

**Minutes of 1177<sup>th</sup> Meeting of the  
Town Planning Board held on 22.6.2018**

**Present**

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

Chairperson

Professor S.C. Wong

Vice-Chairperson

Mr H.W. Cheung

Mr Sunny L.K. Ho

Mr Stephen H.B. Yau

Dr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Mr K.K. Cheung

Mr Wilson Y.W. Fung

Dr C.H. Hau

Mr Alex T.H. Lai

Mr Stephen L.H. Liu

Miss Winnie W.M. Ng

Ms Sandy H.Y. Wong

Mr L.T. Kwok

Ms Lilian S.K. Law

Mr K.W. Leung

Professor Jonathan W.C. Wong

Principal Environmental Protection Officer (Metro Assessment),  
Environmental Protection Department  
Mr Tony W.H. Cheung

Assistant Director (Regional 3)  
Lands Department  
Mr Edwin W.K. Chan

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

Chief Traffic Engineer (Hong Kong)  
Transport Department  
Mr Ivan K.F. Cheung

Director of Planning  
Mr Raymond K.W. Lee

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

Secretary

**Absent with Apologies**

Mr Lincoln L.H. Huang

Mr Ivan C.S. Fu

Dr Frankie W.C. Yeung

Mr Thomas O.S. Ho

Dr Lawrence K.C. Li

Professor T.S. Liu

Mr Franklin Yu

Mr Stanley T.S. Choi

Mr Daniel K.S. Lau

Professor John C.Y. Ng

Dr Jeanne C.Y. Ng

Mr Ricky W.Y. Yu

**In Attendance**

Assistant Director of Planning/Board

Miss Fiona S.Y. Lung

Chief Town Planner/Town Planning Board

Mr Kepler S.Y. Yuen

Senior Town Planner/Town Planning Board

Ms Annie H.Y. Wong

## **Agenda Item 1**

### **Confirmation of Minutes of the 1176<sup>th</sup> Meeting held on 8.6.2018**

[The item was conducted in Cantonese.]

1. The Secretary reported that the draft minutes of the 1176<sup>th</sup> Meeting held on 8.6.2018 were sent to Members on 22.6.2018 and tabled at the meeting. Subject to no proposed amendments by Members on or before 25.6.2018, the minutes would be confirmed without amendments.

[Post-meeting Note: The minutes were confirmed on 25.6.2018 subject to deletion of the last sentence of paragraph 74(b).]

## **Agenda Item 2**

### **Matters Arising**

[The item was conducted in Cantonese.]

#### (i) Town Planning Appeal Decisions Received

Town Planning Appeal No. 10 of 2016

Proposed House (New Territories Exempted House (NTEH) - Small House) in “Agriculture” (“AGR”) and “Village Type Development” (“V”) zones, Lot 422 S.F in D.D. 75, Nam Chung Cheng Uk, Luk Keng, Sha Tau Kok  
(Application No. A/NE-LK/103)

Town Planning Appeal No. 11 of 2016

Proposed House (NTEH - Small House) in “AGR” and “V” zones, Lot 422 S.G in D.D. 75, Nam Chung Cheng Uk, Luk Keng, Sha Tau Kok  
(Application No. A/NE-LK/104)

Town Planning Appeal No. 12 of 2016

Proposed House (NTEH - Small House) in “AGR” and “V” zones, Lot 422 S.H in D.D. 75, Nam Chung Cheng Uk, Luk Keng, Sha Tau Kok

(Application No. A/NE-LK/105)

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[Open Meeting]

2. The Secretary reported that the subject appeals were against the Town Planning Board (the Board)’s decisions to reject on review three applications (No. A/NE-LK/103, 104 and 105) for a proposed house (New Territories Exempted House – Small House) each at the sites zoned “Agriculture” (“AGR”) and “Village Type Development” (“V”) on the Luk Keng and Wo Hang Outline Zoning Plan (OZP).

3. The appeals were heard together by the Town Planning Appeal Board (TPAB) on 21.11.2017. On 12.6.2018, the appeals were dismissed by the TPAB for the following reasons:

- (a) the TPAB considered that the Board rejected the application on the ground that the application was not in line with the planning intention of the “AGR” zone was reasonable;
- (b) the Appellants failed to demonstrate that there was a general shortage of land in meeting the demand for Small House development within the “V” zone. As land was still available within the “V” zone of the concerned village for Small House development, the Board’s rejection of the application on the ground of not in line with the Interim Criteria was reasonable;
- (c) whether the Appellants could obtain private land within the concerned “V” zone for Small House development, the land value or the economic capability of the Appellants were not relevant considerations of the TPAB; and
- (d) the Appellants’ request to revise the boundaries of the “V” zone for enlarging the areas of the three sites falling within the “V” zone was not under the purview of the TPAB. The issue should be considered by the

Board under section 12A of the Town Planning Ordinance.

4. Members noted the TPAB's decision on the three appeals.

(ii) Updated Appeal Statistics

[Open Meeting]

5. The Secretary reported that as at 19.6.2018, a total of 7 appeals were yet to be heard and 3 decisions were outstanding. Details of the appeal statistics were as follows :

Allowed	36
Dismissed	155
Abandoned/Withdrawn/Invalid	201
Yet to be Heard	7
Decision Outstanding	3
<hr/> Total	<hr/> 402

### **Hong Kong District**

#### **Agenda Item 3**

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments in respect of the Draft Aberdeen & Ap Lei Chau Outline Zoning Plan No. S/H15/32

(TPB Paper No. 10435)

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[The meeting was conducted in Cantonese and English.]

6. The Secretary reported that the site under Amendment Item A (the Item A site) was related to a subsidized housing development by Hong Kong Housing Society (HKHS) who was also a commenter (C14) and Townland Consultant Ltd. was its consultant. Ms Mary Mulvihill (R3/C8) was a representer and commenter. The following Members had declared interests on the item for having affiliation/business dealings with HKHS or its consultant, the representer and commenter, or owning properties in Aberdeen and Ap Lei Chau:

- Mr Raymond K.W. Lee - being ex-officio member of the Supervisory  
(as Director of Planning) Board of HKHS
- Dr Lawrence K.C. Li - being a member of HKHS
- Mr Daniel K.S. Lau - being the Director (Development and  
Marketing) of HKHS
- Dr Lawrence W.C. Poon - being an ex-employee of HKHS
- Mr K.K. Cheung ] their firms having current business dealings  
Mr Alex T.H. Lai ] with HKHS and Townland, and hiring Mary  
Mulvihill on a contract basis from time to  
time
- Mr Thomas O.S. Ho - having past business dealings with HKHS  
and Townland
- Mr Stephen L.H. Liu - having past business dealings with HKHS
- Professor S.C. Wong - his relative owning a flat in South Horizons  
(Vice-chairperson)

7. Members noted that Mr Thomas O.S. Ho, Dr Lawrence K.C. Li and Mr Daniel K.S. Lau had tendered apologies for being unable to attend the meeting. As the interest of Mr Raymond K.W. Lee, Director of Planning on the item was direct, he should be invited to leave the meeting. Members noted that Mr K.K. Cheung and Mr Alex T.H. Lai had no direct involvement in the proposed housing project, the interests of Mr Stephen L.H. Liu and Dr Lawrence W.C. Poon were indirect and the property of Professor S.C. Wong's relative did not have direct view of the representation sites, and agreed that they could stay in the meeting.

