

**Minutes of 1184<sup>th</sup> Meeting of the  
Town Planning Board held on 14.9.2018**

**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

Mr Sunny L.K. Ho

Mr Stephen H.B. Yau

Dr F.C. Chan

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

Dr C.H. Hau

Mr Alex T.H. Lai

Dr Lawrence K.C. Li

Professor T.S. Liu

Miss Winnie W.M. Ng

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr Stanley T.S. Choi

Mr L.T. Kwok

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Mr K.W. Leung

Mr Ricky W.Y. Yu

Director of Planning  
Mr Raymond K.W. Lee

Director of Lands  
Ms. Karen P.Y. Chan

Deputy Director (1), Environmental Protection Department  
Mr Elvis W.K. Au

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

Chief Transport Engineer (Hong Kong), Transport Department  
Mr Eddy K.W. Wu

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

Secretary

**Absent with Apologies**

Mr Ivan C.S. Fu

Mr David Y.T. Lui

Mr Thomas O.S. Ho

Mr Stephen L.H. Liu

Professor John C.Y. Ng

Dr Jeanne C.Y. Ng

Professor Jonathan W.C. Wong

**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 Alex C.Y. Kiu (a.m.)

Ms Annie H.Y. Wong (p.m.)

### **Agenda Item 1**

Confirmation of Minutes of the 1183<sup>rd</sup> Meeting held on 24.8.2018 and the 1179<sup>th</sup> Meeting held on 25.7.2018

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

1. The minutes of the 1183<sup>rd</sup> and 1179<sup>th</sup> meetings were confirmed without amendments.

### **Agenda Item 2**

#### **Matters Arising**

(i) **Approval of Draft Outline Zoning Plans**

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

2. The Secretary reported that on 21.8.2018, the Chief Executive in Council approved the draft Pok Fu Lam Outline Zoning Plan (OZP) (renumbered as No. S/H10/17), the draft Aberdeen & Ap Lei Chau OZP (renumbered as No. S/H15/33) and the draft Tai Po OZP (renumbered as S/TP/28) under section 9(1)(a) of the Town Planning Ordinance. The approval of the draft plans was notified in the Gazette on 31.8.2018.

(ii) **Reference Back of Approved OZP**

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

3. The Secretary reported that on 21.8.2018, the Chief Executive in Council referred the approved Tsz Wan Shan, Diamond Hill and San Po Kong Outline Zoning Plan (OZP) No. S/K11/29 to the Town Planning Board (the Board) for amendment under section 12(1)(b)(ii) of the Town Planning Ordinance. The reference back of the said OZP was notified in the Gazette on 31.8.2018.

(iii) New Town Planning Appeal Received

Town Planning Appeal No. 7 of 2018

Proposed Animal Boarding Establishment in “Green Belt” Zone, Lot 943 RP in D.D. 119, Kung Um Road, Yuen Long, New Territories

(Application No. A/YL-TYST/874)

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

4. The Secretary reported that a Notice of Appeal was received by the Appeal Board Panel (Town Planning) (TPAB) on 20.8.2018 against the decision of the Town Planning Board (the Board) on 26.6.2018 to reject on review an application (No. A/YL-TYST/874) for a proposed animal boarding establishment at a site zoned “Green Belt” (“GB”) on the draft Tong Yan San Tsuen Outline Zoning Plan No. S/YL-TYST/11.

5. The application was rejected by the Board for the reasons that (a) the development was not in line with the planning intention of the “GB” zone; (b) the proposed development did not comply with Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would affect the existing natural landscape; (c) the applicant had failed to provide sufficient information regarding the detailed design of the structure and the operation setting to demonstrate that the proposed development would not cause adverse environmental impact on the surrounding areas; and (d) approval of the application would set an undesirable precedent for similar applications within the “GB” zone.

6. Members noted that the hearing date of the appeal was yet to be fixed and agreed that the Secretary would act on behalf of the Board in dealing with the appeal in the usual manner.

(iv) Updated Appeal Statistics

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

7. The Secretary reported that as at 12.9.2018, nine appeals were yet to be heard and two appeals' decision was outstanding. Details of the appeal statistics were as follows :

Allowed	36
Dismissed	156
Abandoned/Withdrawn/Invalid	201
Yet to be Heard	9
Decision Outstanding	2
<hr/> Total	404

(v) [Confidential Item] [Closed Meeting]

8. The item was recorded under confidential cover.

[Mr Philip S.L. Kan, Mr Alex T.H. Lai, Miss Winnie W.M. Ng, Mr Franklin Yu, Mr Ricky W.Y. Yu and Mr Elvis W.K. Au arrived to join the meeting at this point.]

**Hong Kong District**

**Agenda Item 3**

Consideration of Representations and Comments in respect of the Draft Causeway Bay Outline Zoning Plan No. S/H6/16

(TPB Paper No. 10467)

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[Open Meeting (Presentation and Question Sessions only)]

[The meeting was conducted in English and Cantonese.]

**Declaration of Interests**

9. The Secretary reported that the proposed amendments were formulated upon review of the draft Causeway Bay Outline Zoning Plan (OZP) No. S/H6/15 (the 2011 OZP)

in order to give effect to the Court's orders in respect of the judicial reviews (JRs) lodged by Hysan Development Co. Ltd. (Hysan) and its subsidiaries (together, Hysan Group Companies) and by Excelsior Hotel (BVI) Limited (Excelsior) respectively. The following Members had declared interests on the item for owning properties in the Causeway Bay area, and/or having affiliation/business dealings with Hysan (R102), the mother company of Barrowgate Limited (R103), the affiliated companies of Excelsior (C1), including the Jardines Group Companies (Jardines), Hongkong Land Ltd. (HKL) and Mandarin Oriental, Owners' Committee of Illumination Terrace (R245) and/or Ms Mary Mulvihill (R110/C5) :

- |   |  |
|---|--|
| Ms Bernadette H.H. Linn<br>(Chairperson)                                    | - co-owning with spouse a self-occupying flat and a carparking space at Broadwood Road, Happy Valley   |
| Ms Jacinta K.C. Woo<br>(Secretary)  | - self-occupying a flat at Tai Hang Road   |
| Mr Martin W.C. Kwan<br>(Chief Engineer (Works),<br>Home Affairs Department) | - close relative owning a flat and a carparking space in The Beverly Hill  |
| Mr Ivan C.S. Fu   | - having current business dealings with HKL  |
| Mr Thomas O.S. Ho   | - having current business dealings with Hysan and HKL  |
| Mr Wilson Y.W. Fung   | - being an ex-employee of Jardines   |
| Ms Sandy H.Y. Wong  | - being an ex-employee of Maxim's Group Companies, an associate company of Jardines, and self-occupying a flat at Illumination Terrace, Tai Hang |
| Mr K.K. Cheung  | - parents co-owning a flat at The Leighton Hill,   |

Causeway Bay and firm having current business dealings with Jardines, HKL and Mandarin Oriental, and his firm hiring Ms Mary Mulvihill on a contract basis from time to time

Mr Alex T.H. Lai - having past business dealings with Hysan and HKL, and his firm hiring Ms Mary Mulvihill on a contract basis from time to time

Mr Stephen L.H. Liu - having past business dealings with Hysan and HKL

Dr Lawrence K.C. Li - co-owning with spouse a flat at Tai Hang Road

Mr Franklin Yu - owning a unit at Stubbs Road, Wan Chai

Professor Jonathan W.C. Wong - Lee Hysan Foundation sponsored some of his projects in the past

Ms Lilian S.K. Law - co-owning with spouse a flat at Ventris Road, Happy Valley, and Lee Hysan Foundation sponsored some of the activities of the Boys' and Girls' Clubs Association of Hong Kong, in which she was an ex-Executive Director and committee member in the past

Mr Ricky W.Y. Yu - Lee Hysan Foundation sponsored some of his projects in the past and being the Director and Chief Executive Officer of Light Be which had received donation from Lee Hysan Foundation in the past

Mr L.T. Kwok - Lee Hysan Foundation sponsored some of his projects in the past



10. The meeting noted that Mr Ivan C.S. Fu, Mr Thomas O.S. Ho, and Mr Stephen L.H. Liu had tendered apologies for not being able to attend the meeting, and Ms Sandy H.Y. Wong, Mr L.T. Kwok and Mr Martin W.C. Kwan had not yet arrived. The meeting further noted that (a) the properties of the Chairperson, Mr. K.K. Cheung's parents, Dr Lawrence K.C. Li, Mr Franklin Yu and Ms Lilian S.K. Law were far away from the representation sites; (b) Mr Wilson Y.W. Fung, Mr. K.K. Cheung and Mr. Alex T.H. Lai had no direct involvement in the projects on the representation sites; and (c) the interests of Professor Jonathan W.C. Wong, Mr Ricky W.Y. Yu and the Secretary were not direct, and agreed that they should be allowed to stay in the meeting.

#### Presentation and Question Sessions

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

##### Planning Department's (PlanD's) representatives

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

Mr T.W. Ng - Senior Town Planner/Hong Kong 2  
(STP/HK2), PlanD

##### Representers/Commenters and their Representatives

##### R102 – Hysan Development Company Limited

##### R103 – Barrowgate Limited

##### Hysan Development Company Limited –

Mr Chan Wing Chung ] Representers' representatives

Mr Tung Yin Kwun Mark ]

Ms Cheung Ka Ki ]

Ms Winnie Wong ]

Masterplan Limited –

Mr Ian Brownlee ] Representers' representatives  
Ms Kira Loren Brownlee ]  
Ms Yu Tsz Yan Amanda ]

Wong and Ouyang (Hong Kong) Limited –

Mr Lam Ping Hong Robert ] Representers' representatives  
Ms Lau Wing ]

R106 – Office of Mr Kwong Chun Yu Legislative Councilor

Hon Kwong Chun Yu - Representer

R107 – Office of Clarisse Yeung District Councilor

R115 – Ng Kwok Ching Johnny

R130 – Yeung Kam Piu

R137 – 吳甲川

R148 – Lam Wai Wou

R156 – 歐陽瑞愛

R169 – 林亮豪

R170 – 劉惠芳

R183 – 鄧建達

R188 – 袁潔芝

R189 – 袁浩田

R190 – 袁天祐

R205 – 胡國海

R234 – Ng Kar Lok

R239 – Cleo Wong

Ms Clarisse S.Y. Yeung ] Representers and representers' representatives  
Mr K.T. Tang ]  
Mr T.C. Yeung ]  
Ms S.Y. Cheung ]  
Mr C.H. Chow ]

Mr C.H. Mak	] Representers' representatives
Mr Andrew L.H. Chan	]
Mr K.M. Hon	]
Dr Charlton Cheung	]
Mr H.K. Cheng	]

R108 – Tai Hang Residents' Welfare Association

Mr K.K. Wong - Representer's representative

R110/C5 – Mary Mulvihill

Ms Mary Mulvihill - Representer and commenter

R245 – 光明臺業主委員會

Mr T.L. Po - Representer's representative

12. The Chairperson extended a welcome to the Government's representatives, the representers/commenters and their representatives, and briefly explained the procedures of the hearing. To ensure the efficient operation of the meeting, the representers/commenters would be allotted 10 minutes each for making oral submission. There was a timer device to alert the representers/commenters 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 the representers/commenters had completed their oral submissions. Members could direct their questions to the Government's representatives or the representers/commenters. After the Q&A session, the representers/commenters would be invited to leave the meeting. The Town Planning Board (the Board) would deliberate on all the representations and comment in a closed meeting and would inform the representers/commenters of the Board's decision in due course. The Chairperson invited the Government's representatives to brief Members on the representations/comments.

13. With the aid of a PowerPoint presentation, Mr T.W. Ng, STP/HK2, PlanD, briefed Members on the representations and comments, including the background of the amendments, the grounds/views/proposals of the representers/commenters, planning assessments and PlanD's responses on the representations and comments as detailed in TPB Paper No. 10467 (the Paper).

14. The Chairperson then invited the representers/commenters and their representatives to elaborate on their representations/comments in the written submissions.

R102 – Hysan Development Company Limited

R103 – Barrowgate Limited

15. With the aid of a PowerPoint presentation, Mr Ian Brownlee made the following points :

- (a) the Court remitted some representations on the 2011 OZP to the Board for consideration, and the amendment items of the current OZP largely arose from the JR Judgment. Since the delivery of the JR Judgment, no substantive discussion had taken place between the representers and PlanD, and the representers were informed by PlanD that any input should be made to the Board through the representation process and the hearing today should be taken as rehearing of the representations on the 2011 OZP as required by the Court;
- (b) R102 supported Amendment Items B1, B2 and F which directly addressed the representer's concerns raised in the previous representations;
- (c) R103 was related to the Lee Garden Two (LG2) site (Amendment Items C1 and C2). The representer supported part of the amendment items but objected to the building height restriction (BHR) of 135mPD, and counter-proposed a BHR of 150mPD instead;
- (d) prior to the gazetting of the current OZP, the representer had submitted a single-tower development scheme for LG2 with a building height (BH) of 225.5mPD to PlanD for information in November 2017. The representer's Air Ventilation Assessment (AVA) showed that it had the best performance in terms of air ventilation. The representer also considered it compatible with the adjacent existing Lee Garden One (LG1) development at 208.1mPD; and

- (e) the Court required the Board to follow a 4-step process in the imposition of development restrictions. Whilst the imposition of BHR on LG2 might fulfill the first two steps i.e. that it was ‘serving a legitimate aim’, and ‘rationally connected with advancing the aim’, the 135mPD BHR on the OZP failed to comply with the last two steps, i.e. ‘no more than necessary’ and ‘striking a reasonable balance between the societal benefits of the measure and the inroads made into the constitutionally protected rights of the individual’. The 135mPD BHR was excessively restrictive and deprived the representer’s right to build a good quality building, which in itself was a societal benefit.

