Board) agree to the publication of the draft OZP, the OZP would be exhibited for public inspection and the general public and the concerned DCs might submit their representations and comments to the Board for consideration.

106. A Member asked whether the current temporary bus depots in Siu Ho Wan would be relocated. In response, Ms Donna Y.P. Tam, indicated that many temporary bus depots including the one in Siu Ho Wan were currently operated under Short Term Tenancies (STT). The operation of bus depots was subject to review by the Transport Department and consideration might be given to consolidate the bus depots in the long term.

107. Some Members raised concerns on the interface between the proposed columbarium and the RTS. Ms Donna Y.P. Tam responded that the RTS was an existing use and according to the preliminary design of the proposed columbarium as shown in the PowerPoint presentation, some green buffer would be provided to separate it from the RTS. The layout of the proposed columbarium would also be suitably designed to avoid any interface issue.

108. The Chairperson indicated that the Siu Ho Wan area was currently not covered by any statutory plan and the draft OZP was therefore required to stipulate necessary planning control over the

area. The draft OZP would also facilitate the MTRCL to carry out detailed planning and design and technical assessments for the proposed topside development at Siu Ho Wan depot. The detailed layout and development parameters would be submitted to the Board for further consideration.

109. After deliberation, the Board :

- (a) noted the comments from and responses to members of TWDC and IsDC on the draft Siu Ho Wan OZP No. S/I-SHW/B;
- (b) agreed that the draft Siu Ho Wan OZP No. S/I-SHW/B (to be renumbered as S/I-SHW/1 upon gazetting) and its Notes (Attachments I and II of the Paper) were suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance;
- (c) adopted the ES (Attachment III of the Paper) as an expression of the planning intention and objectives of the Board for various land use zonings of the draft Siu Ho Wan OZP No. S/I-SHW/B; and
- (d) agreed that the ES (Attachment III of the Paper) was suitable for exhibition for public inspection together with the draft OZP and issued under the name of the Board.

Procedural Matters

Agenda Item 10

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments on the Draft Tong Yan San Tsuen Outline Zoning Plan No. S/YL-TYST/11

(TPB Paper No. 10401)

[The item was conducted in Cantonese.]

110. The Secretary reported that the amendments mainly involved rezoning of two sites for public housing developments (to be undertaken by the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA) and rezoning of another two sites to take forward two approved s.12A applications agreed by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) on 17.4.2015 and 8.1.2016 respectively. The following Members had declared interests on the item, for having affiliation/business dealings with HD, HKHA, and the consultants for the proposed public housing development including Ove Arup & Partners Hong Kong Ltd. (Arup) and Black & Veatch Hong Kong Ltd. (B&V), the MTR Corporation Limited (MTRCL) (R5), Ms Mary Mulvihill (R127/C254), the Conservancy Association (CA) (R128/C255), the Hong Kong and China Gas Company Limited (HKCG) (R203) (a subsidiary of Henderson Land Development Co. Ltd. (HLD)) as well as New World Development Co. Ltd. (NWD) (the applicant of s12A application No. Y/YL-TYST/6 was its subsidiary):

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

Mr Thomas C.C. Chan - being a member of HKHA
(as Director of Lands)

Mr Martin W.C. Kwan - being a representative of the Director of
(as Chief Engineer (Works, Home Affairs who was a member of the
Home Affairs Department) SPC and the Subsidised Housing

Committee of HKHA

- Professor S.C. Wong
(Vice-chairperson)
- being a member of the Advisory Committee for Accredited Programme of MTR Academy and having current business dealings with Arup, and being employee of the University of Hong Kong (HKU) which had received a donation from a family member of the Chairman of HLD
- Mr H.F. Leung
- being a member of the Tender Committee of HKHA, being an employee of HKU which had received a donation from a family member of the Chairman of HLD, and being a convenor of the Railway Objections Hearing Panel of MTRCL
- Mr Patrick H.T. Lau
- having current business dealings with HKHA, Arup, MTRCL, HLD and a subsidiary of NWD
- Ms Janice W.M. Lai
- having current business dealings with HKHA, Arup, MTRCL, HLD and NWD
- Mr Thomas O.S. Ho
- having current business dealings with HKHA and MTRCL, and his firm having past business dealings with B&V
- Dr C.H. Hau
- having current business dealings with HKHA, being a life member of CA and his spouse was the Honorary Secretary of the Board of Director of the CA, K11

Concept Limited of NWD had been sponsoring his student learning projects in HKU since 2009, and being employee of HKU which had received a donation from a family member of the Chairman of HLD