#### Presentation and Question Sessions

8. 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, Members agreed to proceed with the hearing of the representations and comments in their absence.

#### Presentation and Question Sessions

9. The following government representatives, as well as representers, commenters and their representatives were invited to the meeting at this point:

#### **Government Representatives**

##### *Planning Department (PlanD)*

Mr Louis K.H. Kau - District Planning Officer/Hong Kong  
(DPO/HK)

Miss Jessica K.T. Lee - Senior Town Planner/Hong Kong (STP/HK)

#### **Representers/commenters and their Representatives**

##### R1 – Central & Western Concern Group

Ms Katty Law - Representer's representative

##### R3/C8 – Mary Mulvihill

##### C11 – Tsim Sha Tsui Residents Concern Group

Ms Mary Mulvihill - Representer, Commenter and Commenter's  
representative

##### C2 – Melanie Moore

##### C12 – Steve Sau

##### C13 – Lee Wai Kuen

Mr Steve Sau - Commenter and Commenters' representative

##### C7 – 任葆琳區議員



Ms Pauline Yam - Commenter

C14 – Hong Kong Housing Society

Mr Eric Yeung ] Commenter's representatives

Mr C.H. Pang ]

Ms Cindy Tsang ]

Ms Gladys Leung ]

10. 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 representatives would then be invited to make oral submissions in turn according to their representation and comment number. To ensure the efficient operation of the meeting, each representer, commenter or their 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 representatives had completed their oral submissions. Members could direct their questions to government representatives, representers, commenters or their representatives. After the Q&A session, the representers, commenters or their representatives and the government representatives would be invited to leave the meeting. The Town Planning Board (the Board) would deliberate on all the representations and comments in their absence and inform the representers and commenters of the Board's decision in due course.

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

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

12. With the aid of a PowerPoint presentation, Miss Jessica K.T. Lee, STP/HK, PlanD 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 responses to the representations and comments as detailed in TPB Paper No. 10435 (the Paper).

[Ms Sandy H.Y. Wong, Mr David Y.T. Lui and Miss Winnie W.M. Ng arrived to join the meeting during the presentation of STP/HK, PlanD.]

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

C2 – Melanie Moore

C12 – Steve Sau

C13 – Lee Wai Kuen

14. With the aid of a PowerPoint presentation, Mr Steve Sau made the following main points:

- (a) the draft Pok Fu Lam Outline Zoning Plan (OZP) No. S/H10/16 involved the rezoning of five sites identified as reception sites for the redevelopment of Wah Fu Estate (WFER) including Sites A to C producing 3,610 flats and Sites D and E producing 5,310 flats. Amongst 4,337 representations and comments made in respect of the Pok Fu Lam OZP, some 1,810 of them (about 42% of the total) objected to rezone Sites D and E, which would involve the felling of 2,400 trees, for high density residential developments and the construction of a new road near Yar Chee Villas . They requested retaining the “Green Belt” (“GB”) zone in Kai Lung Wan;
- (b) the above adverse representations and comments were similar to the findings of a survey conducted by the Chinese University of Hong Kong in 2014 in relation to the policy initiative announced in the Policy Address to rezone “GB” zones for residential use. The respondents of the survey did not accept the environmental impact and increase in development intensity arising from the need to increase housing land supply;
- (c) the representers and commenters also shared similar views of the Civic

Exchange that the policy initiative of rezoning “GB” to increase housing land supply would result in increasing development intensity and thus adverse air ventilation impact;

- (d) the government had no strong justifications to rezone the “GB” sites in Kai Lung Wan. Firstly, making reference to the additional 82% and 70% of flats respectively produced at the redevelopment sites of Yue Kwong Chuen in Aberdeen and Pak Tin Estate in Shek Kip Mei when compared with the number of flats before redevelopment, the additional flats to be produced at the WFER site should be increased from 33% to 70%. According to his calculation based on a comprehensive redevelopment approach, a total of 15,810 flats could be produced including 3,610 and 12,200 flats at Sites A to C and the WFER site respectively. There would be an additional of 6,610 flats (an increase of 72%) when compared with the number of flats before redevelopment. With such additional flats at the WFER site and by adopting phased redevelopment, the reception sites could be reduced from five to three and Sites D and E would no longer be required. He queried the government’s response that extra 10 years would be required for the WFER if Sites D and E were not available for decanting purpose. Even if that was the case, the original site of Wong Chuk Hang Estate could be used as the reception site for the WFER and the rezoning of Sites D and E would be avoided;
- (e) secondly, the ecological value of the “GB” zone in Kai Lung Wan was high. According to their research, there were 23 species of fishes, reptiles, frogs and dragonflies as well as 72 species of birds (accounting for 13% of the total bird species in Hong Kong) recorded in Chi Fu Valley including the endangered, rare or protected species, namely Short-legged Toad, Lesser Spiny Frog, White Bellied Sea Eagle, Masked Palm Civet, etc. Species with ecological importance were also found in the assessment conducted by the government’s consultant and the recent discovery of Tree Gecko by the Baptist University of Hong Kong in the valley revealed the high ecological value in the area;
- (f) the ecosystem of Watercourses 5 and 7 would be adversely affected and could not be compensated by the “green channel” proposed by the government while

Watercourses 4 and 6 would be polluted due to the construction of the proposed public housing development. The government had not published any baseline survey report of Watercourses 4 to 7 nor technical paper on the green channel design. Having noted the ecological importance of the “GB” zone in Kai Lung Wan and its functions, Sites D and E on the draft Pok Fu Lam OZP in Kai Lung Wan should be preserved;

- (g) thirdly, the WFER proposal would result in an increase of the planned population in Pok Fu Lam by 45% which was higher than the projected territorial population increase of 12% between 2016 and 2043 based on the 2016 Population By-census. He doubted whether the WFER site would be entirely redeveloped for public rental housing (PRH). According to paragraph 32(k) of the Minutes of meeting of the District Development and Housing Committee, Southern District Council held on 31.7.2017, it seemed that the Housing Authority (HA) had a hidden intention to surrender the WFER site to the government for private housing development; and
- (h) in conclusion, only Sites A to C would be required as the reception sites for the WFER and rezoning the “GB” sites (i.e. Sites D and E) in Kai Lung Wan was not justified. The WFER site should entirely be used for PRH development and a comprehensive approach should be adopted for the WFER.

15. The Chairperson explained that Item D was related to the excision of an area from the planning scheme area of the draft Aberdeen & Ap Lei Chau OZP for incorporation into the draft Pok Fu Lam OZP. The representations related to the land use zoning of the excised area should be considered under the Pok Fu Lam OZP.

#### C7 – 任葆琳區議員

16. Ms Pauline Yam made the following main points in relation to Item C:

- (a) currently, the traffic could only turn left at the junction of Aberdeen Praya Road and Aberdeen Main Road. While the junction could be improved by providing traffic light or converting it into an interchange to allow traffic

movement to the west bound, the Transport Department (TD) advised that there would be insufficient space for such improvement works. The Item C site could be used for the construction of the proposed interchange; and

- (b) in view that the Consultancy Study on Overall Traffic Conditions of Aberdeen (the Aberdeen Traffic Study) was still ongoing, the amendment under Item C should not proceed before the findings of the Consultancy Study were available to allow the flexibility of using the Item C site for the junction improvement works.