16. With the aid of a PowerPoint presentation, Mr Chan Wing Chung made the following points :

- (a) Hysan, established in Hong Kong for over 95 years, had adopted an integrated and balanced approach to development, focusing on people, green building and social responsibility. Over the years, Hysan had turned the Lee Gardens area into a sustainable community;
- (b) as land in the Central Business District (CBD) was a valuable resource, Hysan would develop and optimize every site it owned having regard to its location and configuration;
- (c) modern architecture had moved from green to wellness, i.e. in addition to energy-saving, water-saving, etc., the health and psychological well-being of building users would also be taken into consideration in the architectural design. Therefore, sky garden had become a standard feature in new commercial buildings in Hong Kong. There was a need to consider the well-being of both building users and pedestrians, apart from air ventilation in the area;
- (d) modern day commercial uses like medical cosmetology, day care, auction place for artwork, co-working spaces, etc. required more daylighting and hence, higher floor-to-floor height (FH);

- (e) Hysan was always mindful of the integration of its development with the surrounding environment, and paid particular attention to details like ingress/egress and drop-off points, accessibility of the disabled, parking, minimization of roadside pollution through building design, etc.; and
- (f) both Lee Garden Three (LG3) and Hysan Place had obtained green certification attaining the highest certification standards. The podium floors of LG3, for example, had been setback for the protection of five old trees along Hysan Avenue. The roof garden and refuge floor cum sky garden of LG3 provided the needed relaxing space for building users. Large canopies of LG3 and Lee Theatre provided rain shelter and walking space for pedestrians. The urban windows of Hysan Place could reduce roadside traffic pollution and minimize the canyon effect on Hennessy Road. The urban farm at the rooftop and refuge floor of the Hysan Place were opened to students for educational purpose. The area opposite LG2 had been planted with many trees, which was a rare scene in Hong Kong's CBD. These were genuine benefits to building users, the community and the surrounding environment.

17. With the aid of a PowerPoint presentation, Mr Lam Ping Hong Robert made the following points :

- (a) PlanD's notional 2-tower scheme was not conducive to good office layout due to the irregular shaped eastern block which had a narrow window to core ratio. It would also create a wall effect around the corner of Yun Ping Road, blocking ventilation of the area. There was no provision of an energy-efficient dedicated floor for mechanical and electrical (M&E) systems. There was also no indication of other good building design features such as sky garden. All these represented a lost opportunity for creating good quality buildings for sustainability and adaptability to changing needs of the society;

- (b) PlanD's scheme which relied on the discretionary approval from the Building Authority (BA) for a whole 15% building setback from either Yun Ping Road or Jardine Crescent might not be able to fulfill the Sustainable Building Design Guidelines (SBDG) requirements. According to the Buildings Department (BD)'s Practice Note (PN) for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers No. APP-152, the setback was a special consideration generally used for transport hub;
- (c) the FH of PlanD's scheme was basically 4m, while BD had recently approved 4.5m FH, notably for Grade A office buildings, in Central, Kowloon Bay and Hung Hom. There were also overseas examples of commercial developments with 4.5m FH. The 4m FH was substandard noting Hong Kong's prime hub position in the Greater Bay Area;
- (d) Hysan would be forced to add three levels of basement and put retail uses in basement at LG2, leading to more construction wastes, longer construction time and greater nuisance to the community, if regular shaped blocks, a proper 4.5m FH, a M&E floor, and a sky garden cum refuge floor were to be accommodated under the 135mPD BHR. It would also be commercially unattractive;
- (e) a proper building design, with better air ventilation and pedestrian flow through podium setback and provision of urban windows, would necessitate a relaxation of the BHR to 150mPD; and
- (f) Hysan's 150mPD notional scheme would not result in significant adverse visual impacts based on the established vantage points as compared to PlanD's 135mPD notional scheme.

18. Mr Ian Brownlee made the following responses from Hysan to PlanD's reasons for not upholding the representation :

- (a) SBDG should be applied realistically rather than relying on BA's discretion;

- (b) the 135mPD BHR would necessitate retail development at basement, and could not achieve PlanD's objective of using basement for parking only;
- (c) PlanD's assumptions did not allow for incorporating good building design (i.e. sky garden and other features encouraged by SBDG);
- (d) PlanD's notional scheme was unrealistic when looking forward to the future requirements of Grade A commercial buildings. Hysan's scheme was a notional scheme based on more realistic criteria;
- (e) Hysan had submitted a visual impact assessment to ascertain the impact of its 150mPD scheme, and no adverse visual impact was anticipated;
- (f) the proposed relaxation of BHR was intended to provide incentive and flexibility to encourage good building design measures. If BHR were too low, it would defeat the purpose;
- (g) PlanD had not assessed any particular societal benefit that might be obtained by relaxing the BHR to 150mPD;
- (h) Hysan's proposal to relax the BHR of LG2 to 150mPD complied with the Court Judgment and conformed with the principles of the review assessment carried out by PlanD;
- (i) there were other representations and comments promoting taller buildings for good reasons; and
- (j) Hysan requested the Board to adhere to the Court Judgment regarding proportionality, and accept Hysan's proposal to amend the BHR from 135mPD to 150mPD for greater flexibility and better building design that was beneficial to the community.



R106 – Office of Mr Kwong Chun Yu Legislative Council

19. Hon Kwong Chun Yu made the following points :
- (a) the representation was more than a local concern. Rather, it involved a wider issue regarding the future development of the entire Wan Chai and Causeway Bay district; an issue for consideration was how much higher the already very high and congested developments in Wan Chai and Causeway Bay should go. Allowing developments to be built higher without regard to ventilation, natural street illumination and the community's social linkages was the main cause of deterioration of our living environment, rather than a solution to the land supply shortage problem or the optimal use of our scarce land resources. The loss of wind corridor in Mong Kok due to Langham Place was a painful illustration of this. It was ironic that the same issue had in fact been discussed in London's City Government some 160 years ago. Germany for example, even went further to legislate that developments should not adversely affect the surroundings;
  - (b) the land supply shortage issue could be better addressed elsewhere, possibly through a landuse review of the six military sites on Hong Kong Island or the Fanling Golf Course;
  - (c) the Wan Chai District Council (WCDC) almost unanimously objected to the amendment items of the OZP, which was rare and something that the Board should not ignore. There were still many residents in Causeway Bay, and their feelings should be addressed. Small changes on the OZP regarding BHR, Non-Building Area (NBA), building separation, etc. could bring about huge improvements to local residents' livelihood;
  - (d) the temperature in Hong Kong had been rising gradually over the past decade, and the Board's decision should not contribute further to this heat island effect; and

- (e) the BHR relaxation on the current OZP originated from an earlier representation on the 2011 OZP. The Board needed to carefully consider whether it should accede to the said earlier representation and worsen the already over-developed Causeway Bay. There were already too many tall developments in Causeway Bay, and the wall effect and traffic congestion, both in terms of vehicular and pedestrian, were unbearable. While we could not tear down these existing ‘walls’, we should at least not be adding new taller ones.

[Dr Frankie W.C. Yeung arrived to join the meeting during Hon Kwong Chun Yu’s presentation.]

R107 – Office of Clarisse Yeung District Councilor

R115 – Ng Kwok Ching Johnny

R130 – Yeung Kam Piu

R137 – 吳甲川

R148 – Lam Wai Wou

R156 – 歐陽瑞愛

R169 – 林亮豪

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R189 – 袁浩田

R190 – 袁天祐

R205 – 胡國海

R234 – Ng Kar Lok

R239 – Cleo Wong

20. With the aid of a PowerPoint presentation, Ms Clarisse Yeung made the following points :

- (a) many parts of Causeway Bay, like Haven Street, were still predominantly residential neighbourhoods with commercial uses at the ground floor only.

The relaxation in BHR would increase the incentive for redevelopment of these residential areas into commercial developments, driving the existing residents out in the process as individual flat owners would not be capable of redevelopment on their own. The forecasted improvements to the environment in the Paper were not agreed because there would be no resident to enjoy them;

- (b) she was particularly concerned about the old neighbourhood of Tai Hang, which had a rich cultural history. Although Tai Hang residents were particularly committed to the neighbourhood community, they could be driven out under the market forces for redevelopment into commercial uses, and its famous traditional custom ritual of Fire Dragon Dance, which had been performing every Mid-Autumn Festival for the past 100 years, could disappear in future;
- (c) Causeway Bay residents were also concerned about the worsening of the existing serious traffic congestion along Leighton Road and Pennington Street that would be brought about by the BHR relaxation. There were also localized congestion due to queuing into carparks, notably at LG1/Lan Fong Road minibus stop, due partly to selfish drivers queuing/waiting to get into carparks and partly to incompetent building management practices. However, no traffic impact assessment (TIA) had been undertaken to assess the traffic implications of the OZP amendments, including the construction traffic during redevelopment, and no traffic improvement measure had been proposed to redress the current congestion. Coupled with the additional traffic from major projects like the proposed redevelopment of ex-Electrical and Mechanical Services Department (ex-EMSD) headquarters site at Caroline Hill Road, the traffic conditions of Causeway Bay would be intolerable. A clause should be added to the remarks of the relevant zonings of the OZP to prohibit intensification of development to ensure that the traffic situation would not be worsen;
- (d) while the Court required the Board to properly consider Hysan's private property rights in the imposition of BHR, the Board should equally consider

Causeway Bay residents' accommodation rights which could be affected by the adjoining redevelopments; and

- (e) it was under the above premise that WCDC unanimously objected to the amendment items of the OZP. In addition, too little information had been provided in the consultation process. The representers were disappointed that WCDC's objection had been ignored.

21. With the aid of a PowerPoint presentation, Mr C.H. Mak made the following points :

- (a) although Hysan won the JR, the Court pointed out in its Judgment that private property rights were not absolute, and unless the imposed restrictions were unproportionally unreasonable, they could unlikely be challenged legally;
- (b) despite the fact that Hysan only lodged JR against the previous BHR imposed on its properties, the BHR relaxation affected the entire OZP. The representers were of the view that the BHR relaxation would bring about damages to the society rather than any societal benefits;
- (c) the BHR relaxation would accelerate the commercialization of the predominantly residential areas of Causeway Bay, infringe on residents' rights to skyview, affect ventilation, natural street lighting and intangible community ties. These were all unacceptable;
- (d) in particular, Tai Hang was a very friendly and inviting community with a unique tradition of Fire Dragon Dance. This friendly community and its tradition could be lost with the BHR relaxation; and
- (e) Chapter 11 of the Hong Kong Planning Standards and Guidelines (HKPSG) stated that views to ridgelines should be protected. As the Board had also agreed in 2004 to protect views to ridgelines, the BHR should not be relaxed

as doing so would result in further encroachment of ridgelines, however marginal such further encroachment might be.

22. With the aid of a PowerPoint presentation, Ms S.Y. Cheung made the following points :

- (a) the construction of more tall buildings in the densely developed Causeway Bay would block sunlight. In particular, residents would enjoy less natural lighting when their surrounding buildings were redeveloped into taller ones. The 'Right to Sunlight' was an important part of the 'Third-generation Human Rights'. Neighbouring areas/countries like Taiwan and Japan passed legislation to protect or even constitutionalized such rights;
- (b) air and sunlight were basic necessities of life. Sufficient natural lighting and ventilation in residential dwellings could minimize the spread of germs and relieve emotions. Hong Kong people had been facing increasing pressure of life. The rate of suicide had been on the rise, and psychological health had become a major concern. Sufficiency of natural lighting on streets and in residential units was an important public health issue;
- (c) whilst there were provisions in HKPSG for the assessment of visual impacts on a macro level like encroachment of ridgelines, micro visual impacts like skyview factor were ignored. Likewise, there was also no consideration of natural lighting on streets in SBDG. Residents' quality of life was sacrificed while developers continued to construct higher buildings; and
- (d) deletion of NBA would affect ventilation, reduce natural lighting, reduce public space and violate the major principles of HKPSG of designating public spaces.