- | | |
|---------------------|---|
| Mr K.K. Cheung |] their firm having current business dealings |
| Mr Alex T.H. Lai |] with HKHA, Arup, B&V, HKCG and MTRCL, having past business dealings with a subsidiary of NWD and hiring Mary Mulvihill on a contract basis from time to time |
| Mr Ivan C.S. Fu | - having past business dealings with HKHA and current business dealings with Arup, MTRCL, HLD and NWD |
| Mr Franklin Yu | - having past business dealings with HKHA, Arup, HLD and MTRCL |
| Mr Stephen L.H. Liu | - having past business dealings with HKHA, MTRCL, HLD and NWD |
| Mr Peter K.T. Yuen | - being a Member of the Board of Governors of the Arts Centre, which had collaborated with the MTRCL on a number of arts projects, and had received a donation from a Executive Director of HLD |
| Mr Wilson Y.W. Fung | - being the Chairman of the Hong Kong Dance Company and a Director of Hong Kong Business Accountants Association |

(HKBAA). Both entities received sponsorships from NWD before, and HKBAA had obtained sponsorship from HLD

- Prof. K.C. Chau - being employee of the Chinese University of Hong Kong (CUHK) which had received a donation from a family member of the Chairman of HLD

- Ms Christine M. Lee - being Secretary-General of the Hong Kong Metropolitan Sports Events Association which had solicited sponsorship from HLD

- Dr Lawrence K.C. Li - being the Treasurer of the Hong Kong Polytechnic University which had obtained sponsorship from HLD

- Dr Wilton W.T. Fok - being employee of HKU which had received a donation from a family member of the Chairman of HLD

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

111. Members noted that Dr C.H. Hau, Mr H.F. Leung and Dr Wilton W.T. Fok had tendered apologies for being unable to attend the meeting and Messrs Patrick H.T. Lau, Thomas O.S. Ho, Franklin Yu, Alex T.H. Lai, Ivan C.S. Fu, Stephen L.H. Liu, Ms Janice W.M. Lai, Prof. K.C. Chau and Ms Christine M. Lee had already left the meeting. As the item was procedural in nature, the Board agreed that the rest of the Members who had declared interests in the item could stay in the meeting.

112. The Secretary briefly introduced the Paper. On 29.9.2017, the draft Tong Yan San Tsuen

Outline Zoning Plan No. S/YL-TYST/11 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 203 valid representations and 292 comments were received. As the concerns of the representers and commenters are mainly on the proposed public housing developments, they could be considered collectively in one group by the full Board.

113. To ensure efficiency of the hearing, it was recommended that each representer/commenter be allotted a maximum 10 minutes for presentation in the hearing session. Consideration of the representations/comments by the full Board was tentatively scheduled for May/June 2018.

114. After deliberation, the Board agreed that :

- (a) the representations and comments should be considered collectively in one group by the Board itself; and
- (b) a 10-minute presentation time would be allotted to each representer/commenter.

Agenda Item 11

[Open Meeting]

Submission of the Draft Sha Tin Outline Zoning Plan No. S/ST/33A under Section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval
(TPB Paper No. 10405)

[The item was conducted in Cantonese.]

115. The Secretary reported that the amendments mainly involved the rezoning of sites for the proposed Sha Tin Cavern Sewage Treatment Works (STCSTW) and its supporting facilities to be operated by the Drainage Services Department (DSD), a site to facilitate a public housing development by the Housing Department (HD) which is the executive arm of the Hong Kong Housing Authority (HKHA), the Olympic Stables currently managed and operated by the Hong Kong Jockey Club (HKJC), and a site for a proposed Columbarium and Garden of Remembrance, which was partly occupied by the Construction Industry Council (CIC) Training Academy Shatin Training Ground. The following Members had declared interests on the item for being associated/having business

dealings with HD, HKHA, DSD, CIC, AECOM Asia Company Limited (AECOM) (the consultant for the investigation, design and construction of STCSTW commissioned by DSD), Ove Arup & Partners Hong Kong Limited (Arup) (the consultant for the proposed public housing development commissioned by HKHA) and Hong Kong Sports Institute Limited (HKSIL) (C376), being members of the Hong Kong Jockey Club (HKJC) (C1) and the Hong Kong Racehorse Owners Association Limited (C6), or affiliated with Ms Mary Mulvihill (R207/C541), as well as owning property or family member owning property in Sha Tin:

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

- Mr Thomas C.C. Chan - being a member of HKHA
(*as Director of Lands*)

- Mr Martin W.C. Kwan - being a representative of the Director of
(*as Chief Engineer (Works),* Home Affairs who is a member of the
Home Affairs Department) SPC and the Subsidised Housing
Committee of HKHA