#### C14 – Hong Kong Housing Society

17. With the aid of a PowerPoint presentation, Mr Eric Yeung made the following main points in relation to Items A and B:

- (a) Yue Kwong Chuen was built at the hillside and completed in 1960s. Owing to the site constraint, no elevator was provided in the original design of the housing estate. Rehabilitation work was completed in 2011 to provide elevators at two of the residential blocks while the remaining three blocks were still not equipped with elevators due to site constraint. Since half of the tenants were aged over 55 and the condition of the housing estate was deteriorating, there was an urgent need for redevelopment. The tenants had requested in-situ redevelopment which was supported by the concerned district council and local residents; and
- (b) the Item A site at Shek Pai Wan Road for decanting was the only site available in the vicinity of Yue Kwong Chuen. Its technical feasibility had been justified. Besides, as the road access of the proposed housing development would be at Tin Wan Hill Road, the previously planned road access in the Item B site was no longer required. In view of the above, Members were invited to support Items A and B.

#### R1 – Central & Western Concern Group

18. Ms Katty Law made the following main points:

- (a) she objected to Item D and agreed with the views given by Mr Steve Sau (C12). The development proposal was based on the assumption that the reception sites and the Wah Fu Estate (WFE) site would be needed to facilitate the WFER. However, she doubted whether the WFE site would be really redeveloped for PRH development or be used for private development. It would not be beneficial to the development of Hong Kong if the PRH sites were surrendered to the government for land sale;
- (b) PlanD said that ecological survey was not conducted for the Item D site since it was heavily vegetated and not accessible. Without such information, there was no basis for Members to determine the rezoning of the Item D site.; and
- (c) it was not satisfactory for the reception sites to be dispersedly located. Though Item D was related to the excision of an area from the subject OZP, the rezoning should be considered holistically.

R3/C8 – Mary Mulvihill

C11 – Tsim Sha Tsui Residents Concern Group

19. With the aid of a visualizer, Ms Mary Mulvihill made the following main points:

- (a) there were many ambiguities in the rezoning process of the draft Pok Fu Lam and subject OZPs. The papers of the proposed amendments of the two OZPs were considered together by the Metro Planning Committee of the Board in the same meeting on 25.8.2017. Since the Item D site proposed to be excised from the subject OZP was intended to be rezoned for public housing, the ecological value of the site should be considered relevant. The two OZPs should therefore be regarded as a whole. In view that the proposed amendments were considered together but the decisions in respect of the representations of the two plans would be made separately, Members should clarify whether the due process had been carried out in considering the two OZPs;

- (b) the ecological value of the Item D site had not been assessed with regard to the quality and quantity of trees and other vegetation, presence of rare species, fauna and wildlife that had been recorded. As shown on Drawings H-8 and H-9 on “Species of Conservation Importance” and “Proposed Woodland Compensation Area” respectively in the TPB Paper No. 10425 for consideration of the representations in respect of the Pok Fu Lam OZP, there was no information of special species, fauna and trees at the Item D site. According to the responses given by the representative of the Agriculture, Fisheries and Conservation Department (AFCD) in the hearing of the Pok Fu Lam OZP, the Item D site was heavily vegetated and not accessible for conducting ecological survey. Members attending this meeting might not be the same as those who attended the meetings for the Pok Fu Lam OZP. Adequate information on the conditions of the Item D site was essential and should be provided in the papers of both OZPs;
- (c) according to paragraph 5.1.4 of the subject Paper, the location and characteristics of the Item D site were described. It was also stated that the Item D site had been excised from the subject OZP for incorporation into the Pok Fu Lam OZP while such information was not made apparent to Members in the meetings for consideration of the Pok Fu Lam OZP. Members were reminded about the High Court judgement regarding the country park enclaves in November 2017 that the Board “had failed to properly inquire into the matters... the Board had failed to carry out its duty of inquiry in relation to this issue”. The background information and required technical assessments in relation to the subject OZP were inadequate;
- (d) with reference to Drawing H-7 on “Proposed Pedestrian and Public Transport Facilities” in the TPB Paper No. 10425, there was a deadlocked “GB” zone to the east of the proposed access road leading to Site E (the Kai Lung Wan North site). She anticipated that the area would be only a landscaped area without any ecological importance. In terms of size, the area together with the proposed access road was almost as large as the Item D site. If the proposed access road could be built underground, the area could be released for an

enlarged Site E to accommodate the two residential blocks proposed at the Item D site. The Item D site could then be released;

- (e) the government won the judicial review (JR) on the Tai Po OZP due to issues other than matter related to the legitimate expectations with regard to the rezoning of “GB” areas. According to the JR, the change in policy from rezoning the “GB” areas which were devegetated, deserted or formed for residential use had never been set out in the Policy Address. The interpretation of “GB” areas under the stage two “GB” review arose from the former Secretary for Development’s blog, which was merely personal aspirations or opinions, should not be regarded as a formally announced policy;
- (f) the quest for land for housing could not override all other considerations, particularly when the community was aware that there were hundreds of hectares of land lying idle and not being used for the intended purpose. The Board should not ignore the due process nor the interpretations of “GB” areas not set out in the Policy Address. Otherwise, a JR would be lodged; and
- (g) given in-situ redevelopment of the WFE was possible, she queried why the “GB” site under Item D should be rezoned for development. It was foreseeable that the government would put the WFER site up for sale for private residential development similar to the case of the Wong Chuk Hang Estate.

20. As the presentation from government representatives, the representers/commenters and their representatives 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 representatives and/or the government 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.

*Ecological Survey*



21. In response to a Member's question on why an ecological survey for the Item D site was not conducted, Mr Louis K.H. Kau, DPO/HK, PlanD said that there was difficulty in reaching the Item D site due to the lack of road connection to some part of the site. As advised by the representative of AFCD in the hearing of the Pok Fu Lam OZP, in spite of such constraint, the ecological value of the Item D site was assessed in accordance with the established practice based on desktop literature review as well as observations of its surrounding areas. The findings of the technical study commissioned by the Civil Engineering and Development Department revealed that the ecological value in Kai Lung Wan was moderate.

22. In response to a Member's question on whether he had visited the Item D site and what species were found, Mr Steve Sau (C12) said that they had focused on conducting their survey at Chi Fu Valley since 2014, with some research on the cemetery (the Kai Lung Wan North Site) but not in the Item D site, as they could not get inside the Item D site. He pointed out that the proposed green channel would be built perpendicularly to the existing channel. The source of water for diversion to the new channel and how an ecosystem could be established in a man-made channel were questionable.