23. With the aid of a PowerPoint presentation, Mr T.C. Yeung made the following points :

- (a) the representers did not agree with the Paper that there would not be any Gross Floor Area (GFA) increase with the BHR relaxation. The higher BH would generate more rent for the upper floors of a building for the developer, thus providing more incentive to encourage redevelopment. Taller buildings with smaller footprints would be easier to meet SBDG for GFA exemptions. In addition, most old buildings in the district had not yet been developed to their maximum plot ratio (PR), and, hence, GFA would increase upon their redevelopment. Additional GFA could also be gained through a change of use from residential buildings to commercial buildings;
- (b) Causeway Bay was notorious for its serious traffic congestion and lack of parking space. Construction activities and the 'new building effect' of redevelopment would attract more patrons/traffic into the area. This additional traffic could spill over/tail back to adjoining districts like Happy Valley;
- (c) the absence of gaps or insufficient separation between buildings would adversely affect air ventilation, creating canyon and heat island effects. Chapter 11 of HKPSG recommended making use of the air pressure differences of tall and low buildings to direct winds back to the street level. With blanket relaxation of BHR however, existing low-lying urban pockets, notably Amendment Items C2 and E1 to E3 where some of the existing buildings were as low as 4m to 20m, would gradually disappear. Causeway Bay would become a monotonous city without any air ventilation; and
- (d) walkability was an important consideration in Hong Kong, and one of the factors affecting walkability was natural street lighting. There was no documented study of walkability by the Government. According to a University research conducted in Tsim Sha Tsui, about 15% decrease in the skyview factor would raise the temperature by one degree Celcius. The Board should take walkability into consideration when considering the BHR relaxation.

[Professor S.C. Wong left the meeting during Mr T.C. Yeung's presentation.]

24. With the aid of a PowerPoint presentation, Mr K.T. Tang made the following points :

- (a) he would like to focus on the Haven Street environ which was zoned “Other Specified Uses” annotated “Mixed Use” (“OU(MU)”). Many residents had been living in this community for over 30 years and established very close social ties with each other. Developers had been acquiring properties in this area, but the offers were not sufficient for residents to buy a similar property in the same district;
- (b) a recently completed mixed development at the eastern end of Haven Street, built before the BHR relaxation, was no longer providing the original ‘small shop’ type of retail services that the neighbourhood needed. Rental increase and redevelopment would gradually drive out the remaining small shops, homogenizing the entire district’s retail provisions;
- (c) the existing Haven Street and Caroline Hill Road neighbourhood had been reported by the media to be providing a quiet ‘breathing space’ for office workers of Causeway Bay. This setting of relatively low-rise buildings with stepped top floors for sufficient natural street lighting and small shops could not be replaced by shopping malls in brand new buildings. Haven Street redevelopment, together with the proposed Grade A office cum District Court development at the adjacent ex-EMSD headquarters site at Caroline Hill Road, would mean the loss of this important breathing space. The provision of sky gardens in brand new buildings as claimed by the developers could hardly compensate such loss;
- (d) BHR should be looked at from a 3-dimensional perspective rather than a two-dimensional figure on paper. He estimated that redevelopment of Haven Street would increase the BH from 11/12 storeys to about 20 storeys, representing a 5-10% reduction in skyview factor even with the 0.5m building setback on both sides of the street; and

- (e) Causeway Bay was seriously congested but there was no scope for improvement. Relaxation of BHR was unwise.

25. With the aid of a PowerPoint presentation, Mr Andrew L.H. Chan made the following points :

- (a) he resided and worked in Causeway Bay. He participated in the Fire Dragon Dance, but could not imagine performing the dance around future high-rise luxurious developments as compared to the present low-rise tenement buildings;
- (b) Tai Hang was a nice, leisure community with plenty of sunshine and good ventilation, thanks to its low-rise tenement buildings, and the adjoining Victoria Park/Central Library. Redevelopment was not the only measure to achieve environmental/community improvement, and in the Tai Hang context, this could be achieved through building refurbishment;
- (c) Tai Hang used to have plenty of local food shops selling congee, cart noodles, Hong Kong style tea, etc., but redevelopment was driving out these local food shops, replacing them with upmarket bars and western restaurants, which the local residents hesitated to patronize and could not benefit from;
- (d) every now and then, there would be filming in Tai Hang to capitalize on its special 'small district' character. With more and more redevelopment, Tai Hang was losing this special character, and a replacement filming site could be hard to find in future;
- (e) there were developers buying up properties in this area, using offensive means to scare elderly residents out of Tai Hang in the past. Such incidents could increase with the BHR relaxation; and
- (f) whilst there might be good reasons to relax the BHR for LG2, which was a predominantly commercial area, it was hard to conceive why the BHR for Tai Hang, a pure residential area, was also relaxed. There were



out-of-context podium type new buildings in Tai Hang already, and the situation would worsen with the BHR relaxation. Podium type developments were not conducive to good air ventilation at street level.

[Mr H.W. Cheung left the meeting temporarily at this point.]

26. With the aid of a PowerPoint presentation, Dr Charlton Cheung made the following points :

- (a) he lived in Causeway Bay, and with the relaxation of BHR, the price of his flat had escalated. However, he was not happy as he did not agree with the current approach of sacrificing daylight for air ventilation. The former was particularly important to psychological health according to well-established researches. He added that the spectrum of artificial lighting was markedly different from that of sunlight, and hence, not a viable replacement in psychological terms;
- (b) it appeared that ridgelines were the only determining factor as to how high a building could go, and toothpick buildings seemed to be in favour now for better air ventilation. Ridgelines should in no case be defined by buildings;
- (c) when he was small, he lived in Hennessy Road and witnessed the taller and taller developments in the area, which eventually surrounded his building. He had to switch on the lights of his room at 3pm to study because sunlight could not reach his room;
- (d) high-rise developments were not environmental friendly in terms of power consumption for lift and lighting; and
- (e) sky gardens in high-rise developments could not be enjoyed by local residents.

27. With the aid of a PowerPoint presentation, Mr K.M. Hon made the following points :

- (a) the Transport Department (TD)'s Annual Average Daily Traffic (AADT) did not fully reflect the current traffic condition of Causeway Bay as some road sections, notably Leighton Road, Caroline Hill Road, Pennington Street, Irving Street and Percival Street, were so congested that the vehicles could not move;
- (b) redevelopment of Haven Street would bring about not only more traffic, but a different traffic pattern due to a different mix of residential and commercial uses. This was not assessed in the OZP amendment exercise;
- (c) the temporary loss of parking spaces due to say, the LG2 redevelopment would be difficult to compensate; and
- (d) the Board should also be mindful that traffic congestion would spill out/tail back to adjoining districts as Causeway Bay was located right in the heart of the east-west and north-south traffic corridors of Hong Kong Island. The relaxation of BHR could bring about intolerable and irreversible traffic congestion on the whole island.

28. With the aid of a PowerPoint presentation, Mr H.K. Cheng made the following points :

- (a) Causeway Bay was located in the heart of Hong Kong Island, and arbitrary planning changes were irresponsible as they would affect the whole island;
- (b) there was little scope for setting back of buildings for road widening to relieve the current traffic congestion not to mention the additional traffic from redevelopment. The traffic impacts of residential and commercial developments were also entirely different;
- (c) different supporting facilities would be needed for residential and commercial uses, and the Haven Street and Caroline Hill Road neighbourhood was performing a supporting role to Causeway Bay much like the SoHo/Staunton Street/Wellington Street neighbourhood to Central

District. Restaurants in, say LG2 could not provide affordable meals for the average office worker in Causeway Bay, but those in Haven Street could. Redeveloping Haven Street would take away this important supporting facility for Causeway Bay's commercial area;

- (d) Hysan's claimed societal benefits of its LG2 redevelopment scheme were non-existent as the proposed features like sky gardens were not public open space that could be enjoyed by every citizen. The accessibility layby at Hysan Place that Hysan mentioned in its representation would increase traffic congestion at Hennessy Road rather than benefiting the disabled as claimed. The layby area was also previously a covered public transport queuing area. It was unfair to Causeway Bay residents that public facilities were taken away for the developer's benefits, and claimed to be societal benefits; and
- (e) while the streets of Tai Hang might be narrow, they were comfortable to stroll along because of the good air ventilation. The street blocks were too small for building setback even if developers were willing to do so. The BHR relaxation would result in a forest of toothpick buildings.

R110/C5 – Mary Mulvihill

29. With the aid of the visualizer, Ms Mary Mulvihill made the following main points :
- (a) the JR had been exploited and manipulated by the developer as the Judgment was actually on the process rather than the content. In the current OZP, BHR for those buildings not involved in the JR was also relaxed;
  - (b) there was no amendment item to address the deficit in "Open Space" ("O") on the OZP. The Government should consider resuming individual buildings to provide this essential facility for the community;
  - (c) developers continued to remove the few pockets of existing outdoor sitting area. The so called replacement with sky gardens could only be enjoyed by

the building tenants, ultimately for higher rents. The public was victimized in this process, and yet Hysan argued that there was no societal benefit to be gained if the BHR of LG2 was not relaxed further from 135mPD to 150mPD. Standard representations with similar contents in support of Hysan's representation, allegedly coming from Hysan's tenants, were received by the Board;

- (d) Excelsior Hotel (BVI) Ltd. & The Excelsior Hotel (HK) Ltd. (C1) alleged that the opposing representations were not justified by technical assessments. These representations were mostly submitted by ordinary members of the public who were adversely affected by the reducing natural street lighting, and increasing air pollution and traffic noise everyday, and could only express what they experienced/how they felt in their representations. They could not be expected to possess the expertise or financial resources to submit detailed technical assessments to justify their representations. The views of ordinary people should be taken into account and given sufficient weight in the representation process;
- (e) the Paper's argument of no GFA increase was not convincing as witnessed in the Crowne Plaza Hong Kong Causeway Bay case whereby the "Residential (Group A)" ("R(A)") site was approved for hotel development, then recently for office/retail development, with GFA increase for each approval. There were other similar planning applications in the pipeline, notably Swire Properties Limited's Queen's Road East project and Hopewell Holdings Limited's development proposal. The cumulative effect of changing from residential to commercial use could add up to 50% increase in GFA to Wan Chai/Causeway Bay; and
- (f) the relaxation in BHR would encourage more demolition and rebuilding. The associated worsening of traffic congestion would manifest into an increase in traffic noise which would be exacerbated when bounced off the increasing number of curtain wall developments. Quiet zones should therefore be introduced into the OZPs. Citing an article by Greenpeace on

the wall effect of buildings, she requested the Board to pay attention to the heat island effect of blanket relaxation of BHR.

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

[Mr Wilson Y.W. Fung left the meeting temporarily at this point.]

30. As the presentations from the Government's representatives and the representers/commenters had been completed, the meeting proceeded to the Q&A session. The Chairperson said that Members would raise questions and invite the Government's representatives or the representers/commenters 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.

*Balance between Landowners' Rights and Societal Benefits*

31. A Member pointed out that while developers would generally consider imposing BHR an infringement on their development rights, the public would raise concerns on the reduction of air ventilation and natural street lighting brought about by BHR relaxation. He enquired how the balance between landowners' rights and societal benefits should be interpreted/apprehended. Specifically, he requested PlanD's representatives to substantiate its claim in the Paper that the present OZP had struck a proper balance between landowners' rights and public interests. In response, Mr Louis K.H. Kau (DPO/HK) made the following points :

- (a) as detailed in the Paper, landowners' rights was one of the considerations of the BHR review exercise but not the sole consideration. Other considerations including the existing BH profile, local characteristics, air ventilation, protection of ridgelines and visual impacts had been taken into account;
- (b) according to PlanD's assessment, the maximum permissible PR under the B(P)R could be achieved while complying with SBDG at the same time with

BHRs relaxed to 100mPD and 135mPD in general for residential and commercial developments respectively;

- (c) noting the narrow and elongated configuration of the LG2 site, PlanD had specifically assessed and confirmed that Hysan's development rights of the site was achievable with a BHR of 135mPD, and there was no need to relax the BHR further; and
- (d) on the other hand, a NBA imposed between Kingston Street and Jaffe Road was maintained after review in light of public interests because of its importance to the air ventilation of the entire district, even though it might impose constraint on redevelopment.

32. Riding on the issue of balance between landowners' development rights and societal benefits, a Member asked R102's and R103's representatives (hereafter referred to as 'R103' for simplicity) whether there was any planning gain in its notional scheme for the LG2 site as compared to not developing it in that way. In response, Mr Ian Brownlee (R103) made the following points :

- (a) it was the Board's judgment, and ultimately the Court's judgment if the Board's decision was challenged, as to whether a balance between landowners' rights and societal benefits had been struck or not;
- (b) the Court required that any development restriction imposed by the Board be no more than necessary, and his interpretation of the Court's judgment on balance between private development rights and societal benefits was that unless there were significant societal benefits to be gained, priority should be given to respecting private development rights; and
- (c) for the LG2 site, both 135mPD and 150mPD BHR could achieve the aim of protecting the public interest, there was no reason to limit the BH of the LG2 site to 135mPD as there was no extra societal benefits to be gained. On the other hand, a BHR of 150mPD would enable good building design that the Government encouraged. The provision of a better building with ground

level setback was in itself a societal benefit. The Court required SBDG to be taken into consideration and Hysan's scheme complied with SBDG.

33. A Member asked whether a reduction of BH by one to two floors was unacceptably harsh to Hysan. Mr Ian Brownlee (R103) responded in the affirmative, arguing that it was more than necessary to achieve the desired societal benefits. He added that a BHR of 135mPD would remove the sky garden, necessitate retail floorspace to be put in basement and represented an inferior building design.