- Professor S.C. Wong - having current business dealings with
(Vice-chairperson) AECOM and Arup, and being a Council
Member of CIC

- Mr H.F. Leung - being a member of the Tender Committee
of HKHA, an ordinary member of HKJC
and member of a committee of CIC

- Mr Thomas O.S. Ho - having current business dealings with
HKHA and past business dealings with
AECOM, his firm having past business
dealings with the DSD, being an ordinary

member of HKJC, and being the Chairman of the Board of the Construction Innovation and Technology Application Centre of CIC

- Mr Patrick H.T. Lau - having current business dealings with HKHA, AECOM and Arup

- Ms Janice W.M. Lai - having current business dealings with HKHA, DSD, AECOM and Arup

- Dr C.H. Hau - having current business dealings with HKHA, DSD and AECOM, and applying for funding from HKJC Charities Trust for his project

- Mr Ivan C.S. Fu - having current business dealings with AECOM and Arup, past business dealings with HKHA, being an ordinary member of HKJC, and being an Executive Member of CIC and a member of the Construction Workers Registration Board (CWRB) of CIC

- Mr Stephen L.H. Liu - having past business dealings with HKHA and being an ordinary member of HKJC

- Mr Franklin Yu - having past business dealings with HKHA, AECOM and Arup, and being a member of CWRB of CIC

- Mr H.W. Cheung - being the past executive director of CIC

and the Chairman of Zero Carbon Building of CIC, and a member of Private Columbaria Licensing Board

- Professor T.S. Liu - being Principal Investigator (PI) of a book project funded by DSD, which was completed in 2015 and PI of a community funded by HKJC Charities Trust
- Dr Lawrence K.C. Li - being a voting member of HKJC
- Dr Frankie W.C. Yeung - being a horse owner and an ordinary member of HKJC and the Hong Kong Racehorse Owners Association Limited, and owning property in Sha Tin
- Mr Peter K.T. Yuen - being an ordinary member of HKJC and a member of the Board of Governors of the Hong Kong Arts Centre which has received a donation from HKJC
- Mr David Y.T. Lui]
- Miss Winnie W.M. Ng]
- Mr Dominic K.K. Lam] being an ordinary member of HKJC
- Mr Wilson Y.W. Fung]
- Mr Philip S.L. Kan]
- Mr Alex T.H. Lai - his firm having current business dealings with HKHA, Arup and HKSIL, and hiring Ms Mary Mulvihill on a contract basis from time to time, as well as being an ordinary member of HKJC and the Hong

Kong Racehorse Owners Association
Limited and a former horse owner

- Mr K.K. Cheung - his firm having current business dealings with HKHA, Arup and HKSIL, and hiring Ms Mary Mulvihill on a contract basis from time to time, as well as being an ordinary member of HKJC
- Mr Stephen H.B. Yau - his organization having obtained support by HKJC on some projects
- Professor K.C. Chau - owning property in Sha Tin
- Ms Christina M. Lee - being an ordinary member of HKJC, her spouse owning property in Tai Wai, Sha Tin
- Dr Lawrence W.C. Poon - family member living in Sha Tin and his spouse being an employee of HD but not involved in planning work

116. Members noted that Dr C.H. Hau and Mr H.F. Leung had tendered apologies for being unable to attend the meeting and Messrs Thomas O.S. Ho, Patrick H.T. Lau, Ivan C.S. Fu, Franklin Yu, David Y.T. Lui, Alex T.H. Lai, Stephen H.B. Yau, Ms Janice W.M. Lai, Miss Winnie W.M. Ng, Professor K.C. Chau, Ms Christina M. Lee and Dr Frankie W.C. Yeung had already left the meeting. As the item was procedural in nature, Members agreed that the rest of the Members who had declared interests in the item could stay in the meeting.

117. The Secretary briefly introduced the Paper. On 13.1.2017, the draft Sha Tin Outline Zoning Plan No. S/ST/33 (the draft OZP) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 1,666 representations and 542 comments were

received. After giving consideration to the representations under section 6B(1) of the Ordinance on 15.9.2017 and 22.9.2017, the Town Planning Board (the Board) decided to uphold/partially uphold 932 representations by reverting the zoning of the site at On Muk Street from “Residential (Group A) 6” back to “Open Space”. A total of 186 valid further representations were received. The Board considered the further representations on 12.2.2018 and decided not to amend the draft OZP by the proposed amendment.

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

119. After deliberation, the Board:

- (a) agreed that the draft Sha Tin OZP No. S/ST/33A 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 Sha Tin OZP No. S/ST/33A 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 12

[Open Meeting]

Any Other Business

[The item was conducted in Cantonese]

120. There being no other business, the meeting was closed at 4:20 p.m..