#### *The Statutory Procedure*

23. Some Members raised the following questions:

- (a) whether it was procedurally proper to discuss the proposed amendments to the Pok Fu Lam OZP and the subject OZP together in the same meeting but then consider the representations and comments separately;
- (b) whether the oral submissions made in respect of the Pok Fu Lam OZP should be disregarded in the consideration of the subject OZP;
- (c) regarding the due process raised by the representers, how the decisions made in respect of the two OZPs would be affected, and whether the sequence of making the decisions on the two OZPs would matter;
- (d) if the Board decided that Site D under the Pok Fu Lam OZP should be

rezoned back to “GB”, whether the area would be retained on the Pok Fu Lam OZP or reverted back into the subject OZP; ;

- (e) whether the excision of the Item D site under the subject OZP was an administrative procedure to be gone through before making decision on the rezoning of the Item D site later on.

24. In response, Mr Louis K.H. Kau, DPO/HK, PlanD made the following points with the aid of PowerPoint slides:

- (a) Item D under the subject OZP was to excise an area to the east of Wah Kwai Estate across Shek Pai Wan Road from the planning scheme area for incorporation into the Pok Fu Lam OZP. In this meeting, Members were invited to give consideration to the representations and comments and decide whether to excise the area under Item D from the subject OZP. Under the Pok Fu Lam OZP, Members were invited to give consideration and decide whether to incorporate Site D, which was excised from the subject OZP, into the planning scheme area of the Pok Fu Lam OZP and to rezone Site D from “GB” to “Residential (Group A)” (“R(A)”) to form part of the proposed public housing developments in Pok Fu Lam South area;
- (b) the representations which were related to the rezoning from “GB” for the proposed public housing developments in Pok Fu Lam South area should be considered in the context of the Pok Fu Lam OZP. It was consistent with the practice adopted in respect of the rezoning for Hung Shui Kiu New Development Area (HSK NDA) which involved incorporating areas originally fell within other OZPs into the new HSK OZP; and
- (c) to go through the due process, Members had to give consideration to the representations and comments and decide with regard to the specific amendment items proposed under the particular OZP.

25. At the request of the Chairperson, the Secretary made the following main points:

- (a) Item D considered in this meeting was in relation to the excision of the site from the planning scheme area of the subject OZP for incorporation into the Pok Fu Lam OZP. The amendment item considered in the hearings in respect of the Pok Fu Lam OZP was related to the incorporation of this Item D site excised from the subject OZP into the Pok Fu Lam OZP together with the rezoning of the site from “GB” to “R(A)”. The proposed amendments in respect of both OZPs had been gazetted under section 5 of the Ordinance on the same day for public inspection for two months. Hearing session(s) were held to consider the representations and comments received. The persons who had submitted representations or comments would be invited to the hearing session(s) and be heard by the Board. The hearing sessions in respect of the Pok Fu Lam OZP were held in May 2018 and the deliberation in a closed meeting would be held in the afternoon today after the subject hearing;
- (b) if the Board decided not to uphold the representations, and make no amendment to Item D on the subject OZP, the site would be excised from the subject OZP. In respect of the Pok Fu Lam OZP, the Board would have to decide whether to incorporate the Item D site in the planning scheme of the Pok Fu Lam OZP and whether to rezone the Item D site from “GB” to “R(A)”;
- (c) as Item D was only related to the excision of the area from the subject OZP, the zoning itself under the subject OZP was not the subject of amendment. In other words, if the Board were to decide eventually that the Item D site should not be excised from the subject OZP, the site would remain to be zoned as “GB” on the subject OZP; and
- (d) since both OZPs had been gazetted under section 5 of the Ordinance and become effective, the amendment under the Item D site on each of the two plans took immediate effect upon gazetting. However, both draft plans would be subject to the approval by the Chief Executive in Council (CE in C) upon completion of the representation consideration procedures.

26. Ms Katty Law (R1) said that Members were not well informed of the condition of the Item D site but were requested to make a decision on its zoning. If the site was not rezoned for residential use, it would not be necessary to excise the area from the subject OZP.

27. The Chairperson said that since the gazettal of both draft plans under section 5 of the Ordinance, the Item D site had been incorporated on the Pok Fu Lam OZP and excised from the subject OZP. The decision made under the subject OZP would therefore only be related to the excision of the Item D site from the subject OZP. For the zoning of the site, it would be considered under the Pok Fu Lam OZP. As the OZP was a statutory plan prepared under the Ordinance, the decision regarding the excision of the area from one OZP for incorporation into another was part of the statutory plan-making rather than an administrative procedure.

*The WFER Site*

28. Some Members raised the following questions:

- (a) whether the government would make a commitment that the WFER site would not be put up for land sale; and
- (b) whether the Board would have any assurance if the WFER site would eventually be redeveloped for public housing as proposed by the HA but not for private housing.

29. In response, Mr Louis K.H. Kau, DPO/HK, PlanD made the following points:

- (a) in the hearing for the Pok Fu Lam OZP, the representative of the Housing Department had clearly stated that the WFER site would be redeveloped for public housing; and
- (b) the WFE was covered by the administrative Pok Fu Lam Moratorium (PFLM). For any new development in the Pok Fu Lam area, partial lifting PFLM was required. Approval from the Executive Council (ExCo) had been sought for the proposed public housing development in Pok Fu Lam South area and the WFER to provide 11,900 additional public housing units. If the WFER site

was not redeveloped for public housing eventually, approval for partial lifting of PFLM from the ExCo would need to be sought again.

30. In response to a Member's question regarding how the public could challenge the decision if the WFER site was not redeveloped for public housing in the future, the Chairperson said that the WFE site was currently held by the HA, not by the Government. Furthermore, the former Secretary for Transport and Housing stated in his letter that the WFER site would be redeveloped for public housing.

*Item C Site*

31. The Chairperson and some Members raised the following questions:

- (a) whether the provision of westbound traffic lane at the junction of Aberdeen Praya Road and Aberdeen Main Road would require the land now occupied by the Aberdeen Wholesale Fish Market (the Fish Market) and whether relocation of the Fish Market had been considered; and
- (b) whether PlanD was consulted on the Aberdeen Traffic Study. If road improvement works at the junction of Aberdeen Praya Road and Aberdeen Main Road was recommended under the Aberdeen Traffic Study, whether the rezoning of the Item C site would affect the implementation of such road improvement works and whether road was a permitted use in the "Government, Institution or Community" ("G/IC") zone.

32. In response, Mr Louis K.H. Kau, DPO/HK, PlanD made the following points with the aid of some PowerPoint slides:

- (a) the Aberdeen Traffic Study was being conducted by the consultant commissioned by the Southern District Office and would be completed soon. Amongst the short, medium and long term traffic measures initially submitted to Southern District Council in early 2018, there was no recommendation of providing westbound traffic lane at that junction. If such works were recommended, the operation of the Fish Market might be affected and further

study on the traffic impact would be required. The rezoning of the Item C site to “G/IC” was to reflect the as-built alignment of Aberdeen Praya Road which was resulted from road improvement works undertaken in 1991; and

- (b) if road improvement works at the junction of Aberdeen Praya Road and Aberdeen Main Road was recommended under the Aberdeen Traffic Study, the rezoning under Item C would not affect the implementation of such works. According to section 13A of the Ordinance, any works or use authorised under the Roads (Works, Use and Compensation) Ordinance should be deemed to be approved under the Ordinance.