#### *Existing Development Parameters of the Lee Garden Two Site*

34. Mr Raymond K.W. Lee (Director of Planning) enquired about the development parameters of the existing building at the LG2 site. Mr Louis K.H. Kau (DPO/HK) replied that the PR and BH of the existing building at the LG2 site were 14.85 and 124.85mPD respectively.

#### *Landowners' Rights*

35. In response to a Member's enquiry, Mr Louis K.H. Kau (DPO/HK) responded that there was no limitation on the vertical entitlement of landowners' rights. In response to the Chairperson's question on permissible development rights, Mr Louis K.H. Kau (DPO/HK) explained that there was no restriction on PR/GFA on the OZP, and hence, landowners could build to the maximum permissible PR under the Building (Planning) Regulation (B(P)R). The objective of the BHR review exercise was to ascertain whether the imposition of BHR would prevent landowners from achieving the maximum GFA as permitted under the B(P)R, after taking into account SBDG. The BHR imposed on the 2011 OZP would not infringe upon landowners' rights, but impose some design constraints if SBDG, which was promulgated by BD after the publication of the 2011 OZP, was to be taken into account.

#### *Notional Schemes*

36. A Member requested R103 to clarify/elaborate why the BHR of 135mPD would necessitate retail development at basement and why PlanD's objective of using basement for parking only was not achievable.

37. Mr Ian Brownlee (R103) responded that PlanD's notional scheme had made wrong assumptions about SBDG, and therefore came up with a notional scheme that no retail floorspace would need to be provided in the basement with a BHR of 135mPD.

38. Mr Lam Ping Hong Robert (R103) supplemented that PlanD's notional scheme relied on a special consideration of SBDG which was applicable to transport terminus rather than office development, and BD's discretionary approval was required. Hysan estimated that if the elements of good building design viz. 4.5m office FH, sky garden, dedicated M&E floor, etc. were to be incorporated into the redevelopment scheme, at least 2.5 storeys of retail floorspace would have to be put into basements. Furthermore, PlanD had only assumed three levels of retail which were too harsh on Hysan in Causeway Bay's context.

39. Mr Chan Wing Chung (R103) supplemented that deep basements (>3 storeys) were not recommended by the Fire Services Department (FSD) due to fire safety concerns. It would also necessitate mechanical ventilation which was energy-consuming. A lot of excavated materials would need to be disposed of. Bearing in mind that Causeway Bay had shallow bedrock, there would also be rock-breaking noise issue during construction. Some representers had rightly pointed out that human beings needed natural lighting, which basements had none.

40. A Member enquired whether PlanD's notional design was the only design that could achieve Hysan's development rights and complying with SBDG at the same time. The Chairperson also asked PlanD's representatives to confirm whether its notional scheme was illustrative or prescriptive.

41. With the aid of a comparison table showing the differences between the assumed development parameters of PlanD's and Hysan's notional schemes, Mr Louis K.H. Kau (DPO/HK) said that PlanD's notional scheme was not the only scheme that could achieve Hysan's development rights and complying with SBDG at the same time. It only served to illustrate that Hysan's permissible GFA under B(P)R plus the maximum 25% GFA



exemption under SBDG could be achieved under a BHR of 135mPD. He clarified that there was no need to utilize basement for retail development under PlanD's notional scheme, although the OZP did not preclude basement retail development. He drew Members' attention to Hysan's scheme and remarked that if the height of all retail and office floors above the lowest three floors were reduced to 4m, the development would be within 135mPD in height already. Depending on Hysan's design, a higher than 4m FH might be achievable within a BHR of 135mPD. In response to a Member's enquiry, Mr Louis K.H. Kau (DPO/HK) confirmed that Hysan's 150mPD high notional scheme could be submitted to the Board for consideration through the planning application system.

### *Floor Height*

42. The Chairperson requested Hysan's representatives to advise the Board as to whether a 4m FH was realistic. Referring to three building plan approvals by BD in 2016 in his Powerpoint presentation, Mr Lam Ping Hong Robert (R103) made the following points :

- (a) the three office buildings shown, viz. Shanghai Commercial Bank Tower, Goldin Financial Global Square and One Harbour Gate, had a FH of 4.5m for all floors;
- (b) nowadays, office buildings also accommodated other uses like medical clinics which required drainage facilities and separate air exhaust, and hence, higher FH. A FH of 4m would be sub-standard for these uses; and
- (c) M&E facilities required higher FH and there were many examples of buildings with dedicated M&E floor(s) in Hong Kong.

43. Mr Raymond K.W. Lee (Director of Planning) and a Member enquired about the following :

- (a) whether a FH of 4m was common for office developments in the market, particularly Grade A office; and

- (b) whether the FH was 4.275m for LG3 and 4m for 18 King Wah Road, as provided by Hysan.

44. Mr Louis K.H. Kau (DPO/HK) responded that Grade A office was not defined solely by FH. According to recent building plan approvals by BD for commercial developments in North Point, Causeway Bay and Wan Chai, the FH ranged from 3.5m to 4.07m. He did not have the FH of LG3 and 18 King Wah Road in hand for verification.

45. A Member asked whether Hysan could adopt a FH of 4.5m or not. Mr Louis K.H. Kau (DPO/HK) advised that subject to BD's approval, Hysan could choose to redevelop LG2 with a FH of 4.5m, as long as the overall BH complied with the BHR under the OZP. The Chairperson supplemented that it was a matter of building design.

#### *Building Height Restriction of 200mPD for Amendment Items B1 and B2*

46. A Member enquired about the rationale of allowing a BHR of 200mPD for the sites of Amendment Items B1 and B2 amidst sites with a BHR of 135mPD. Mr Louis K.H. Kau (DPO/HK) replied that the sites of Amendment Items B1 and B2 were part of the LG1 site which had been developed to a BH of 201.8mPD. A BHR of 200mPD over the southwestern part of the LG1 site together with the stipulation of building gap (BG) and NBA at the northeastern part of the LG1 site were imposed under the 2011 OZP. Since the BG and NBA were no longer required to be maintained according to PlanD's latest Air Ventilation Assessment as similar ventilation effect could be achieved through the adoption of SBDG upon redevelopment, a unified 200mPD BHR was imposed over the entire LG1 site.

#### *Commercialization of Causeway Bay*

47. The Chairperson remarked that the current round of OZP amendment did not involve any change in landuse. However, she noted that one of WCDC's reasons for objecting against the OZP was that it would bring about further commercialization of Causeway Bay. Noting further that the Haven Steet and Shelter Street areas were under an "OU(MU)" zoning where both commercial and residential uses were always permitted, she asked the representatives of the group of representers headed by R107 (hereafter referred to

as 'R107' for simplicity) as to whether they would agree that even without the relaxation in BHR, the current market force was already driving these two areas in that direction. She also asked PlanD's representatives to clarify the relationship between relaxation in BHR and incentive for redevelopment.

48. In response, Ms Clarisse Yeung (R107) made the following points :

- (a) PlanD demonstrated a basically all-commercial scenario to WCDC during the DC consultation;
- (b) there was already a recently completed high-rise serviced apartment building over a relatively large commercial podium (Park Haven) at a relatively small site on the eastern side of Haven Street. The representers were concerned about the western side of Haven Street where the footprint of the existing buildings were bigger and could hence be built to bigger bulks upon redevelopment;
- (c) there were also illegal trading/storage uses in the upper floors of the existing residential buildings causing much nuisance to residents, and the Lands Department should take lease enforcement action;
- (d) they were disappointed to see reducing supply of flats against a high demand in Causeway Bay. Putting the blame on market forces was like putting the cart before the horse, as the redevelopment process was actually induced by the Government's redevelopment proposal for the adjoining ex-EMSD headquarters site at Caroline Hill Road; and
- (e) there were less well-off residents and elderlies living in the area who would be unable to move out of Haven Street, and their rights to live in Causeway Bay should be safeguarded from the invisible hands of the market forces. That was WCDC's major concern.

49. Mr T.C. Yeung (R107) supplemented that developers were buying up properties in Haven Street and Shelter Street, most likely for redevelopment into commercial uses since

the “OU(MU)” zoning had no control on the residential/commercial split upon redevelopment. There was no dispute that commercialization would take place in Haven Street/Shelter Street areas regardless of BHR. Relaxation in BHR would however, provide more incentive for redevelopment due to enhancement of building value, and speed up the redevelopment process.

50. Mr Louis K.H. Kau (DPO/HK) responded that redevelopment had always been market-driven, and there was no causal relationship between relaxation in BHR and incentive for redevelopment, as there was no change in PR/GFA. Ultimately, it was a market decision. For Members’ information, the Haven Street and Shelter Street areas were in fact proposed for residential zoning on the 2011 OZP, but was subsequently rezoned to “OU(MU)” to meet the representations submitted then.

51. Another Member noted that the old buildings in Tai Hang and Haven Street areas would need to be redeveloped some point in time, and R107’s concerns were mostly community problems arising from redevelopment. He enquired the representers how the Board could assist in solving these problems.

52. Ms Clarisse Yeung (R107) admitted that very little could be done other than easing the traffic congestion in the area and appealing to the Board to slow down the redevelopment process to buy time for the community. The said community problems could only be dealt with by a multitude of policy sectors. She opined that redevelopment might not be the best way to deal with old buildings. Experience in Holland showed that building maintenance and refurbishment could also be a way out.

#### *Increase in Gross Floor Area and Natural Lighting*

53. The Chairperson asked PlanD’s representatives to clarify whether increasing GFA was part of the BHR review exercise, and whether the OZP amendments would reduce residential GFA in Causeway Bay as suggested by some representers. In response, Mr Louis K.H. Kau (DPO/HK) re-iterated that there was no restriction on PR/GFA on the OZP, and no change of landuse zoning had been proposed in this round of OZP amendment. Accordingly, there was no question of revising the GFA of the residential and commercial developments permitted in the area.

54. A Member noted that R107 objected to increase in GFA upon redevelopment, and enquired about the basis against which the representer was comparing the GFA. He further noted that the group objected to the relaxation of BHR which would lead to reduction in the natural lighting. Noting also that Hong Kong was quite hot, particularly in summer when people would look for shades instead, he enquired whether the representers had any concrete idea in mind as to the suitable amount of natural lighting. He also enquired whether office workers and residents would require different amounts of natural lighting.

55. In response, Mr T.C. Yeung (R107) made the following points :

*Increase in GFA*

- (a) theoretically, relaxation of BHR alone would not entail any GFA increase. However, some buildings in Tai Hang and Haven Street were over 50 years old and had not been built to the maximum permissible PR. The OZP allowed redevelopment to the maximum permissible PR, and hence, there would be GFA increase upon redevelopment of some buildings;
- (b) Haven Street, in particular, was under an “OU(MU)” zone and there was uncertainty as to the split of GFA for commercial and residential use upon redevelopment. PlanD should make assessments in this regard;

*Natural Lighting*

- (c) the representers had already pointed out that insufficient natural lighting would adversely affect the health of residents, the quality of living and the quality of the environment;
- (d) when the weather was too hot, people did sometimes want to stay away from the sun, but this could easily be addressed through the provision of shades, balconies and covered walkways under SBDG with or without relaxation of BHR; and

- (e) it was almost certain that the level of natural lighting would be reduced with relaxation of BHR, and the adverse effect would need to be addressed.

56. Ms Clarisse Yeung (R107) supplemented that the representers were particularly concerned about natural lighting to residential dwellings to minimize the energy consumption for artificial lighting. This aspect was missing in SBDG which focused on air ventilation only.

*Rationale for Relaxing the Building Height Restriction of Haven Street and Tai Hang*

57. A Member asked about the rationale for relaxing the BHR of Haven Street/Shelter Street and Tai Hang areas, which were not a subject of any development proposal. In response, Mr Louis K.H. Kau (DPO/HK) said that the Court required the Board to consider the requirements of SBDG when imposing BHRs and hence, PlanD would need to comprehensively review the BHRs of all the relevant landuse zonings on the OZP. Following up on the answer, the Member asked and Mr Louis K.H. Kau (DPO/HK) confirmed that OZPs with BHRs would need to be reviewed in due course.

58. As Members had no further question to raise, the Chairperson said that the hearing of oral submissions had been completed. The Board would deliberate on the representations in the absence of the representers/commenters and would inform them of the Board's decision in due course.

59. The Chairperson thanked the representers/commenters, and PlanD's representatives for attending the hearing. They all left the meeting at this point.

[The meeting was adjourned for a 10-minute break.]

[Mr Lincoln L.H. Huang left the meeting during the Q&A session. Mr Stanley T.S. Choi arrived to join the meeting during the break.]

Deliberation Session

[Closed Meeting]

60. Members who had not attended the majority part of the Presentation and Question Sessions were reminded to refrain from participating in the deliberation.

61. The Chairperson said that the amendments of the draft OZP were mainly to review the BHR, NBA, BG and setback of various zones to follow up on the Court's rulings. There was no change in the land use zoning or the permissible PR/GFA of the sites. In the revision, other planning and design considerations including air ventilation, pedestrian flow, and a proper balance between public interest and private development rights had been taken into account. The Chairperson then invited Members to express their views on the representations and comments.