#### *Item A Site*

33. The Chairperson and some Members raised the following questions:

- (a) apart from rehousing the residents at Phase II of Yue Kwong Chuen, whether the proposed 600 flats reprovisioned at Phase I redevelopment could accommodate those residents who would have already moved in the Item A reception site but would like to return to the original site of Yue Kwong Chuen;
- (b) whether Yue Kwong Chuen would be enlarged to include both the original site and the Item A site;
- (c) after Yue Kwong Chuen residents were rehoused at the Item A site and the redeveloped Phase I site, who would move into the redeveloped Phase II site; and
- (d) whether elevators were provided in the existing Yue Kwong Chuen.

34. In response, Mr Eric Yueng (C14) made the following main points with the aid of some PowerPoint slides:

- (a) there would be 800 flats provided at the Item A site to rehouse those residents currently living in the three blocks in Phase I of Yue Kwong Chuen. After the

redevelopment of Phase I, those residents at Phase II would move to the redeveloped Phase I site. The residents to be rehoused at the Item A site could choose to move back to the original site of Yue Kwong Chuen after redevelopment subject to the availability of housing units after reprovisioning for Phase II residents;

- (b) Yue Kwong Chuen would be enlarged to include both the original site and the Item A site. There would be an addition of about 1,400 flats on top of the existing 1,100 flats to rehouse the existing residents of Yue Kwong Chuen and provide extra flats for rental or sale;
- (c) Phase II would still be public housing after redevelopment including flats for rental or sale but the ratio had yet to be confirmed. After rehousing the residents of Yue Kwong Chuen, if there were flats for rental available, those flats would be supplied to the Waiting List Applicants for Public Rental Housing; and
- (d) there was no elevator provided at the existing Phase I site and therefore the redevelopment of Phase I would be carried out prior to Phase II.

#### *Item B Site*

35. In response to Chairperson's question regarding the rationale of rezoning the Item B site, Mr Louis K.H. Kau, DPO/HK, PlanD said that the Item B site was a strip of vegetated slope located to the immediate southwest of the Item A site. As mentioned by Mr Eric Yueng (C14), the area was originally planned for an access road to serve the proposed public housing development at the Item A site. Since the proposed access road under the development scheme would be via the existing ingress at Shek Pai Wan Road and exit at Tin Wan Hill Road, the original access at the Item B site was no longer required. The rezoning under Item B was to reflect its current condition and the planning intention of the area.

[Mr Stephen H.B. Yau left the meeting during the Q&A session.]

36. As Members had no further questions to raise, the Chairperson said that the hearing procedure for the presentation had been completed. The Board would further deliberate on the representations and comments and inform the representers and commenters of the Board's decision in due course. The Chairperson thanked the representers and commenters and their representatives and the government representatives for attending the meeting. They left the meeting at this point.

[The meeting was adjourned for a short break of 10 minutes.]

[Mr K.K. Cheung left the meeting at this point.]

### Deliberation Session

37. The Chairperson said that the decision to be made in respect of Item D of the subject OZP was whether to excise the Item D site from the planning scheme area for incorporation into the Pok Fu Lam OZP. The land use zoning of the site would be discussed in the meeting to be held in the afternoon in respect of the Pok Fu Lam OZP. The excision of the area from the subject OZP for incorporation into the Pok Fu Lam OZP, which was a technical amendment, would not pre-empt the Board's decision on the zoning of the site since Members could decide to rezone the site back to "GB" by proposing amendment to the Pok Fu Lam OZP or to retain the site as "R(A)" zone that had already been reflected on the draft Pok Fu Lam OZP.

38. Members generally considered that the due process was gone through since both the subject OZP and the Pok Fu Lam OZP were gazetted under section 5 of the Ordinance on the same day and the planning intentions of the sites under the amendment items were made known to the public. The statutory requirements in relation to public inspection and hearing had been fully followed.

39. Some Members opined that the representations and comments, which were related to the proposed public housing developments in Pok Fu Lam South area, should be considered in the context of the Pok Fu Lam OZP. The decision made in relation to the excision of the Item D site from the subject OZP for incorporation into the Pok Fu Lam OZP would not pre-empt the decision on the land use zoning of the site. From geographical point of view,



there was no strong view on whether the area under Item D should be retained in the subject OZP or included in the Pok Fu Lam OZP as there was no significant physical feature arguing for inclusion in one but not the other.

40. Members generally considered that the rezoning of the Item C site would not affect the implementation of road improvement works even if such works were recommended in the Aberdeen Traffic Study. For the Item A site, there was an urgent need to provide a decanting site for the redevelopment of Yue Kwong Chuen due to the aging population and deteriorating building conditions. Members also noted that Item B was to reflect the current condition and the planning intention of the area.

[Professor Jonathan W.C. Wong and Mr Alex T.H. Lai left the meeting during the deliberation session.]

41. After deliberation, the Board decided not to uphold all representations (**R1 to R3**), and agreed that the OZP should not be amended to meet the representations for the following reasons:

- “(a) Amendment Item A is considered appropriate to facilitate the redevelopment of Yue Kwong Chuen. The proposed development would not generate adverse traffic, environmental, visual, landscape, geotechnical, ecological and infrastructural impacts on the surrounding areas (R1 and R2);
- (b) Amendment Items B and C are to reflect the existing condition of the sites (R1);  
and
- (c) Amendment Item D is only a technical amendment involving excision of a site from one OZP to another; the land use zoning for the site (which is related to the proposed public housing development in Pok Fu Lam South area) and the related representations will be considered by the Town Planning Board in the context of the Pok Fu Lam OZP (R1 to R3).”

[Mr Raymond K.W. Lee, Director of Planning (D of Plan) returned to join the meeting at this point.]

**Tsuen Wan & West Kowloon District**

**Agenda Item 4**

[Open Meeting]

Consideration of Proposed Amendments to the Draft Mong Kok Outline Zoning Plan No. S/K3/30

(TPB Paper No. 10422)

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[The meeting was conducted in Cantonese.]

42. The Secretary reported that the proposed amendments were formulated upon review of the draft Mong Kok Outline Zoning Plan (OZP) No. S/K3/30 in order to comply with the order of the Court in respect of a judicial review (JR) lodged by the Real Estate Developers Association of Hong Kong (REDA) and to take forward the recommended development scheme formulated under the 'Planning and Design Study on the Redevelopment of Government Sites at Sai Yee Street and Mong Kok East Station – Feasibility Study' (the SYS Study). The following Members had declared interests on the item for owning properties in the Mong Kok area; and/or having affiliation/business dealings with Masterplan Limited (the consultant of REDA), the Institute of Future Cities (IOFC) of the Chinese University of Hong Kong (CUHK) (the consultant of the OZP review), Ove Arup & Partners Hong Kong Limited (Arup), BMT Asia Pacific Ltd (BMT) and/or AGC Design (AGC) (the consultants of the SYS Study):

- |  |   |  |
|--|---|--|
| Professor S.C. Wong<br>( <i>Vice-chairperson</i> ) | - | having current business dealings with Arup and being an traffic consultant of Arup |
| Mr Ivan C.S. Fu                                    | - | having current business dealings with Masterplan Limited, Arup and AGC             |
| Mr Thomas O.S. Ho                                  | - | his firm having past business dealings with BMT                                    |

- Mr K.K. Cheung ] his firm having current business dealings with  
Mr Alex T.H. Lai ] Arup and AGC
- Mr Franklin Yu - having past business dealings with Arup
- Mr Stanley T.S. Choi - his spouse being a director of a company which  
owns properties at Nathan Road
- Professor John C.Y. Ng - being the Fellow of IOFC, CUHK

43. Members noted that Messrs Ivan C.S. Fu, Thomas O.S. Ho, Stanley T.S. Choi and Franklin Yu and Professor John C.Y. Ng had tendered apologies for being unable to attend the meeting. Members also noted that Messrs K.K. Cheung and Alex T.H. Lai had left the meeting. As Professor S.C. Wong had no direct involvement in the projects on the sites under the proposed amendments, Members agreed that he could stay in the meeting.