*Further Relaxation of the BHR for the LG2 site*

62. Members generally considered that there was a lack of justifications for the proposed further relaxation of the BHR for the LG2 site from 135mPD to 150mPD. They had the following views :

- (a) while the alternative scheme provided by R103 indicated that a BHR of 150mPD might be required to provide design flexibility to incorporate SBDG measures and achieve the best practice in terms of environmental and commercial considerations, it was only one of the design choices to be made by the project proponent among various alternatives. There was no demonstration that the BHR of 135mPD would adversely affect the development potential of the site or the incorporation of SBDG measures;
- (b) while R103 claimed that the alternative scheme would provide a better building design and environment for the users of the building, no obvious planning gain to the general public such as improvement on pedestrian level was proposed. Due to the lack of justifications for the further relaxation of the BHR, the Board should not accede to the representers' request. A consistent approach should be adopted to take account of SBDG

requirements in terms of imposition of BHR. To cater for design merits of individual schemes, there was provision for planning applications for minor relaxation of BHR;

- (c) as the BHR review was mainly to take into account SBDG requirements in response to the Court's ruling, the revised BHRs that were derived based on similar assumptions should be applied generally to all sites. The FH assumption of 4m for commercial developments adopted by PlanD in the notional scheme had made reference to similar type of developments, which was considered reasonable. As the exercise was not to cater for the design needs of a specific development site, it was not necessary for the Board to consider whether 4m or 4.5m FH was more appropriate for the LG2 site;
- (d) while a FH of 4.5m would provide greater design flexibility over that of 4m, it should be noted that it was the maximum FH for commercial developments acceptable to BA which should only be considered when there was functional requirement or design merits, and under no circumstance should it be granted as of right or taken as justification for relaxation of BHR; and
- (e) the proposed BHR of 135mPD for the LG2 site had taken into account the design flexibility for meeting SBDG requirements and the permissible development intensity.

#### *Development Intensity /Redevelopment Incentive*

63. Members generally considered that redevelopment at different parts of the Haven Street and Tai Hang areas had already been taken place, rather than a consequence of the relaxation of BHR as mentioned by some representers. Their views were summarized as follows :

- (a) while the local residents' concern on the gentrification of Haven Street and Tai Hang areas due to redevelopment was noted, the current amendments to the OZP merely involved a relaxation of BHR to facilitate the incorporation of SBDG measures without any increase in the development intensity of the



sites. There was no evidence to indicate that the relaxation of BHR would induce substantial incentive for the landowners to speed up the redevelopment process;

- (b) as confirmed by some representers, the land resumption process by the private sector had already taken place in Haven Street and Tai Hang areas irrespective of whether there was relaxation of BHR. Individual landowners' selling of their land and the pace of redevelopment were market-driven;
- (c) the worry of some representers that the redevelopment would result in an increase in the development bulk was mainly due to the reason that most of the existing buildings had not been developed to the permitted intensity, not relaxation of BHR; and
- (d) while the problems related to the urban redevelopment such as disruption to social network were noted, they were not induced by the current OZP amendments and could not be addressed by the Board in the plan-making process.

#### *Adverse Impacts on Local Environment*

64. Regarding some representers' concern that the proposed amendments would cause adverse impacts on the environment (such as air quality, air ventilation, urban heat island and wall effects) and the cityscape (such as natural landscape, ridgelines and natural illumination of streets and dwellings), Members generally considered that the relaxation of BHR would not cause adverse impacts on the local environment. They had the following views :

- (a) SBDG requirements, including building separation, building setback and site coverage of greenery, were introduced with the objectives to achieve better air ventilation, enhance the environmental quality of living space and provide more greenery particularly at pedestrian level. As such, the relaxation of BHR to allow greater design flexibility and scope for development to adopt

SBDG measures such as building separation/setback without any increase in development intensity could help to reduce building footprint and had positive effect on air ventilation and pedestrian circulation. The sustainability of the physical environment could be enhanced;

- (b) the OZP amendments did not involve any increase in development intensity of the sites. Any additional traffic and pedestrian flow was not directly related to the OZP amendments. The local residents' concern on the existing traffic and pedestrian problems was shared by the Board which considered that concerted effort by concerned government departments was required to address the problem; and
- (c) it was noted that the adverse comments from WCDC and the local residents were mainly due to a misunderstanding of the OZP amendments and SBDG. There was scope to improve the communication/consultation with the local community.

65. The Chairperson said that the discussion during the hearing of the draft OZP could help clarify some factual information and address some of the local concerns regarding the OZP amendments. The Government should maintain a continuous dialogue with WCDC and the local community through various channels.

#### *Tai Hang*

66. A Member raised the concern that the existing character of Tai Hang, a traditional medium-rise residential area with intangible cultural heritage of the Fire Dragon Dance, might not be preserved after the relaxation of BHR for sites generally bounded by Tung Lo Wan Road, Wun Sha Street, King Street and Tai Hang Road. In particular, the townscape in the Tung Lo Wan Road area might be adversely affected if some of the buildings were replaced by out-of-context high-rise developments. The Member doubted if it was appropriate to have a blanket relaxation of the BHR for the incorporation of the SBDG requirements in all areas including those with unique local character and ambience, and asked if there was any mechanism to preserve the unique character and ambience of the local community.

67. Another Member shared the view that there might be great changes to the streetscape in Tai Hang upon redevelopment. The Member was of the view that the relaxation of BHR to enhance sustainability as advocated in the SBDG should also include heritage conservation and cultural considerations.

68. Some Members, however, considered that the relaxation of BHR would not adversely affect the local character of Tai Hang for the following reasons :

- (a) the Tai Hang area was evolving over the past years. Redevelopment of private lots was mainly driven by market forces;
- (b) the original BHR for the sites in Tai Hang was 85mPD, which was already higher than nearby existing buildings in the area. The relaxation of BHR to 100mPD only represented an increase of 15m, which might not make a significant difference in terms of redevelopment incentive;
- (c) while it might be preferable to preserve Tai Hang's streetscape in its original condition, a balance should be struck among landowners' rights and redevelopment need and heritage conservation for public interest. If SBDG's measures such as building setback were incorporated in the redevelopment process, the local community would be benefited and more space on street level would be provided for the Fire Dragon Dance; and
- (d) as the BHR in other areas were relaxed to provide design flexibility for the incorporation of SBDG measures, the same approach should be applied to the Tai Hang area unless there were very strong justifications not to do so.

69. The Chairperson said that in the current BHR review, while PlanD had applied similar assumptions for the incorporation of SBDG requirements in all sites, it had also taken into account other planning and design considerations including the existing BH profile, local characteristics and compatibility with surroundings in determining the magnitude of BHR relaxation. Given the existing BHR for the Tai Hang area was 85mPD, there was no guarantee that the area would not be redeveloped even if the BHR was not

relaxed as redevelopment was a market decision. Regarding the concern on heritage conservation, it would be a separate concern not covered by SBDG.

70. Two Members echoed with the Chairperson's view that heritage conservation and cultural considerations could not be dealt with in the current OZP amendments. A Member considered that the draft OZP should aim at providing flexibility to enhance sustainability in the redevelopment process so as to meet the social and economic needs of the local residents. Besides, the current exercise was to review the BHR, and the social and cultural aspects would better be dealt with on a project basis through the consultation and participation of relevant parties including WCDC and the local community.

#### *The Court's Judgment*

71. A Member said that the Board's decision with respect to the relaxation of BHR should take into account the relevant principles and considerations set out in the Court's judgment. It was noted that CFA ruled that the planning restrictions imposed by the Board were subject to a proportionality analysis, and the standard of assessment in the proportionality test was 'manifestly without reasonable foundation'. As the current BHR review conducted by PlanD had adequately taken into consideration the Court's ruling, the proposed relaxation of BHR was supported.

72. Members generally considered that the proposed relaxation of BHR and the revisions to the NBA and BG were appropriate and had struck a balance between landowners' rights and public interest.

73. Members noted that the representers' and commenters' views and proposals, including BH, building design and SBDG requirements, traffic and pedestrian, environmental, air ventilation and visual aspects had been dealt with in sections 6.3 and 6.4 of the Paper. After discussion, Members generally agreed that there was no strong justification to amend the draft OZP to meet the representations, and the major grounds of the representations and comments had been addressed by the departmental responses as detailed in the Paper and the presentations and responses made by the government representatives at the meeting.

[Dr Lawrence K.C. Li left the meeting temporarily during the deliberation session. Mr Alex T.H. Lai left the meeting at this point.]

74. After deliberation, the Board noted the supportive views of **R1 to R101** on all Amendment Items, **R102** on Amendment Items B1, B2 and F, **R103** on Amendment Items C1 and C2, and **R104** on Amendment Item C2. The Board also decided not to uphold the remaining part of **R6, R7, R8, R10, R12, R18, R25, R29, R30, R32, R33, R35, R36, R37, R38, R39, R40, R46, R52, R62, R63, R64, R65, R66, R67, R68, R73, R75, R76, R85, R87, R88, R89, R90, R93, R96, R97, R98, R99, R101 and R103**, and **R105 to R247**, and considered that the draft OZP should not be amended to meet the representations for the following reasons :

*“For all representations”*

- (a) the amendments to the Outline Zoning Plan (OZP) including relaxation of the building height restrictions (BHRs) and the revisions to the Non-Building Area (NBA) and Building Gap are appropriate as they have taken into account all relevant considerations such as the existing building height (BH) profile, committed development, topography, site formation level, local characteristics, the waterfront and foothill setting, compatibility with surroundings, predominant land use and development intensity, visual impact, air ventilation, Sustainable Building Design Guidelines (SBDG) requirements and a proper balance between public interests and private property rights (**R6, R7, R10, R30, R32, R33, R36, R37, R38, R40, R62, R63, R64, R65, R67, R68, R75, R76, R85, R87, R88, R89, R90, R96, R97, R98, R99, R101, R103, and R105 to R247**);

*For the supportive representations*

- (b) as the imposition of BHR does not preclude the provision of public transport interchange or public facilities, a blanket relaxation of BHRs for such facilities and green features on the OZP is not justified and not necessary. There is also no technical assessment to substantiate such a relaxation of BHRs (**R6, R8, R10, R29, R30, R33, R36, R38, R39, R40, R46, R63, R66, R67, R68, R88, R89, R93, R96, R97, R98 and R99**);

- (c) there is no restriction for the provision of basement under the OZP and the BHRs do not preclude inclusion of basement in development. It is considered unnecessary to have a blanket stipulation for basement development within the OZP area (**R7, R8, R9, R12, R18, R25, R29, R36, R37, R39, R46, R52, R66, R67, R68, R73, R87, R89, R93, R96 and R98**);
- (d) the building design of the Lee Garden Two (LG2) site is solely a decision to be made by its project proponent having regard to all relevant considerations including the BHRs on the OZP. There is no strong justification for further relaxation of the BHR for the LG2 site (**R7, R35 and R103**);

For the opposing representations

- (e) there is no plot ratio (PR) restriction for the representation sites on the OZP. As relaxation of BHRs does not involve any increase in the development intensity or transfer of PR, it would not induce any additional traffic, environmental and infrastructural impacts (**R105 to R245**); and
- (f) according to the Air Ventilation Assessment, it is not necessary to impose a NBA along the boundary of Hysan Place fronting Lee Garden Road. Hence, Amendment Item F is considered appropriate (**R111, R112, R113 and R114**).”

[Mr Stephen H.B. Yau, Dr Frankie W.C. Yeung, Mr Peter K.T. Yuen, Mr Philip S.L. Kan, Dr Lawrence W.C. Poon, Miss Winnie W.M. Ng, Mr Daniel K.S. Lau and Mr Ricky W.Y. Yu left the meeting at this point.]

[The meeting was adjourned for lunch break at 14:35 p.m.]

75. The meeting was resumed at 3:40 p.m.
76. The following Members and the Secretary were present in the afternoon session:

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

Mr H.W. Cheung

Mr Sunny L.K. Ho

Dr F.C. Chan

Mr K.K. Cheung

Mr Wilson Y.W. Fung

Dr C.H. Hau

Dr Lawrence K.C. Li

Professor T.S. Liu

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr Stanley T.S. Choi

Mr L.T. Kwok

Ms Lilian S.K. Law

Mr K.W. Leung

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

Director of Lands  
Ms Karen P.Y. Chan

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

Chief Traffic Engineer (Hong Kong)  
Transport Department  
Mr Eddy K.K. Wu

Director of Planning  
Mr Raymond K.W. Lee

[Mr H.W. Cheung and Dr Lawrence K.C. Li returned to join the meeting at this point.]

[Ms Sandy H.Y. Wong, Mr L.T. Kwok, Mr Sunny L.K. Ho and Mr Martin W.C. Kwan arrived to join the meeting at this point.]

77. Since the applicant and his representatives of Agenda Item 5 had arrived, the Chairperson suggested and Members agreed to consider Agenda Item 5 first.

### **Sai Kung & Islands District**

#### **Agenda Item 5**

[Open Meeting (Presentation and Question Sessions only)]

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. 10469)

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[The meeting was conducted in Cantonese.]

78. The following representative of the Planning Department (PlanD), the applicant and his representatives were invited to the meeting:

#### ***Government Representative***

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

#### ***Applicant and his Representatives***



Mr C.N. Lok - Applicant

*DeSPACE (International) Limited*

Mr K.C. Lam ] Applicant's Representatives

Mr S.M. Liu ]

Mr K.Y. Ng ]

Ms L.M. Hung ]

79. The Chairperson extended a welcome and briefly explained the procedure of the review hearing. She then invited DPO/SKIs, PlanD to brief Members on the review application.

80. With the aid of a PowerPoint presentation, Ms Donna Y.P. Tam, DPO/SKIs, PlanD 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 the TPB Paper No. 10469 (the Paper).

[Mr Wilson Y.W. Fung returned to join the meeting during Ms Donna Y.P. Tam, DPO/SKIs, PlanD's presentation.]

81. The Chairperson then invited the applicant and his representatives to elaborate on the review application. With the aid of a PowerPoint presentation and plans tabled at meeting, Mr K.C. Lam made the following main points:

- (a) the application complied with the 'Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories'. The application site (the Site) and the footprint of the proposed NTEH/Small House completely fell within the Village 'Environ' ('VE'), and there was a general shortage of land in the "Village Type Development" ("V") zone of Pak Kong Village to meet the demand for Small House development;

- (b) in the assessments of the 8 previous/similar applications for NTEH/Small Houses in Pak Kong, it was estimated by PlanD that the land available for Small House development within the subject “V” zone ranged from 0.978ha to 0.99ha which had no significant change for many years. However, the latest availability of land estimated by PlanD as shown in the Paper for the subject review was about 1.295ha which had increased by about 30% from the previous estimates. Besides, 4 out of the 8 previous/similar applications were approved between 2015 and 2017. Taking into account these approvals and the subsequent reduction in outstanding Small House applications from 25 to 21, he questioned the sudden increase in PlanD’s latest estimate, and doubted whether relevant government departments were consulted on the latest estimate;
- (c) the applicant appointed an authorised land surveyor to assess PlanD’s latest estimate, which revealed that after taking into account the lot features on survey sheets, the land available for Small House development in the subject “V” zone was about 1.06ha (equivalent to about 42 Small House sites). However, most of them were not readily available for development in the short-term;
- (d) there were 10 sites identified by PlanD as suitable for Small House development. However, after individual assessment, it was found that 5 sites were considered not suitable for Small House development including an existing public car park to serve the need of Pak Kong old village (Site 6); an existing sitting out area to serve as an open space in Pak Kong (Site 7); a steep natural terrain which might be affected by potential natural terrain landside hazards according to his site visit and the Civil Engineering and Development Department (CEDD)’s comments in the Paper (Site 8); a site currently occupied by burial facilities, access road and retaining wall (Site 9); and an area outside Tin Hau Temple with a platform serving as a communal area for Pak Kong Village (Site 10);
- (e) for the remaining sites, Sites 1 and 5 were formed open-air areas for car parking use; Site 2 was adjacent to steep river valley with lush vegetation; and

Sites 3 and 4 were fenced-off gardens of existing private developments. Even though Site 2 adjacent to steep river valley was considered difficult for development and the owners of Sites 3 and 4 had no intention to sell the land in response to the applicant's enquiry, these remaining 5 sites were taken as available land for Small House development. Based on the assessment made by the applicant's surveyor, the total area of these 5 sites was about 5,878m<sup>2</sup> (equivalent to 24 Small House sites). After deducting the 21 outstanding Small House applications, only 3 sites were available within the "V" zone for Small House development. The assessment revealed that there was insufficient available land in the subject "V" zone and therefore applications for Small House development in "Green Belt" ("GB") zone were made;

- (f) based on the assumed development density of 250m<sup>2</sup> per Small House site, the number of Small Houses which could be accommodated in the subject "V" zone with an area of 59,862m<sup>2</sup> was about 240. Based on Plan A-2b in Annex A of the Paper, there were 277 built/committed Small Houses or applications being processed which exceeded the number of Small Houses that could be accommodated in the subject "V" zone. This reflected that the "V" zone in Pak Kong was overcrowded and it was reasonable for making Small House applications in the subject "GB" zone;
- (g) the Site was considered suitable for Small House development since it was generally flat land located close to the existing village cluster, visually compatible with the surroundings and served by local access road. There was no tree in the Site and hence no existing landscape resources would be disturbed. Besides, there was no objection or adverse comment from the relevant government departments from land administration, geotechnical, environmental, drainage, building matter, nature conservation, water supply and fire safety points of view. The Site was an infill site among existing NTEHs or Small Houses and sympathetic consideration might hence be given;
- (h) there were 4 similar applications for Small House development in the subject "GB" zone approved in the past 3 years including application No. A/SK-PK/214 on sympathetic ground;

- (i) according to the Interim Criteria, sympathetic consideration might be given if not less than 50% of the proposed NTEH/Small House footprint fell within the 'VE' of a recognized village and there was a general shortage of land in meeting the demand for Small House development in the "V" zone of the village. For the approved application No. A/SK-PK/214, 74% of the site fell within "GB" zone and only 24% of it fell within "V". Given the subject application was similar to application No. A/SK-PK/214 in terms of location, compatibility, compliance with the Interim Criteria, no tree felling, no adverse impact on the surrounding area and compliance with the Board's Guidelines on 'Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance' (TPB PG-No.10), it should also be approved on the sympathetic ground;
- (j) it was estimated that the area falling within the subject "GB" zone and the 'VE' of Pak Kong Village but outside the Safety Buffer Zone (SBZ) of the Pak Kong Water Treatment Works (WTW) was about 3,458m<sup>2</sup> (equivalent to 14 Small House sites). Since 11 Small Houses were built or had obtained planning approvals, the remaining available land within this area would only be sufficient for development of 3 Small Houses; and
- (k) the applicant could not purchase the available land within the subject "V" zone which was mostly owned by companies. Since the applicant was 80 years old and relied on his sons to support him, he requested the Board's sympathetic consideration for approving the proposed development to allow him and his children to live together.

82. The applicant, Mr C.N. Lok supplemented that he was an indigenous villager of Pak Kong Village. He had been applying for Small House development for over 20 years and had no intention to sell his land. He would continuously put effort on the Small House application.

83. Mr K.C. Lam, the applicant's representative concluded that sympathetic consideration should be granted by the Board since the Site fell completely within the 'VE' of Pak Kong

Village; no departmental objection to the application was received; there was insufficient land available within the subject “V” zone to meet Small House demand based on his assessment; and the applicant’s effort made for Small House application over 20 years.

84. As the presentations of PlanD’s representative, the applicant and his representatives were completed, the Chairperson invited questions from Members.

*Similar Applications and the Surrounding*

85. Some Members raised the following questions:

- (a) the background of the 4 approved applications within the subject “GB” zone;
- (b) the differences between the 4 approved applications and the subject application;
- (c) the previous applications involving the Site and its adjoining lots and the rejection reasons for the previous application submitted by the applicant in 1998; and whether the consideration of the applicant’s application in 1998 was different from that of the application for 10 Small Houses under application No. A/SK-PK/16;
- (d) whether the Small House demand was taken into account in considering the applicant’s previous application in 1998; and
- (e) whether the historic background was taken into consideration in approving the similar application for the 10 Small Houses under application No. A/SK-PK/16.

86. In response, Ms Donna Y.P. Tam, DPO/SKIs, PlanD made the following points with the aid of PowerPoint slides:

- (a) there was a unique background of the 4 planning permissions within the subject “GB” zone. Three of them (applications No. A/SK-PK/231, 234 and 235) were related to application No. A/SK-PK/16 for proposed development of 10 Small Houses and emergency vehicular access (EVA) which was approved with

conditions upon review by the Board on 11.8.1995 before the promulgation of the Interim Criteria in 2000, and a subsequent application (No. A/SK-PK/157) for the same 10 Small Houses with a smaller site approved in 2008. Since some lot owners of the 10 proposed Small Houses could not obtain building licenses from the Lands Department (LandsD) before the expiry of planning permission under application No. A/SK-PK/157, three subsequent applications (i.e. applications No. A/SK-PK/231, 234 and 235) on individual sites of the original proposed 10 Small Houses were submitted and approved in 2017. Besides, another application (No. A/SK-PK/214) for proposed Small House falling partly within “V” zone and partly within “GB” zone was approved with conditions by the RNTPC in 2015 mainly on sympathetic ground, as the proposed Small House generally complied with the Interim Criteria and TPB PG-No. 10, and no significant adverse impact was anticipated;

- (b) the Site was the subject of a previous application by the same applicant for Small House development (application No. A/SK-PK/63) which was rejected by the RNTPC on 6.2.1998 mainly on the ground that it was not in line with planning intention of “GB” zone. The subject application falling entirely within the “GB” zone was considered different from the 4 planning permissions in terms of the background;
- (c) the applications involving the Site and the immediate adjoining lots were applications No. A/SK-PK/63, 64 and 65 which were rejected by the RNTPC on 6.2.1998 and another application No. A/SK-PK/217 for 3 Small Houses at these 3 sites was rejected upon review by the Board on 12.6.2015. All these applications were rejected mainly because they were completely located within the “GB” zone. Moreover, in addition to the subject application, there were currently two section 17 review applications (No. A/SK-PK/240 and 241) for the sites adjacent to the Site being processed. For application No. A/SK-PK/16 for the 10 Small Houses, it was approved with conditions upon review by the Board on 11.8.1995, taking into consideration that these 10 sites were located immediately adjoining the subject “V” zone and other reason explained above;

- (d) the application submitted by the applicant in 1998 (No. A/SK-PK/63) was considered by the Board before the promulgation of the Interim Criteria. The application was rejected mainly on the grounds of not in line with planning intention of “GB” zone, and setting of undesirable precedent for similar applications within the “GB” zone; and
- (e) according to TPB PG-No.10, an application for new development in a “GB” zone would only be considered in exceptional circumstances. In the consideration of the applications subsequent to the approved application for 10 Small Houses, the historical background of previous approval was considered as an exceptional circumstance. While for the subject application, there was no exceptional circumstance to justify the proposed Small House development at the Site.

87. In response to a Member’s question, Mr K.C. Lam, the applicant’s representative said that the applicant submitted applications in 1998, 2015 and 2018.

88. In response to the Chairperson’s enquiry on the surrounding area of the Site, Ms Donna Y.P. Tam, DPO/SKIs, PlanD said that there were Small House sites under construction in the surrounding area of the Site which were covered by planning permissions and the area covered with trees should not be affected.

89. In response to a Member’s question about the function of the SBZ of the Pak Kong WTW, Ms Donna Y.P. Tam, DPO/SKIs, PlanD said that a hazard assessment was conducted for the implementation of Pak Kong WTW in the 1990s. Due to the chlorination at the WTW, a SBZ and a consultation zone were delineated to control the increase in population within these two zones. There should be no new development approved within the SBZ. In this regard, the agricultural and vegetated land in this area was zoned “GB” in the first publication of the OZP.

90. The Chairperson and a Member enquired whether the Site was considered an infill site for Small House development as claimed by the applicant’s representative. Ms Donna Y.P. Tam replied in the negative and said that despite the fact that those Small Houses to the north of the Site were built before the first publication of the OZP and those straddling the

“V” zone were with planning permissions, all the applications falling entirely within the subject “GB” zone had never been approved. Should the 3 applications within “GB” zone be approved, it would result in further encroachment onto and degradation of the landscape character of the “GB” zone.

91. In response to a Member’s questions about the history of the subject “V” zone and the delineation of the boundary of the subject “GB” zone, Ms Donna Y.P. Tam said that since some agricultural land of Pak Kong was resumed for the construction of WTW in 1990s, the Government resumed the land to the south of the original Pak Kong Village for the development of the Village Extension Area (VEA) of Pak Kong Village. The VEA originally comprised two phases, including Phase 1 which was the area zoned “V” to the south of the original Pak Kong Village and Phase 2 which included the subject “GB” zone. In view that Phase 1 was already sufficient for Small House development in Pak Kong at the time when preparing the relevant statutory plan, the control under the SBZ for the WTW and the possible risk of flooding, Phase 2 of the VEA had not been implemented.

*Land Available for Small House Development*

92. Some Members raised the following questions:

- (a) why there was an increase in PlanD’s latest estimate of land available for Small House development in the subject “V” zone from 0.978ha to 1.295ha;
- (b) referring to the claim of the applicant’s representative that there were many trees in Site 8, whether it was suitable to be identified for Small House development; and
- (c) whether the car park between Sites 7 and 8 could be used for Small House development.

93. In response, Ms Donna Y.P. Tam, DPO/SKIs, PlanD made the following points:

- (a) PlanD regularly updated the estimates of available land within “V” zones for Small House development in accordance with internal guidelines. Taking into



account the public concerns particularly from green groups about Small House development, the guidelines had been recently reviewed. In view of the updated internal guidelines and the applicant's query on the estimate, PlanD conducted further site visits to Pak Kong Village and updated the estimates of available land. The increase in land available for Small House development from 0.978ha to 1.295ha was resulted from the update;

- (b) the land identified for Small House development at Site 8 only included the fringe of the slope and the adjoining gentle land currently used for causal parking and informal access road. According to the internal guideline, steep slope was not included in the calculation of land available for Small House development; and
- (c) formal car parks and roads were not identified as land available within "V" zones for Small House development. Since the concerned car park between Sites 7 and 8 was a formal car park provided in the VEA of Pak Kong Village, it was not included in the estimates of available land for Small House development.