#### Presentation and Question Sessions

44. The following representatives of the Planning Department (PlanD) were invited to the meeting:

- Ms Katy C.W. Fung - District Planning Officer/ Tsuen Wan & West  
Kowloon (DPO/TWK)
- Ms Caroline T.Y. Tang - Senior Town Planner/Yau Tsim Mong  
(STP/YTM)

45. The Chairperson invited the representatives of PlanD to brief Members on the Paper.

46. Ms Katy C.W. Fung, DPO/TWK, PlanD said that the proposed amendments in respect of the subject OZP involved mainly two parts arising from the review of building height (BH) under the OZP in order to comply with the order of the Court in respect of a JR and the recommended development scheme formulated under the SYS Study.

47. With the aid of a PowerPoint presentation, Ms Caroline T.Y. Tang, STP/YTM, PlanD briefed Members on the proposed amendments, including their background, the general implications of the Sustainable Building Design Guideline (SBDG) on building profile, the BH concept on the current OZP, the proposed BH restrictions (BHRs), review of air ventilation measures, visual and urban design considerations, government's responses to REDA's original representation, major planning parameters of the Sai Yee Street redevelopment site, revision to the development requirement of the Soy Street site and the proposed amendments to the OZP as detailed in the TPB Paper No. 10422 (the Paper). The review of BHRs had been conducted for all "Commercial", "Residential (Group A)", "Residential (Group E)", "Other Specified Uses" annotated "Business", "Comprehensive Development Area" and "Government, Institution or Community" zones on the OZP.

[Professor S.C. Wong and Mr Stephen L.H. Liu left the meeting during the presentation of STP/YTM, PlanD.]

48. The Chairperson said that some of the proposed amendments were technical amendments to incorporate amendments to Column 1 and Column 2 uses which had been adopted in same schedule of uses on other OZPs for consistency. The other proposed amendments were mainly to give effect to the order of the Court subsequent to the JR. According to the judgement, the general implications of the SBDG on the development intensity of the sites had not been duly taken into account by the Town Planning Board (the Board) in making the previous decisions on the representation made by REDA in respect of the draft OZP No. S/K3/28. PlanD had thus reviewed to the development restrictions and proposed amendments to the OZP. The Board was invited to consider in a wider context whether the principles and approach adopted in the review were appropriate and whether those proposed amendments were suitable for publication under the Town Planning Ordinance (the Ordinance). Subject to the agreement of the Board, the amended OZP incorporating the proposed amendments would be published for public inspection and the stakeholders and the general public could make representations and comments in accordance with the relevant provisions of the Ordinance. She then invited questions and comments from Members.

49. In response to a Member's question in relation to the implications on population and road traffic under the review on development restrictions of the OZP, Ms Katy C.W. Fung, DPO/TWK, PlanD said that the proposed amendments in relation to BHR did not involve any

change in development intensity, in terms of plot ratio and gross floor area under the subject OZP. As such, the proposed amendments would not lead to an increase in population and adverse impact on road traffic.

50. A Member said that the two main objectives to impose BHR on the OZP were to improve air ventilation and protect the ridgeline. The application of SBDG could improve the pedestrian environment and wind penetration, e.g. through providing building setback. Those improvements were consistent with the purpose of imposing BHR. While taking into account SBDG in the review to relax BH with no change to the plot ratios, the Member considered the proposed amendments appropriate. For specific sites, it might be necessary to impose BHR or other restrictions such as setback to address the concern on air ventilation and visual impacts. Besides, the proposal at the SYS site would be beneficial to the district including optimising the use of land and providing commercial floor space, public transport facilities, pedestrian linkage, etc.

#### *Site Amalgamation*

51. Some Members raised the following questions:

- (a) noting that lot owners might not aim for the maximum BH even if such restrictions were relaxed, whether there were any incentives for the lot owners to comply with SBDG;
- (b) whether site amalgamation for large scale developments would be encouraged, and whether setting criteria for site amalgamation should be considered; and
- (c) how the built environment would be improved with the application of SBDG.

52. In response, Ms Katy C.W. Fung, DPO/TWK, PlanD made the following points with the aid of some PowerPoint slides:

- (a) there were building design requirements under SBDG such as providing building separation at sites with areas larger than two hectares or frontage longer than 60m. For sites not falling within such criteria, SBDG

requirements might not be strictly followed; and

- (b) it was observed from the approved building plans in the district in the past few years that for larger development sites, lot owners seemed to have more incentives to comply with SBDG. Site amalgamation could be a way to achieve better building design.

53. Mr Raymond K.W. Lee, D of Plan supplemented the following points:

- (a) design requirements regarding building safety, air ventilation, etc. were specified under the Buildings Ordinance. With the application of SBDG, the relaxed BHR under the proposed amendments would provide design flexibility for sites to achieve the same plot ratios; and
- (b) as shown on Plan 3B of the Paper, there was currently site amalgamation in the district even without the proposed BH relaxation. The BH relaxation under the OZP review did not involve any increase in plot ratios. It would provide flexibility for more quality building design.

54. The Chairperson said that it would be a gradual process to redevelop a dense urban district. Even with the relaxed BHR under the proposed amendments, it would take time for site amalgamation for large scale developments to proceed.

55. A Member said that the application of SBDG would not necessarily result in site amalgamation for large scale developments but it would help minimise the impact of wall effect in large scale developments through incorporation of the design measures.

56. Some Members remarked that while the application of SBDG would bring benefits, it might give the wrong impression to the public that the relaxed BH might cause adverse impact on air ventilation. The planning intentions and merits under the BH review as well as the fact that the plot ratios remained unchanged should be clearly presented to the public during the public consultation.

57. The Chairperson said that since site amalgamation was market driven and lot owners might submit representations and comments in relation to the implications of the relaxed BH, their views could be considered in the context of the representations and comments received.

58. In response to a Member's question regarding the public responses to the gazetted Causeway Bay OZP and Wan Chai OZP after the BH reviews, the Secretary said that the statutory public inspection period in respect of the Causeway Bay OZP was completed while that in respect of the Wan Chai OZP was still ongoing. The representations and comments received under the Causeway Bay OZP were not substantial.