94. In response to Mr Raymond K.W. Lee, D of Plan's question on whether there were 24 Small House sites available within the subject "V" zone for Small House development based on the applicant's assessment, Mr K.C. Lam, the applicant's representative said that the assessment was conducted by the authorised land surveyor based on PlanD's latest estimate, lot index and digital topographic plans. After deducting Sites 6 to 10 which were considered not suitable for development, it was estimated that the total land area available for Small House was about 5,878m<sup>2</sup> which was equivalent to about 24 Small House sites (assuming 250m<sup>2</sup> per site).

95. A Member asked whether the applicant had considered to develop Small House at the sites considered suitable for development under his assessment and whether they were technically feasible. In response, Mr K.C. Lam, the applicant's representative said that Sites 1, 2 and 5 were suitable for Small House development while Site 8 was not due to the steep slope based on his consultation with CEDD. For Site 2, although he thought that a buffer zone for the river was required, CEDD commented that there would be no technical problem. Since

Sites 1 and 2 were owned by companies, the applicant would not approach these companies for purchasing the sites. For Site 5, noting that there were some Small House applications being processed by LandsD, he agreed that there was land available for Small House development.

*Outstanding Small House Applications*

96. The Chairperson and a Member raised the following questions:

- (a) whether the 21 outstanding Small House grant applications being processed by LandsD included the subject application and whether the 24 Small House sites under the applicant's assessment could cater for the 21 outstanding applications; and
- (b) amongst those 8 outstanding Small House applications straddling or outside the subject "V" zone, 5 of them had valid planning approval. Whether these 5 applications were within the subject "GB" zone.

97. In response, with the aid of PowerPoint slides, Ms Donna Y.P. Tam, DPO/SKIs, PlanD made the following points:

- (a) the 21 outstanding Small House grant applications being processed by LandsD included the proposed Small House under application. She did not have the opportunity to study the applicant's assessment which was tabled at the meeting. As presented by the applicant's representative, there was land available in the subject "V" zone equivalent to 24 Small House sites under the applicant's assessment. In this regard, the 21 outstanding Small House applications could be accommodated; and
- (b) amongst the 21 outstanding Small House grant applications, there were 8 applications straddling or outside the subject "V" zone and 5 of them had valid planning approval. These 5 approved applications fell partially within the subject "GB" zone.

98. In response to a Member's question about the land ownership, Mr C.N Lok, the applicant said that he owned the Site, while the adjoining sites under applications No. A/SK-PK/240 and 241 were owned by his relatives. The area annotated 'Koon Lam Garden' to the east of the Site was not owned by the applicant.

99. As Members had no further question to raise, the Chairperson said that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application. The Chairperson thanked the government representative, the applicant and his representatives for attending the meeting. They all left the meeting at this point.

#### Deliberation Session

100. The Chairperson said that the application was rejected by RNTPC and one of the reasons for rejection was that there was still land available within the "V" zone of Pak Kong. The applicant's representative had conducted his own assessment of land available for Small House development in the "V" zone which also revealed that there was still land available in the "V" zone of Pak Kong to meeting the outstanding Small House applications. Members should consider whether there were grounds that warranted a departure from the RNTPC's decisions and the read-across implications for similar applications.

101. A Member said that the focus of considering this application was whether the Site within the "GB" zone should be developed into Small House taking into account the planning intention of the "GB" zone. Approval of the application would set an undesirable precedent for other similar applications within the "GB" zone and the cumulative effect on the "GB" zone should be considered.

102. Noting that the Site fell within the 'VE' of Pak Kong Village and was adjacent to the 10 approved Small Houses and the land identified as suitable for Small House development might not be available to the applicant, a Member had some sympathy on this case. In response to some Members' enquiry, Mr Raymond K.W. Lee, D of Plan, said that 'VE' was a land administration measure which 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 a land use zoning on statutory plans with

an intention mainly to reflect existing villages and to reserve land for small house development by indigenous villagers within recognised villages. The boundaries of 'VE' might not be same as the boundaries of "V" zones. For those planning permissions granted within the subject "GB" zone, they were applications with unique background or with the site straddling the "V" zone.

103. While some Members noted the applicant's effort to apply for Small House development over the years, Members generally considered that the application did not comply with the TPB Guidelines No. 10 and there was no previous planning permission granted at the Site which entirely fell within the "GB". Moreover, there was still land available for Small House development in the subject "V" zone and efficient use of land within "V" zone should be encouraged.

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

- “(a) the proposed Small House development is not in line with the planning intention of the “Green Belt” (“GB”) zone which is primarily for defining 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 are no exceptional circumstances or strong planning grounds in the submission for a departure from the planning intention;
- (b) the proposed development is not in line with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” Zone’ in that there are no exceptional circumstances or strong planning grounds to justify the application;
- (c) land is still available within the “Village Type Development” zone of Pak Kong where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House developments close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services; and

- (d) approval of the application will set an undesirable precedent for other similar applications within the “GB” zone. The cumulative effect of approving such application will result in a general degradation of the landscape character of the “GB” zone.”

**Agenda Item 4**

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Further Representations on Proposed Amendments to Draft Tseung Kwan O Outline Zoning Plan No. S/TKO/25 Arising from Consideration of Representations and Comments made on the Draft Tseung Kwan O Outline Zoning Plan No. S/TKO/25 (TPB Paper No.10468)

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[The meeting was conducted in Cantonese.]

105. The Secretary reported that the proposed amendment involved the rezoning of the site north of Tseung Kwan O Village from “Residential (Group A)7” (“R(A)7”) to “Green Belt” (“GB”) to meet/partially meet some of the representations to the draft Tseung Kwan O Outline Zoning Plan (the OZP) No. S/TKO/25. The following Members had declared interests on the item for owning properties in the Tseung Kwan O area and/or having affiliation with the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA), Ove Arup & Partners Hong Kong Limited (Arup) (the consultant for the Preliminary Feasibility Study (PFS) and technical assessments supporting the proposed public housing developments conducted by the Civil Engineering and Development Department (CEDD)), the Conservancy Association (CA) (R62), Mary Mulvilhill (R686), World Wide Fund for Nature Hong Kong (WWF-HK), Kadoorie Farm and Botanic Garden Corporation (KFBG) (R756):

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

Ms Karen P.Y. Chan - being a member of HKHA

(as Director of Lands)

- |  |     |   |
|--|-----|---|
| Mr Martin W.C. Kwan<br>(as Chief Engineer (Works),<br>Home Affairs Department) | -   | being a representative of the Director of Home Affairs who was a member of the SPC and Subsidized Housing Committee of HKHA   |
| Mr Ivan C.S. Fu  | -   | having current business dealings with Arup and past business dealings with HKHA   |
| Mr Thomas O.S. Ho  | -   | having current business dealings with HKHA  |
| Mr K.K. Cheung<br>Mr Alex T.H. Lai   | ] ] | their firm having current business dealings with Arup, KFBG and HKHA and past business dealings with CA and hiring Mary Mulvihill on a contract basis from time to time   |
| Mr Franklin Yu   | -   | having past business dealings with HKHA and Arup  |
| Mr Stephen L.H. Liu  | -   | having past business dealings with HKHA   |
| Professor S.C. Wong<br>(The Vice-chairman)                                     | -   | having current business dealings with Arup  |
| Dr C.H. Hau  | -   | the institute he served having current business dealings with HKHA; being a life member of the CA and his spouse being the Honorary Secretary of the Board of Directors of the CA; and being a past member of the Conservation Advisory Committee of WWF-HK |

- Dr Lawrence W.C. Poon - his spouse being an employee of HD but not involved in planning work
- Professor T.S. Liu - Owning and co-owning properties with his spouse and his spouse owning properties at Tsueng Kwan O
- Mr Daniel K.S. Lau - being the Director (Development and Marketing) of Hong Kong Housing Society (HKHS) which was currently in discussion with HD on housing development issues

106. Members noted that Mr Ivan C.S. Fu, Mr Thomas O.S. Ho and Mr Stephen L.H. Liu had tendered apologies for being unable to attend the meeting. Members also noted that Professor S.C. Wong, Dr Lawrence W.C. Poon, Mr Alex Lai and Mr Daniel K.S. Lau had left the meeting. As the interests of Mr Raymond K.W. Lee, Ms Karen P.Y. Chan and Mr Martin W.C. Kwan on the item were direct, they should be invited to leave the meeting temporarily for this item. Members noted that Mr K.K. Cheung had no direct involvement in the proposed housing project, the interests of Mr Franklin Yu and Dr C.H. Hau were indirect and the property of Professor T.S. Liu and his spouse did not have direct view of the representation sites, and agreed that they could stay in the meeting.

[Mr Raymond K.W. Lee and Ms Karen P.Y. Chan left the meeting temporarily at this point.]

[Mr H.W. Cheung, Dr C.H. Hau, Dr Lawrence K.C. Li and Mr Martin W.C. Kwan left the meeting at this point.]

#### Presentation and Question Sessions

107. The following government representative was invited to the meeting at this point:

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

108. The Chairperson then invited PlanD's representative to brief Members on the further representations.

109. With the aid of a PowerPoint presentation, Ms Donna Y.P. Tam, DPO/SKIs, PlanD briefed Members on the further representations (FRs) including the background of the further amendments, the grounds/views of the further representers and PlanD's views as detailed in TPB Paper No. 10468 (the Paper). On 13.7.2018, the proposed amendment to the draft Tseung Kwan O Outline Zoning Plan (OZP) No. S/TKO/25 (the draft OZP) was exhibited for public inspection under section 6C(2) of the Town Planning Ordinance (the Ordinance). Upon expiry of the three-week exhibition period, a total of 396 FRs were received. Among them, F309 to F337 were submitted by the original representers and their views had been considered by the Board on 10.5.2018 in the hearing of the original representations. Besides, F395 and F396 were providing comments not related to the proposed amendment item. Therefore, F309 to F337 and F395 to F396 were considered as invalid and should be treated as not having been made in accordance with section 6D(3) of the Ordinance. The remaining 365 FRs (i.e. F1 to F308, F338 to F394) were considered valid. All of them supported the proposed amendment. Besides, 6 FRs were received after the three-week exhibition period. They should be treated as not having been made in accordance with section 6D(3) of the Ordinance.

110. The Chairperson then invited questions from Members. Since Members had no question to raise, the Chairperson thanked DPO/SKIs, PlanD for attending the meeting. Ms Donna Y.P. Tam left the meeting at this point.

#### Deliberation Session

111. After deliberation, the Board agreed that F309 to F337, which were submitted by original representers, and F395 to F396, which provided comments not related to the proposed amendment item, were considered as invalid and should be treated as not having been made under section 6D(1) of the Ordinance.

112. The Board noted the supportive FRs F1 to F308, F338 to F394, and agreed to amend the draft OZP by the proposed amendment in accordance with section 6F(9) of the Ordinance. The Board also noted that in accordance with section 6H of the Ordinance, the extant OZP



should thereafter be read as including the amendment. The amendment should be made available for public inspection until the Chief Executive in Council had made a decision in respect of the draft OZP in question under section 9 of the Ordinance.

[Mr Raymond K.W. Lee and Ms Karen P.Y. Chan returned to join the meeting at this point.]

### **Kowloon District**

#### **Agenda Item 6**

[Open Meeting]

Request for Deferment of Review of Application No. A/K18/325

School (Kindergarten) in “Residential (Group C) 3” Zone, 3 Flint Road, Kowloon Tong,  
Kowloon

(TPB Paper No. 10470)

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[The item was conducted in Cantonese.]

113. The Secretary reported that the application site was located in Kowloon Tong. The following Members had declared interests on the item:

- |                       |   |  |
|-----------------------|---|--|
| Dr Lawrence W.C. Poon | - | working in the City University of Hong Kong and living in its quarters in Kowloon Tong |
| Mr Stanley T.S. Choi  | - | his spouse being a director of a company which owned properties in Kowloon Tong        |
| Mr David Y.T. Lui     | - | co-owning with spouse a flat in Kowloon Tong   |
| Mr Peter K.T. Yuen    | ] |  |
| Mr H.W. Cheung        | ] | owning properties in Kowloon Tong  |

Miss Winnie W.M. Ng ]

114. Members noted the applicant had requested deferment of consideration of the application. Members also noted that Dr Lawrence W.C. Poon and Mr David Y.T. Lui had tendered apologies for being unable to attend the meeting; and Mr Peter K.T. Yuen and Miss Winnie W.M. Ng had left the meeting. Member also agreed that as the properties of Mr. H.W. Cheung and Mr Stanley T.S. Choi's spouse did not have direct view of the application site, they could stay in the meeting.

115. The Board noted that the applicant's representative requested on 24.8.2018 deferment of the consideration of the review application for two months so as to allow more time to submit further information to justify the application. This was the first time that the applicant requested deferment of the review application.