### *Ridgeline*

59. In response to a Member's question on whether 200mPD proposed by REDA (R9) would protrude above the ridgeline, with the aid of some PowerPoint slides, Ms Katy C.W. Fung, DPO/TWK and Ms Caroline T.Y. Tang, STP/YTM, PlanD said that no information showing the implication on the ridgeline of the proposed 200mPD for a site near the public transport interchange was submitted by REDA (R9). For the photomontage comparing the existing and proposed BHR on the subject OZP prepared by PlanD as shown on Plan 10A in the Paper, the red line was the ridgeline to be preserved and the area between the red line and yellow line was the "20% building free zone". As shown on the photomontage when viewed from Sun Yat Sen Memorial Park, the proposed maximum BH of 130mPD for the sites near Langham Place was quite close to the "20% building free zone", which indicated that the scope for further relaxing the BH was rather limited. Taking into account a range of considerations, the proposed BH under the proposed amendments, including relaxing the BH for the sites near MTR Stations from 120mPD to 130mPD, was considered appropriate.

### *The Intention of Imposing BHR*

60. In response to a Member's question on whether the original intention of imposing BHR in the previous review had been compromised under the proposed amendments, Ms Katy C.W. Fung, DPO/TWK, PlanD said the intention in the 2010 review was to avoid extremely tall buildings in the district taking into account air ventilation and visual impacts and such intention remained the same in the 2018 review. Air ventilation assessment (AVA) and visual appraisal (VA) were conducted in the 2010 review. Similar assessments were also

conducted in the 2018 review for the proposed amendments, in addition to the assessment on the application of SBDG. It was revealed that there was no substantial difference in the assessment results between the 2010 and 2018 reviews.

61. The Chairperson summed up the discussion and said that subject to the agreement of the Board, the OZP incorporating the proposed amendments would be published under section 7 of the Ordinance. The stakeholders and the public could submit representations on the OZP to the Board during the statutory plan exhibition period. Any representation received would be considered according to the provision of the Ordinance.

62. After deliberation, the Board agreed:

- (a) that the draft Mong Kok OZP No. S/K3/30A at Annex B1 of TPB Paper No. 10422 (to be renumbered as S/K3/31 upon exhibition) and its Notes (Annex B2 of TPB Paper No. 10422), drawn up based on the proposed amendments on the draft Mong Kok OZP, were suitable for exhibition under section 7 of the Ordinance; and
- (b) to adopt the revised Explanatory Statement (ES) at Annex B2 of TPB Paper No. 10422 for the draft Mong Kok OZP No. S/K3/30A as an expression of the planning intentions and objectives of the Board for the various land use zonings of the OZP and the revised ES would be published together with the draft OZP.

[Mr Stephen H.B. Yau left the meeting during the Q&A session.]

[The Chairperson thanked Ms Katy C.W. Fung, DPO/TWK, PlanD and Ms Caroline C.Y. Tang, STP/YTM, PlanD for their attendance to answer Members' enquiries. Ms Fung and Ms Tang left the meeting at this point.]

**Sai Kung and Island District Planning Office**

**Agenda Item 5**



[Open Meeting]

Request for Deferment of Review of Application No. A/SK-PK/239

Proposed House (New Territories Exempted House - Small House) in “Green Belt” Zone,  
Lot 470 S.B ss.2 in D.D. 222, Pak Kong, Sai Kung

(TPB Paper No. 10434)

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[The item was conducted in Cantonese.]

63. The Board noted that the applicant’s representative requested on 6.6.2018 deferment of the consideration of the review application for two months so as to allow more time to consult relevant government departments. This was the first time that the applicant requested deferment of the review application.

64. After deliberation, the Board agreed to defer a decision on the review application, as requested by the applicant, pending the submission of further information (FI) by the applicant. The Board also agreed that the review application would be submitted to the Board for consideration within three months upon receipt of FI from the applicant. If the FI submitted by the applicant was not substantial and could be processed within a shorter time, the review application could be submitted to an earlier meeting for the Board’s consideration. The Board also agreed to advise the applicant that the Board had allowed two months for preparation of submission of FI, and no further deferment would be granted unless under very special circumstances.

### **Procedural Matters**

#### **Agenda Item 6**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and  
Comments on the Draft Tuen Mun Outline Zoning Plan No. S/TM/34

(TPB Paper No. 10436)

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[The meeting was conducted in Cantonese.]

65. The Secretary reported that the proposed amendments mainly involved, inter alia, rezoning of five pieces of government land for public housing developments by the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA) and rezoning of a site to take forward the decision of the Rural and New Town Planning Committee (RNTPC) on a s.12A application (No. Y/TM/16) submitted by Fill Year Limited, a subsidiary of Sun Hung Kai Property Limited (SHK). The following Members had declared interests on the item for being associated/having business dealings with HKHA, AECOM Asia Company Limited (AECOM) (the consultant of the 'Preliminary Development Review for Housing Sites at Tuen Mun Central – Feasibility Study' supporting the proposed public housing developments conducted by the Civil Engineering and Development Department (CEDD)), SHK and/or Ms Mary Mulvihill (R124/C2860):

- |  |  |
|--|--|
| Mr Raymond K.W. Lee<br>( <i>as Director of Planning</i> )                            | - being a member of the Strategic Planning Committee (SPC) and Building Committee of HKHA  |
| Mr Martin W.C. Kwan<br>( <i>as Chief Engineer (Works), Home Affairs Department</i> ) | - being a representative of the Director of Home Affairs who was a member of the SPC and the Subsidised Housing Committee of HKHA  |
| Professor S.C. Wong<br>( <i>Vice-chairperson</i> )                                   | - having current business dealings with AECOM, being the traffic consultant /engineering consultant of AECOM and being the Chair Professor of Department of Civil Engineering of the University of Hong Kong which had obtained sponsorship from SHK on some activities of the Department before |
| Mr Ivan C.S. Fu  | - having current business dealings with AECOM and SHK, and past business dealings with HKHA  |

- Dr C.H. Hau - having current business dealings with AECOM and the institute he served having current business dealings with HKHA
  
- Mr Thomas O.S. Ho - having current business dealings with HKHA and SHK, and past business dealings with AECOM
  
- Dr Lawrence W.C. Poon - his spouse being an employee of HD but not involved in planning work
  
- Mr K.K. Cheung ] their firm having current business  
Mr Alex T.H. Lai ] dealings with HKHA and SHK, and hiring Mary Mulvihill on a contract basis from time to time
  
- Mr Stephen L.H. Liu - having past business dealings with HKHA and SHK
  
- Mr Franklin Yu - having past business dealings with HKHA, AECOM and SHK, and his spouse being an employee of SHK
  
- Mr Daniel K.S. Lau - being Director (Development and Marketing) of Hong Kong Housing Society which was currently in discussion with HD on housing development issues
  
- Mr Wilson Y.W. Fung - being a Director of the Hong Kong Business Accountants Association which had obtained sponsorship from

SHK

Miss Winnie W.M. Ng - being a Director of the Kowloon Motor Bus Co. (1933) Ltd. and SHK was one of the shareholders

66. Members noted that Messrs Ivan C.S. Fu, Thomas O.S. Ho, Daniel K.S. Lau and Franklin Yu had tendered apologies for being unable to attend the meeting. Members also noted that Messrs K.K. Cheung, Alex T.H. Lai and Stephen L.H. Liu and Professor S.C. Wong had left the meeting. As the item was procedural in nature, Members agreed that the other Members could stay in the meeting.