116. 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 7**

[Open Meeting]

Submission of Draft Kam Tin South Outline Zoning Plan No. S/YL-KTS/14A under Section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval  
(TPB Paper No. 10471)

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[The meeting was conducted in Cantonese.]

117. The Secretary reported that the following Members had declared interests on the item for being associated / having business dealings with the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA), AECOM Asia Company Limited (AECOM) (i.e. the consultant of the Site Formation and Infrastructural Works for the Initial Sites at Kam Tin South, Yuen Long – Investigation, Design and Construction and technical assessments supporting the proposed housing sites in Kam Tin South commissioned by the Civil Engineering and Development Department (CEDD)), Masterplan Limited (Masterplan) (R3/C3), Albert So Surveyors Ltd. (ASL) (i.e. Noble Phoenix Investments Limited (R2)'s representative), Woo Kwan Lee & Lo (i.e. Hover Joy International Limited (R1)'s representative), Mass Transit Railway Corporation Limited (MTRCL) (R318), World Wide Fund for Nature Hong Kong (WWF-HK) (R319) and Ms Mary Mulvihill (R320/C132):

- |   |  |
|---|--|
| Mr Raymond K.W. Lee<br>(as Director of Planning)                            | - being a member of the Strategic Planning Committee (SPC) and Building Committee of HKHA  |
| Ms Karen P.Y. Chan<br>(as Director of Lands)                                | - being a member of HKHA   |
| Mr Martin W.C. Kwan<br>(as Chief Engineer (Works), Home Affairs Department) | - being a representative of the Director of Home Affairs who is a member of the SPC and Subsidized Housing Committee of HKHA   |
| Professor S.C. Wong<br>(Vice-chairperson)                                   | - having current business dealings with AECOM, being the traffic consultant/engineering consultant of AECOM and a member of the Advisory Committee for Accredited Programme of MTR Academy |
| Dr C.H. Hau   | - having current business dealings with AECOM, the institute he served   |

- having current business dealings with HKHA and being a former member of the Conservation Advisory Committee of WWF-HK
- Mr Thomas O.S. Ho - having current business dealings with HKHA and MTRCL and past business dealings with AECOM and ASL
- Mr K.K. Cheung ] their firm having current business  
Mr Alex T.H. Lai ] dealings with HKHA and MTRCL,  
and hiring Mary Mulvihill on a contract basis from time to time
- 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
- Dr Lawrence W.C. Poon - his spouse being an employee of HD but not involved in planning work
- Mr Ivan C.S. Fu - having current business dealings with AECOM, Masterplan and MTRCL and past business dealings with HKHA
- 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
- Mr Daniel K.S. Lau - being the Director (Development and Marketing) of Hong Kong Housing

Society which is currently in discussion with HD on housing development issues and having current business dealings with Woo Kwan Lee & Lo

118. Members noted that Mr Thomas O.S. Ho, Mr Ivan C.S. Fu and Mr Stephen L.H. Liu had tendered apologies for being unable to attend the meeting. Members also noted that Professor S.C. Wong, Mr Alex T.H. Lai, Mr Peter K.T. Yuen, Dr Lawrence W.C. Poon, Mr Daniel K.S. Lau, Dr. C.H. Hau and Mr Martin W.C. Kwan had left the meeting. As the item was procedural in nature, Members agreed the other Members could stay in the meeting.

119. The Secretary briefly introduced the TPB Paper No. 10471 (the Paper). On 3.11.2017, the draft Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/14 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 320 valid representations and 133 valid comments on the representations were received. After giving consideration to the representations and comments under section 6B(1) of the Ordinance on 25.7.2018, 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 (ES) was now ready for submission to the Chief Executive in Council (CE in C).

120. After deliberation, the Board:

- (a) agreed that the draft Kam Tin South OZP No. S/YL-KTS/14A 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 ES for the draft Kam Tin South OZP No. S/YL-KTS/14A 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]

Submission of Draft Kwun Tong (South) Outline Zoning Plan No. S/K14S/21A under Section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval

(TPB Paper No. 10472)

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[The meeting was conducted in Cantonese.]

121. The Secretary reported that the amendment item on the draft Kwun Tong (South) Outline Zoning Plan (OZP) No. S/K14S/21A was to facilitate a proposed public housing development by Hong Kong Housing Society (HKHS) (C1). Urbis Limited (Urbis), CYS Associates (Hong Kong) Limited (CYS), Meinhardt (C&S) Limited (Meinhardt), Romboll Environ Hong Kong Ltd. (Environ), AIM Group Limited (AIM) and Rider Levett Bucknall Limited (RLB) were the consultants of the Planning Consultancy Services of HKHS. The following Members had declared interests on the item, for being associated/having business dealings with HKHS (C1), Urbis, CYS, Meinhardt, Environ, AIM, RLB, Ms Mary Mulvihill (R51/C5) and the Mass Transit Railway Corporation Ltd. (MTRCL) (R82):

- |  |   |  |
|--|---|--|
| Mr Raymond K.W. Lee<br>(as Director of Planning) | - | being an ex-officio member of the<br>Supervisory Board of HKHS                                   |
| Ms Karen P.Y. Chan<br>(as Director of Lands)     | - | being an ex-officio member of the<br>Supervisory Board of HKHS                                   |
| Mr Thomas O.S. Ho                                | - | having past business dealings with HKHS<br>and current business dealings with MTRCL<br>and Urbis |
| Dr Lawrence K.C. Li                              | - | being a member of HKHS   |

- Dr Lawrence W.C. Poon - being ex-employee of HKHS
- Mr Daniel K.S. Lau - being the Director (Development & Marketing) of HKHS
- Mr K.K. Cheung ] their firm having current business dealings  
Mr Alex T.H. Lai ] with HKHS and MTRCL and hiring Ms Mary Mulvihill on a contract basis from time to time
- Mr Stephen L.H. Liu - having past business dealings with HKHS, MTRCL and CYS and being consultant of RLB without remuneration
- Mr Franklin Yu - having past business dealings with MTRCL and Urbis
- Mr Ivan C.S. Fu - having current business dealings with MTRCL, Urbis, Meinhardt and Environ
- Professor S.C. Wong (the Vice-Chairperson) - being a member of the Advisory Committee for Accredited Programme of MTR Academy
- 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 L.T. Kwok - being the Chief Executive of Christian Family Service Centre which headquarters was located in Kwun Tong

122. Members noted that Mr Thomas O.S. Ho, Mr Stephen L.H. Liu and Mr Ivan C.S. Fu had tendered apologies for being unable to attend the meeting. Members also noted that Professor S.C. Wong, Dr Lawrence W.C. Poon, Mr Daniel K.S. Lau, Mr Alex T.H. Lai, Mr Peter K.T. Yuen, Dr Lawrence K.C. Li had left the meeting. As the item was procedural in nature, Members agreed the other Members could stay in the meeting.

123. The Secretary briefly introduced the TPB Paper No. 10472 (the Paper). On 3.11.2017, the draft Kwun Tong (South) Outline Zoning Plan (OZP) No. S/K14S/21 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 103 valid representations and 5 comments on the representations were received. After giving consideration to the representations and comments under section 6B(1) of the Ordinance on 27.7.2018, 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 (ES) was now ready for submission to the Chief Executive in Council (CE in C).

124. After deliberation, the Board:

- (d) agreed that the draft Kwun Tong (South) OZP No. S/K14S/21A 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;
- (e) endorsed the updated ES for the draft Kwun Tong (South) OZP No. S/K14S/21A 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
- (f) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

## **Agenda Item 9**

[Open Meeting]



Submission of Draft Tseung Kwan O Outline Zoning Plan No. S/TKO/25A under Section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval

(TPB Paper No. 10473)

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[The meeting was conducted in Cantonese.]

125. The Secretary reported that the following Members have declared interest on the item for owning properties in the Tseung Kwan O area and/or having affiliation with the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA), Ove Arup & Partners Hong Kong Limited (Arup) (the consultant for the Preliminary Feasibility Study (FS) and technical assessments supporting the proposed public housing developments conducted by the Civil Engineering and Development Department (CEDD)), the Conservancy Association (CA) (R62), Mary Mulvihill (R686), World Wide Fund for Nature Hong Kong (WWF-HK) (R755), Kadoorie Farm and Botanic Garden Corporation (KFBG) (R756), Mass Transit Railway Corporation Ltd. (MTRCL) (R999), Henderson Land Development Company Limited (HLD) which was the mother company of the Hong Kong and China Gas Co Ltd (Towngas) (R1000) and/or the Hong Kong Bird Watching Society (HKBWS) (C2):

- |  |   |
|--|---|
| Mr Raymond K.W. Lee<br>(as Director of Planning)                               | - being a member of the Strategic Planning Committee (SPC) and Building Committee of HKHA                                     |
| Ms Karen P.Y. Chan<br>(as Director of Lands)                                   | - being a member of HKHA  |
| Mr Martin W.C. Kwan<br>(as Chief Engineer (Works),<br>Home Affairs Department) | - being a representative of the Director of Home Affairs who was a member of the SPC and Subsidized Housing Committee of HKHA |
| Mr Ivan C.S. Fu  | - having current business dealings with Arup, MTRCL, HLD and past business dealings with HKHA                                 |

- Mr Thomas O.S. Ho - having current business dealings with HKHA and MTRCL
- Mr K.K. Cheung ] their firm having current business dealings  
Mr Alex T.H. Lai ] with MTRCL, Arup, KFBG, HKHA and Towngas, past business dealings with CA and hiring Mary Mulvihill on a contract basis from time to time
- Mr Franklin Yu - having past business dealings with HKHA, Arup, MTRCL and HLD
- Mr Stephen L.H. Liu - having past business dealings with HKHA, MTRCL and HLD
- Professor S.C. Wong - having current business dealings with  
(The Vice-chairman) Arup, and being an employee of HKU which had received donation from a family member of the Chairman of HLD before, and member of the Advisory Committee for Accredited Programme of MTR Academy
- Dr C.H. Hau - the institute he served having current business dealings with HKHA; being an employee of HKU which had received donation from a family member of the Chairman of HLD before; being a life member of the CA and his spouse being the Honorary Secretary of the Board of Directors of the CA; being a past member of the Conservation Advisory Committee of WWF-HK; and being an ordinary

member of the HKBWS

- Dr Lawrence K.C. Li - being the Treasurer of the Hong Kong Polytechnic University which had obtained sponsorship from HLD before
- Mr Peter K.T. Yuen - being a member of the Board of Governors of the Hong Kong Arts Centre which had collaboration with MTRCL on arts projects and had received donation from an Executive Director of HLD before
- Dr Lawrence W.C. Poon - his spouse being an employee of HD but not involved in planning work
- Professor T.S. Liu - Owning and co-owning properties with his spouse and his spouse owning properties at Tsueng Kwan O
- Mr Daniel K.S. Lau - being the Director (Development and Marketing) of Hong Kong Housing Society which was currently in discussion with HD on housing development issues

126. Members noted that Mr Ivan C.S. Fu, Mr Thomas O.S. Ho and Mr Stephen L.H. Liu had tendered apologies for being unable to attend the meeting. Members also noted that Professor S.C. Wong, Mr Peter K.T. Yuen, Dr Lawrence W.C. Poon, Mr Alex T.H. Lai, Mr Daniel K.S. Lau, Dr C.H. Hau, Dr Lawrence K.C. Li and Mr Martin W.C. Kwan had left the meeting. As the item was procedural in nature, Members agreed the other Members could stay in the meeting.

127. The Secretary briefly introduced the TPB Paper No. 10473 (the Paper). On 11.8.2017, the draft Tsueng Kwan O Outline Zoning Plan (OZP) No. S/TKO/25 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the

Ordinance). A total of 1,020 valid representations and 9 valid comments on the representations were received. After giving consideration to the representations and comments under section 6B(1) of the Ordinance on 10.5.2018, the Town Planning Board (the Board) on 21.6.2018 decided to uphold/partially uphold 758 representations (R48 (part) to R50 (part), R54 (part), R55 (part), R62 to R763, R765 to R781, R788 to R821) by rezoning the site north of Tseung Kwan O Village from “Residential (Group A)7” (“R(A)7”) to “Green Belt” (“GB”) with corresponding deletion of building height restriction.

128. On 13.7.2018, the proposed amendment to the draft OZP was exhibited for public inspection under section 6C(2) of the Ordinance. A total of 365 valid further representations (FRs) were received. All valid FRs supported the proposed amendment. After consideration of the FRs under section 6F(1) of the Ordinance on 14.9.2018, the Board decided to amend the draft OZP by the proposed amendment under section 6F(9) of the Ordinance. Since the representation consideration process had been completed, the draft OZP together with its Note and updated Explanatory Statement (ES) was now ready for submission to the Chief Executive in Council (CE in C).

129. After deliberation, the Board:

- (g) agreed that the draft Tseung Kwan O OZP No. S/TKO/25A 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;
- (h) endorsed the updated ES for the draft Tseung Kwan O OZP No. S/TKO/25A 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
- (i) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

## **Agenda Item 10**

### **Any Other Business**

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

130. There being no other business, the meeting was closed at 6:10 p.m.