67. The Secretary briefly introduced the TPB Paper No. 10436. On 3.11.2017, the draft Tuen Mun Outline Zoning Plan No. S/TM/34 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 4,409 valid representations and 2,859 valid comments on the representations were received.

68. During the public inspection period of the representations, the Secretary of the Town Planning Board (the Board) received confirmation from a member of the public that she had not submitted any representation to the Board. The concerned representation, R922, should be disregarded. Also, after the comments on representations were published by the Board, the Secretary of the Board received confirmation from a member of the public that she had not submitted any comment to the Board. The concerned comments on representation, C1637, should also be disregarded.

69. Furthermore, the content of 2 representations (R4410 and R4411) had not been made in such manner as required under section 6(2) of the Ordinance in that these two representations were template questionnaires without indicating the stance or any views. Besides, no personal particular of the representers had been provided in the submissions. As such, R4410 and R4411 should be considered as invalid and hence be treated as not having been made.

70. There were 4 out-of-time representations and 4 out-of-time comments on representations submitted after the plan/representation exhibition periods. In accordance

with section 6(3)(a) and section 6A(3)(a) of the Ordinance, the above-mentioned submissions were disregarded.

71. Since the representations and comments were mainly related to the proposed public housing development, the hearing of representations and comments was suggested to be considered in one group collectively by the Board.

72. To ensure efficiency of the hearing, a maximum of 10 minutes presentation time would be allotted to each representer/commenter in the hearing session. Consideration of the representations by the full Board was tentatively scheduled for August 2018.

73. After deliberation, the Board agreed that :

- (a) the 3 representations (R922, R4410 and R4411) and 1 comment on representation (C1637) were considered as invalid;
- (b) the representations/comment 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 7**

[Open Meeting]

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

(TPB Paper No. 10438)

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[The meeting was conducted in Cantonese.]

74. The Secretary reported that the following Members had declared interests on the item for being a member of the Hong Kong Bird Watching Society (HKBWS); having business dealings/affiliation with Kadoorie Farm and Botanic Garden (KFBG) (R6), Sun

Hung Kai Properties Limited (SHK), Swire Properties (Swire) and Hongkong Land (HKL) (R1063/C2) or their representatives/consultants, Masterplan Limited (Masterplan), Ronald Lu & partners (HK) Limited (RLP) and MVA Hong Kong Limited (MVA):

- |  |   |  |
|--|---|--|
| Professor S.C. Wong<br>( <i>the Vice-chairperson</i> ) | - | being the Chair Professor of Department of Civil Engineering of the University of Hong Kong (HKU) which SHK had sponsored some activities before                                 |
| Mr Ivan C.S. Fu  | - | having current business dealings with SHK, Swire, HKL, MVA and Masterplan  |
| Dr C.H. Hau  | - | being a member of HKBWS and Honorary Associate Professor and Principal Lecturer of the School of Biological Sciences of HKU which had received donations from Swire Trust before |
| Mr Thomas O.S. Ho                                      | - | having current business dealings with SHK, Swire, HKL, RLP and MVA   |
| Mr K.K. Cheung   | ] | their firm having current business dealings  |
| Mr Alex T.H. Lai                                       | ] | with SHK, HKL and KFBG and having past   |
|  | ] | business dealings with Swire   |
| Mr Franklin Yu   | - | having past business with MVA and SHK, and his spouse was currently an employee of SHK   |
| Mr Wilson Y.W. Fung                                    | - | being a Director of the Hong Kong Business Accountants Association which had obtained sponsorship from SHK before  |
| Dr Lawrence K.C. Li                                    | - | being the Treasurer of the Hong Kong   |

Polytechnic University which had received donation from Swire before

- Mr Stephen L.H. Liu - having past business with SHK, Swire, HKL and RLP
- Miss Winnie W.M. Ng - being a Director of the Kowloon Motor Bus Co. (1933) Ltd. which SHK was one of the shareholders

75. Members noted that Messrs Ivan C.S. Fu, Thomas O.S. Ho, and Franklin Yu and Dr Lawrence K.C. Li had tendered apologies for being unable to attend the meeting. Members also noted that Messrs K.K. Cheung, Alex T.H. Lai and Stephen L.H. Liu and Professor S.C. Wong had left the meeting. As the item was procedural in nature, Members agreed the other Members could stay in the meeting.

76. The Secretary briefly introduced the TPB Paper No. 10438 (the Paper). On 24.3.2017, the draft Tai Ho Outline Zoning Plan (OZP) No. S/I-TH/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 1,063 representations were received and 2 comments on the representations were received. After giving consideration to the representations under section 6B(1) of the Ordinance on 3.11.2017, the Board decided not to propose any amendment to the draft OZP to meet the representations under section 6B(8) of the Ordinance. Since the representation consideration process had been completed, the draft OZP together with its Note and updated Explanatory Statement was now ready for submission to the Chief Executive in Council (CE in C).

77. On 24.11.2017, the Court of First Instance laid down its judgement on the judicial review against the draft OZPs of Hoi Ha, Pak Lap and So Lo Pun (the Judgement). CFI ordered that the concerned OZPs had to be remitted to the Board for reconsideration. The Town Planning Board Secretariat was reviewing the follow up action to be taken to comply with the Judgement. The findings of that review might have a bearing on the designation of "Village Type Development" zone on the draft OZP.

78. In submitting the draft OZP to the CE in C under section 8 of the Ordinance, the CE in C would be so apprised of the latest position and in accordance with section 9 of the Ordinance, the CE in C might approve, refuse to approve or refer the draft OZP to the Board for further consideration and amendment.

79. After deliberation, the Board:

- (a) agreed that the Tai Ho OZP No. S/I-TH/1 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;
- (b) endorsed the updated Explanatory Statement (ES) for the draft Tai Ho OZP No. S/I-TH/1 at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board; and
- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

### **Agenda Item 8**

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

### **Any Other Business**

#### **The Draft Ping Chau Outline Zoning Plan**

80. The Secretary reported that similar to the Tai Ho Outline Zoning Plan (OZP), the hearing procedures for the draft Ping Chau OZP No. S/NE-PC/1 were completed on 20.10.2017. The Town Planning Board (the Board) had agreed on 17.11.2017 that the draft OZP was suitable for submission under section 8 of the Town Planning Ordinance (the Ordinance) to the Chief Executive in Council (CE in C) for approval.



81. On 24.11.2017, the Court of First Instance (CFI) handed down its judgement on the judicial review (JR) in relation to the approval of the draft OZPs of Hoi Ha, Pak Lap and So Lo Pun (the Judgement). CFI ordered that the concerned OZPs had to be remitted to the Board for reconsideration. The Town Planning Board Secretariat was reviewing the follow up action to be taken to comply with the Judgement. The findings of that review might have a bearing on the designation of “Village Type Development” zone on the Ping Chau OZP.

82. In submitting the draft OZP to the CE in C under section 8 of the Ordinance, the CE in C would be so apprised of the latest position and in accordance with section 9 of the Ordinance, the CE in C might approve, refuse to approve or refer the draft OZP to the Board for further consideration and amendment.

83. Members noted the latest position regarding the Ping Chau OZP.

84. There being no other business, the meeting was closed at 1:24 p.m.